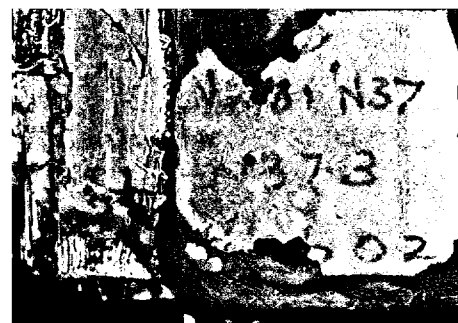






**THE
LEGISLATIVE ASSEMBLY DEBATES**

(Official Report)

Volume III, 1937

(15th March to 3rd April, 1937)

FIFTH SESSION

OF THE

FIFTH LEGISLATIVE ASSEMBLY

1937

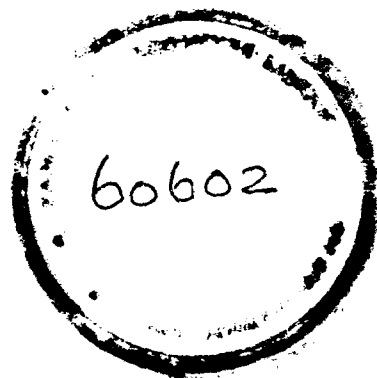


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Legislative Assembly.

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Deputy President :

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SARDAR SANT SINGH, M.L.A.

MR. M. GHILASUDDIN, M.L.A.

MR. MATHURADAS VISSANJI, M.L.A.

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CORRIGENDA.

In the Legislative Assembly Debates, Delhi Session, 1937,—

(1) Volume I, No. 1, dated the 25th January 1937, page 29, in line 1 of the subject-heading to starred question No. 54, *for* "teh" *read* "the" at both places where it occurs.

(2) Volume I, No. 4, dated the 28th January, 1937, page 299, line 14 from the bottom, *for* "hundred years ago" *read* "fifteen hundred years ago".

(3) Volume I, No. 9, dated the 4th February, 1937, page 478, line 6 from the bottom *for* "not to heard" *read* "not to be heard".

(4) Volume I, No. 11, dated the 8th February, 1937, page 593, lines 1 and 2 from the bottom, *for* "Constituence" *read* "Constituency".

(5) Volume II, No. 4, dated the 26th February, 1937, page 1089, in the first line of the subject-heading to starred question No. 454, *for* "Baudo" *read* "Baudot".

(6) Volume II, No. 7, dated the 3rd March, 1937, page 1258, line 3 from the bottom, *for* "wohle" *read* "whole".

(7) Volume II, No. 8, dated the 4th March, 1937, page 1327, in the statement relating to starred question No. 500, *for* "1. Captain C. F. Carfit" *read* "1. Captain C. F. Garfit".

(8) Volume II, No. 9, dated the 5th March, 1937, page 1393, *for* the small-caps heading "Petitions M88LAD

laid on the Table" under the subject-heading The Child Marriage Restraint (Amendment) Bill" *substitute* the following:

"Presentation of the Report of the Committee on Petitions".

(9) Volume II, No. 10, dated the 6th March, 1937, page 1473, in the answer to parts (b) and (d) to starred question No. 530—

(i) line 6, *for* "after" *read* "now that"; and

(ii) line 7, *for* "the other House" *read* "both Houses".

(10) Volume II, No. 14, dated the 12th March, 1937,—

(i) page 1776, in the italicised heading to the statement laid on the table in answer to part (a) of unstarred question No. 58, *for* "Exc-cess" *read* "Excise".

(ii) page 1801, line 20, *for* "Sir Ahmad Nawab Khan" *read* "Sir Ahmad Nawaz Khan".

(11) Volume III, No. 5, dated the 19th March, 1937, page 2227, line 6 from the bottom, *for* "irgno-rance" *read* "ignorance".

(12) Volume III, No. 6, dated the 20th March, 1937,—

(i) page 2260, line 8 from the bottom, *for* "displomacy" *read* "diplomacy".

(ii) page 2266, line 23, *for* "inquiry" *read* "inquiry".

LEGISLATIVE ASSEMBLY.

Monday, 15th March, 1937.

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.

BROADCASTING STATIONS AND PROGRAMMES.

662. ***Mr. S. Satyamurti:** Will the Honourable the Member for Industries be pleased to state:

- (a) the progress of building of Broadcasting Stations since the last statement was made in the Assembly on this matter;
- (b) the progress in the use of Indian materials therein; and
- (c) the arrangements, if any, made for improving the programmes?

The Honourable Sir Frank Noyce: (a) I would refer the Honourable Member to the reply I gave to part (ii) of Mr. Asaf Ali's question No. 331 on the 1st February. He will see from that reply that orders have been placed for the transmitting apparatus which will be required in the coming year. These include short-wave transmitters for Delhi, Calcutta, Bombay and Madras, and medium-wave transmitters for Lahore, Lucknow, Dacca and Trichinopoly. Negotiations are taking place for the acquisition of suitable sites and buildings for transmitters and studios. Arrangements have also been made for taking over the Peshawar station from the Government of the North-West Frontier Province from 1st April next.

(b) The technical equipment, etc., required for the new transmitting stations is not available in this country and has to be obtained from abroad. Such other material as can be had in India will be utilised to the fullest extent possible.

(c) An Advisory Council has been established to assist the Controller of Broadcasting in the working of the Delhi Broadcasting Station. The hours of broadcasting from Delhi have also been increased. A questionnaire was recently circulated by the Controller of Broadcasting to all license holders in the service area of the Delhi Station in order to find out how far listeners approved the present programmes and what modifications, if any, were generally desired. The replies are under the consideration of the Controller.

Mr. S. Satyamurti: May I know approximately when, according to Government's plans, the building of the stations in Madras and Trichinopoly is expected to be completed?

The Honourable Sir Frank Noyce: I hope somewhere about the end of this year.

Mr. S. Satyamurti: With reference to the answer to clause (b) of the question, may I know if Government have made any calculations of the cost of the non-Indian materials, as opposed to the cost of Indian materials, which are likely to be used in the putting up of these stations?

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

Mr. S. Satyamurti: May I know if Government have made any attempt to have any of these materials, which are now imported from abroad, made in India?

The Honourable Sir Frank Noyce: Government are doing, as I explained the other day, research work in regard to broadcast receivers, but this transmitting apparatus is of a very highly technical order, and it will, I fear, be a long time before it can be made in India. It is most complicated machinery of the manufacture of which no one in India has any experience.

Mr. S. Satyamurti: With reference to the answer to clause (c), may I know if any attempt is being made to have musicians of all-India reputation going round all these broadcasting stations giving their performances, so that we may get first rate performances at least occasionally in these broadcasting stations?

The Honourable Sir Frank Noyce: I think the cost of adopting my Honourable friend's suggestion would be prohibitive.

Mr. S. Satyamurti: Have Government made any calculation of the costs?

The Honourable Sir Frank Noyce: I think it has been considered, but if my Honourable friend wants further particulars, I shall be glad if he will put down a question on the subject.

Mr. S. Satyamurti: May I know if any attempt has been made by means of a musical academy or by another method, by which we can get some standardised Indian music, which will appeal to all Indian listeners, broadcast from all stations?

The Honourable Sir Frank Noyce: There, again, I should like my Honourable friend to put down a question. I am not an authority on Indian music and do not know enough about it to be able to answer a question like that offhand.

Mr. S. Satyamurti: May I know if Government propose to reconsider the question of allowing political speeches to be broadcast as a means of increasing the popularity of broadcasting stations?

The Honourable Sir Frank Noyce: Government's policy in that matter has been stated very clearly on more than one occasion in this House, and at present they do not propose to depart from it.

Mr. T. S. Avinashilingam Chettiar: With reference to clause (b), may I know what is the result of the experiments in connection with the manufacture of receivers?

The Honourable Sir Frank Noyce: I answered that question some days ago, and I would refer my Honourable friend to the answer I then gave.

Mr. M. Ananthasayanam Ayyangar: With reference to clause (c), have any arrangements been made to broadcast cotton prices from Bombay in the morning?

The Honourable Sir Frank Noyce: That question is still under consideration.

Mr. M. Ananthasayanam Ayyangar: Has not the Honourable Member received a number of representations from various districts in the Madras Presidency, Cuddapah, Bellary, Anantapur and Kurnool, where cotton is grown in abundance?

The Honourable Sir Frank Noyce: No, I have not received any representations recently.

VALUES OF IMPORTS AND EXPORTS FROM AND TO ITALY.

663. *Dr. P. N. Banerjee: Will Government be pleased to state approximately the extent to which the values of (a) imports into India from Italy, and (b) exports from India to Italy, decreased as the result of the sanctions adopted against that country?

The Honourable Sir Muhammad Zafrullah Khan: There had been a decline both in the import and export trade of India with Italy, but it is impossible to say how much of this decline has been due to the sanctions and how much to other causes, such as, the operation of the trade restriction measures adopted by Italy.

Mr. M. Ananthasayanam Ayyangar: May I know if Italy has levied a ban on Indian goods?

The Honourable Sir Muhammad Zafrullah Khan: What ban is the Honourable Member referring to?

Mr. M. Ananthasayanam Ayyangar: Has not Italy imposed a ban on goods from India?

The Honourable Sir Muhammad Zafrullah Khan: Unless the Honourable Member refers me to something specific, I am afraid I would be unable to answer him.

Mr. T. S. Avinashilingam Chettiar: Since the removal of the sanctions, has the trade with Italy improved?

The Honourable Sir Muhammad Zafrullah Khan: Both imports and exports are beginning to look up, but it is too early to be able to give a definite reply.

Mr. K. Santhanam: What are the latest figures?

The Honourable Sir Muhammad Zafrullah Khan: The latest figures I have are for the year 1935-36: those naturally show a decline as compared with the previous year.

Dr. P. N. Banerjea: What has been the approximate amount of loss to public finance as a result of these sanctions against Italy?

The Honourable Sir James Grigg: The figures are extraordinarily vague and they must be vague. But I should say at a guess—and it is not worth much more than a guess—the cost to Indian revenues during the period of the sanctions might be in the neighbourhood of half a crore.

Mr. K. Santhanam: How did the Honourable Member then make it out? He has made a reference to the decline in trade owing to the sanctions against Italy in his budget speech. What was the basis of the inference?

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member has heard the answer: he can draw any deductions he likes from it.

The Honourable Sir James Grigg: The decline of trade is indubitable. But what I have been asked by the Honourable Member on my right is to guess how much the trade would have been if the sanctions had not been imposed; and there must be a pretty large element of hypothesis in that: and it is on that hypothesis that I have attempted to build.

AMOUNTS OF THE YIELD OF THE SALT (ADDITIONAL) IMPORT DUTY.

664. ***Dr. P. N. Banerjea:** Will Government be pleased to state (a) the amounts of the yield of the Salt (Additional) Import Duty, year by year, from the date of the first imposition of the duty to the latest date for which figures are available, and (b) the sums of money made over during this period to the Government of Bengal out of the proceeds of this duty?

Mr. A. H. Lloyd: (a) and (b). A statement is laid on the table.

(a) The amounts are :		Statement.
		Rs.
1931-32	.	10,48,604
1932-33	.	17,04,762
1933-34	.	6,45,445
1934-35	.	4,22,805
1935-36	.	3,83,950
April 1936 to December 1936	.	2,12,750
(b) The following amounts have been made over to the Bengal Government :		Rs.
1931-32	.	5,36,600
1932-33	.	6,04,300
1933-34	.	2,11,800
1934-35	.	1,19,150
1935-36	.	95,800
April 1936 to December 1936	.	54,900

PURPOSES ON WHICH THE GOVERNMENT OF BENGAL SPENT THE PROCEEDS OF THE SALT (ADDITIONAL) IMPORT DUTY.

665. ***Dr. P. N. Banerjea:** Will Government be pleased to state the purposes for which the Government of Bengal spent the sums of money which were made over to them by the Government of India out of the proceeds of the Salt (Additional) Import Duty?

Mr. A. H. Lloyd: I would refer the Honourable Member to the reply given by me to part (d) of his starred question No. 1185 on the 13th March, 1936.

Pandit Lakshmi Kanta Maitra: May I know if when making over the amount realised from the additional import duty on salt to Bengal, the Honourable Member indicated to the Government of Bengal the views of this House that the amount should be primarily used for the improvement of the salt industry in Bengal?

Mr. A. H. Lloyd: The views expressed in this House in the course of the debate upon the subject when the question of the distribution of the proceeds of this additional duty first arose were communicated to the Government of Bengal.

Pandit Lakshmi Kanta Maitra: Before the debate was forwarded to the Government of Bengal, may I know if the Honourable Member...

Mr. A. H. Lloyd: Will the Honourable Member put down a question? This happened some years ago.

Pandit Lakshmi Kanta Maitra: Cannot the Honourable Member say...

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member asked for a date for something which happened some years ago.

Pandit Lakshmi Kanta Maitra: The year before last we debated the motion: hence I am asking the Honourable Member.

Mr. President (The Honourable Sir Abdur Rahim): He does not remember the date now: The Honourable Member can only put down a question.

Mr. Lalchand Navalrai: May I know if there has been any progress in the manufacture of salt in Bengal?

Mr. A. H. Lloyd: Very little: one experiment is still in progress.

Pandit Lakshmi Kanta Maitra: Did the Honourable Member actually inquire from the Government of Bengal if they actually took any active steps in regard to encouraging the salt industry in Bengal?

Mr. A. H. Lloyd: Yes, Sir, they did take such steps, but not at their own expense.

COMPLAINTS AGAINST JUDICIAL OFFICERS IN AJMER.

666. *Mr. Mohan Lal Saksena: Has any representation been made to the Judicial Commissioner, Ajmer, by certain persons of Ajmer, complaining against judicial officers there? If so, what action, if any, has been taken thereon?

Sir Aubrey Metcalfe: Yes. The Government of India have recently sanctioned a re-organisation of the judiciary in Ajmer-Merwara, and a District and Sessions Judge will shortly be appointed from a neighbouring province. This is expected to remove the grounds for complaint.

NON-TRANSFER OF JUDICIAL OFFICERS AND OTHERS IN AJMER.

667. *Mr. Mohan Lal Saksena: Is it a fact that the judicial officers and incumbents in other services at Ajmer have not been transferred for long periods? If so, for what reasons?

Sir Aubrey Metcalfe: Officers of services other than judicial are as far as possible changed periodically. In the case of judicial officers, there is not much scope for changes in a small administration like Ajmer-Merwara.

Mr. Mohan Lal Saksena: Will Government consider the question of making arrangements for transferring Judicial Officers as in other provinces like the United Provinces?

Sir Aubrey Metcalfe: Government have considered the question, but I understand it was found impracticable for valid reasons.

PERIODICAL TRANSFERS IN THE CENTRALLY ADMINISTERED AREAS.

668. *Mr. Mohan Lal Saksena: Are Government prepared to consider the feasibility of a system of compulsory periodical transfers in the centrally administered areas as well, like the provinces? If not, why not?

Sir Aubrey Metcalfe: It would not be practicable either financially or administratively to introduce a system of transfers between the centrally administered areas which are widely scattered and diverse. Within each such area, however, periodical transfers are made wherever possible.

INSTRUCTIONS ISSUED TO EMPLOYEES TO CANVASS BUSINESS ON CERTAIN STATE RAILWAYS.

669. *Mr. Mohan Lal Saksena: Is it a fact that on certain State-managed Railways instructions have been issued to certain employees to canvass business? If so, how are they expected to do so?

The Honourable Sir Muhammad Zafrullah Khan: With your permission, Sir, I propose to reply to this and question No. 670 together.

I would refer the Honourable Member to paragraph 15, sub-paragraph (ii) of the second Report of the Pope Committee, a copy of which is in the Library of the House. The Committee's suggestions were commended to Railways for consideration. Government have no information as regards the detailed action taken on railways either in regard to the instructions actually issued or appointments made.

Mr. Mohan Lal Saksena: Will the Honourable Member make inquiries as to what action has been taken?

The Honourable Sir Muhammad Zafrullah Khan: If the Honourable Member will put down the specific questions on which he wants information, I shall endeavour to obtain the necessary information for him.

Pandit Lakshmi Kanta Maitra: May I know, Sir, what are the functions of these canvassers?

The Honourable Sir Muhammad Zafrullah Khan: I have drawn the attention of the Honourable Member to the paragraph in the Pope Committee's Report which deals with it. I may also remind him that during the discussions of the Railway Budget, some Honourable Members on this side made specific suggestions that there ought to be such canvassers.

Mr. M. Ananthasayanam Ayyangar: May I know, Sir, if granting of special or low rates is also within the purview of these officers?

The Honourable Sir Muhammad Zafrullah Khan: Is it not hypothetical after I have said that Government have no information as regards the detailed action taken by the Railways?

Mr. M. Ananthasayanam Ayyangar: Have not Government issued any instructions regarding this Report as to what measures should be adopted?

The Honourable Sir Muhammad Zafrullah Khan: I have said that the Committee's suggestions were commended to railways for consideration.

APPOINTMENT OF CANVASSERS OF STATE RAILWAYS.

†670. *Mr. Mohan Lal Saksena: Is it a fact that on certain railways appointments have been made as canvassers? If so, how many such canvassers have been appointed on each of the State-aided Railways, and what are their functions?

REDUCTION IN THE PRICE OF THE EAST INDIAN RAILWAY TIME TABLE.

671. *Mr. Mohan Lal Saksena: (a) In view of complaints from the public, are Government prepared to consider the feasibility of reducing the price of the East Indian Railway time table?

(b) What is the total income to the East Indian Railway from the sale of the time tables?

The Honourable Sir Muhammad Zafrullah Khan: (a) The Agent, East Indian Railway, is arranging for the publication of a time table at a lower price than the 6-anna time table now published.

(b) I would refer the Honourable Member to the statement incorporated in the proceedings of the House on the 2nd March, 1937, in reply to part (c) of Mr. Sri Prakasa's starred question No. 301 on the 26th January, 1937.

Mr. Mohan Lal Saksena: Am I to understand, Sir, that the next time table will be cheaper than the present one?

† For answer to this question, see answer to question No. 669.

The Honourable Sir Muhammad Zafrullah Khan: I cannot say whether necessarily the next time table will be cheaper than the present one, but the Agent says he has arranged for the issue of a cheaper time table. Honourable Members will remember that during railway budget discussions I undertook to have that matter looked into, and I believe very shortly a cheaper time table will be issued, but whether the next one which might be issued within a day or two will be necessarily cheaper, I cannot say.

Pandit Lakshmi Kanta Maitra: Will this cheaper time table contain less information than the present time tables?

The Honourable Sir Muhammad Zafrullah Khan: That I cannot say, but Honourable Members were anxious to urge upon me the necessity of the issue of a smaller and cheaper time table, and that particular suggestion I passed on to the Agent of the East Indian Railway.

FORMATION OF TRADE UNIONS ON RAILWAYS.

672. ***Mr. Mohan Lal Saksena:** (a) Will Government state what steps they have taken to encourage the formation of trade unions on Railways?

(b) Is it not a fact that the Agent, East Indian Railway, notwithstanding the recommendation of the Labour Commission and the repeated requests of East Indian Railwaymen's Union in this behalf, has refused to grant interviews to the President of their Union?

(c) During the last five years on how many occasions, if any, has the Agent consulted the Union or its office-bearers?

The Honourable Sir Muhammad Zafrullah Khan: (a) I would refer the Honourable Member to the policy of the Railway Board which is contained in the quotation from the memorandum at page 166 of the Report of the Royal Commission on Labour, a copy of which will be found in the Library of the House. No change has been made in this policy.

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

Mr. Mohan Lal Saksena: Will Government make inquiries with regard to parts (b) and (c)?

The Honourable Sir Muhammad Zafrullah Khan: No, Sir.

Mr. Mohan Lal Saksena: After all, the question is worded "is it not a fact", and so I think it is the duty of the Government to have made inquiries?

The Honourable Sir Muhammad Zafrullah Khan: The question is on how many occasions a particular Agent has refused to see the President of a particular Union. I submit that is not a matter concerning which Government should be compelled to make inquiries. It is a matter entirely within the discretion of the Agent.

Pandit Lakshmi Kanta Maitra: May I know if the Honourable Member is going to impress upon the Agents of Railways that they should grant interviews to representatives of Trade Unions?

The Honourable Sir Muhammad Zafrullah Khan: If the Honourable Member so desires, I will send down to the Agents a copy of the question and answer.

Mr. K. Santhanam: As regards part (c), will the Honourable Member make inquiries?

The Honourable Sir Muhammad Zafrullah Khan: No, Sir, I do not think any useful purpose will be served by making such inquiries.

Mr. Mohan Lal Saksena: Will the Honourable Member satisfy himself that the Agent of the East Indian Railway has not granted even a single interview during the last five years to the Presidents or representatives of any of the Trade Unions?

The Honourable Sir Muhammad Zafrullah Khan: As I have said, I will send down to the Agent of the East Indian Railway a copy of the Honourable Member's question and my answers.

ABSENCE OF LIGHTS ON THE ROADS ON THE RIDGE LEADING TO THE ANTI-RABIC CENTRE IN DELHI.

673. ***Mr. Sham Lal:** (a) Are Government aware that the roads on the Ridge leading to the Anti-Rabic Centre at Delhi have no lights?

(b) Are Government aware that those roads are very steep and accidents are likely to occur for want of lights?

(c) Are Government aware that people frequent the anti-rabic centres, even at dead of night and that in the absence of lights on the roads they have to suffer hardships?

(d) Are Government aware that the people flock to this centre from all *moffusil* parts of the Delhi Province?

Sir Girja Shankar Bajpai: With your permission, Sir, I shall answer this and the next one together. I have called for the information, and will supply it to the Honourable Member as soon as possible.

ACCOMMODATION FOR PATIENTS IN THE ANTI-RABIC HOSPITAL AT DELHI.

†674. ***Mr. Sham Lal:** (a) Are Government aware that for want of accommodation near the Anti-Rabic Hospital at Delhi, especially, poor people have to stay in unhealthy or even slum quarters during their treatment?

(b) Are Government prepared to undertake to build some accommodation near the hospital for these *moffusil* patients during their treatment for rabies either free of charge or on nominal rent?

RESTRICTION ON THE ENTRY OF INDIANS IN BURMA.

675. ***Mr. C. N. Muthuranga Mudaliar:** (a) Is it a fact that in the Instrument of Instructions to the Burma Governor, power is given to restrict the general entry of Indians into Burma?

(b) Is it a fact that originally restriction was intended only in the case of immigration of unskilled labour into Burma?

† For answer to this question, see answer to question No. 673.

(c) Are Government prepared to make representation to the Secretary of State so to amend the relevant clause as to confine the restriction of Indian entry to unskilled labour only in consultation with the Government of India and not with the Governor General as now provided?

The Honourable Sir Frank Noyce: I would refer the Honourable Member to the reply given in this House to Seth Govind Das's starred question No. 122 on the 25th January, 1937.

Prof. N. G. Ranga: Is it not a fact that, according to the Indo-British Agreement, there should be no change made in the first three years of the separation of Burma in the emigration of Indians into Burma?

The Honourable Sir Frank Noyce: I am afraid I must ask for notice.

Mr. S. Satyamurti: What is the answer to clause (c) of the question as regards the Government's desire or willingness to make a representation to the Secretary of State, as suggested in that clause?

The Honourable Sir Frank Noyce: The answer is that Government are not prepared to take the action proposed by the Honourable Member. I would refer the Honourable Member to the reply given to Seth Govind Das's starred question where he will find the position clearly explained.

Mr. Ganga Singh: May I know what is the policy of the Government, whether they propose to put any restrictions on this side on the emigration of Indians?

The Honourable Sir Frank Noyce: That, Sir, is a hypothetical question. I have nothing to add to the answer I have already given.

Mr. Ganga Singh: The question is very simple, Sir. What I want to know is whether the Government of India desire to put any restrictions on this side on the emigration of Indians into Burma?

The Honourable Sir Frank Noyce: I have nothing to add to the reply I have already given.

PROTEST AGAINST THE ADMINISTRATION OF THE FOREIGN EXCHANGE REGULATIONS IN PERSIA.

676. ***Mr. C. N. Muthuranga Mudaliar:** (a) Is it a fact that about 124 Indians, consisting mostly of merchants and medical practitioners residing in Persia, submitted a memorial to His Excellency the Viceroy, stating their grievances against the manner in which the foreign exchange regulations are being administered in Persia?

(b) What action have Government taken thereon?

Sir Aubrey Metcalfe: The attention of the Honourable Member is invited to the replies given by me on the 25th January, 1937, to parts (a) and (h) of Seth Govind Das's question No. 56.

CASE INSTITUTED BY THE NATIONAL PETROLEUM COMPANY, LIMITED, CALCUTTA, AGAINST THE SECRETARY OF STATE FOR INDIA.

677. ***Sardar Mangal Singh:** Is it a fact that the National Petroleum Company, Limited, Calcutta, has instituted a suit No. 892 of 1935 in Calcutta High Court against the Secretary of State for India for the recovery of Rs. 1,33,101-13-9 for refund on 623,288 gallons, upon which duty had been paid?

Mr. A. H. Lloyd: Yes.

SHORT NOTICE QUESTION AND ANSWER.

DISABILITIES OF INDIANS IN THE COLONIES AND PROTECTORATES WITHIN THE BRITISH EMPIRE.

Mr. F. E. James: Will Government be pleased to state whether they will consider the advisability of:

- (a) authorising their representative at the forthcoming Imperial Conference to enter into direct communication with the Colonial Office of His Majesty's Government regarding the disabilities of Indians in the Colonies and Protectorates within the British Empire;
- (b) strengthening their representation in Ceylon and Malaya by appointing more senior officers; and
- (c) appointing a representative of high standing of the Government of India in Burma after its separation from the Indian Empire?

Sir Girja Shankar Bajpai: (a), (b) and (c). The answer is in the affirmative.

Mr. F. E. James: Arising out of the answer, more especially to clause (a) of my question, may I ask the Honourable Member, whether if a decision, if any, is reached before the end of this Session, it will be communicated to this House?

Sir Girja Shankar Bajpai: If a decision is reached before the end of this Session here, I shall endeavour to seek an opportunity to explain it to the House.

Mr. F. E. James: With regard to the answer to clause (c), will the Honourable Member bear in mind the very great importance of arriving at a decision as soon as possible after the separation of Burma on April 1st?

Sir Girja Shankar Bajpai: I can assure my Honourable friend that the desirability of taking some such step has been present to the mind of the Government of India for some time, and preliminary correspondence on the subject is already afoot with the Government of Burma.

Mr. F. E. James: In regard to the answer to clauses (b) and (c) of the question, will the Honourable Member kindly consider the desirability of consulting the Standing Advisory Committee on Education on these matters before the Session concludes?

Sir Girja Shankar Bajpai: My Honourable friend is probably referring to the Standing Committee on Emigration.

Mr. F. E. James: Yes, I am sorry. I meant the Standing Committee on Emigration.

Sir Girja Shankar Bajpai: The reply is, Yes.

Prof. N. G. Ranga: What is the nature of the action proposed to be taken in trying to appoint more senior officers in Ceylon and Malaya?

Sir Girja Shankar Bajpai: That is the nature—appointing more senior officers.

Prof. N. G. Ranga: Why do they want to appoint more senior officers than the officers they have at present? Are they dissatisfied with the kind of officers that they have at present?

Sir Girja Shankar Bajpai: No, that is not the question, and there is no intention of disturbing anybody who is holding the position at present. But the fact remains that questions both in Ceylon and in Madras are now becoming more complicated and it may be desirable really to have somebody of greater experience than the officers we have had in the past.

Prof. N. G. Ranga: Am I to understand that when these more senior officers are appointed their designation also will be improved, they will be appointed with a higher status?

Sir Girja Shankar Bajpai: I do not know what my Honourable friend means by their designation being improved. The designation is Agent and they will continue to be Agent.

Prof. N. G. Ranga: Will it result in any way in appointing English officers in the place of Indian officers?

Sir Girja Shankar Bajpai: My Honourable friend is entirely unjustified in drawing the inference that officers of a particular race are going to be appointed for this particular purpose.

Mr. M. Ananthasayanam Ayyangar: There are ample precedents for it.

Sir Girja Shankar Bajpai: I should be glad to know of a single instance of it; with regard to this appointment of Agents, there is none.

An Honourable Member: We will give a dozen.

Prof. N. G. Ranga: There will soon be an Englishman in your place!

MOTION FOR ADJOURNMENT.

JUTE MILL STRIKE IN CALCUTTA.

Mr. President (The Honourable Sir Abdur Rahim): Order order. The Chair has received a notice from Prof. Ranga to the effect that he wished "to move the adjournment of the House on the 15th instant on a definite matter of urgent public importance, namely, the failure of the Government of India to take any effective steps to settle the Jute Mills strike at Calcutta and Howrah or even to prevent its recent alarming extension which is calculated to result in a heavy loss to the Central revenues and impede the process of economic recovery of India". The Chair has received an Order from His Excellency the Viceroy and Governor General of India with reference to this motion, a copy of which was also forwarded to the Government of India in its appropriate Department. It runs thus:

"In exercise of the power vested in me by sub-rule (2) of rule 22 of the Indian Legislative Rules, I, Victor Alexander John, Marquess of Linlithgow, hereby disallow the motion of Prof. N. G. Ranga to move the adjournment of the House for the purpose of considering 'the failure of Government of India to take any effective steps to settle the Jute Mills strike at Calcutta and Howrah or even to prevent its recent alarming extension which is calculated to result in a heavy loss to the Central Revenues and impede the process of economic recovery of India' on the ground that the motion relates to a matter which is not primarily the concern of the Governor General in Council.

(Sd.) LINLITHGOW,

Viceroy and Governor General."

ELECTION OF MEMBERS TO THE PUBLIC ACCOUNTS COMMITTEE.

The Honourable Sir James Grigg (Finance Member): Sir, I beg to move:

"That the non-official members of the Assembly do proceed to elect, in the manner required by rule 51 of the Indian Legislative Rules, four members to be members of the Committee on Public Accounts in place of Mr. B. Das, Prof. N. G. Ranga, Dr. Thein Maung and Mr. J. Ramsay Scott, who will retire on the 22nd March, 1937, in accordance with sub-rule (4) of the same rule."

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

"That the non-official members of the Assembly do proceed to elect, in the manner required by rule 51 of the Indian Legislative Rules, four members to be members of the Committee on Public Accounts in place of Mr. B. Das, Prof. N. G. Ranga, Dr. Thein Maung and Mr. J. Ramsay Scott, who will retire on the 22nd March, 1937, in accordance with sub-rule (4) of the same rule."

(After a little pause.)

The question is:

"That the non-official members"

(At this stage, Prof. N. G. Ranga rose in his place.)

The Chair paused before putting the question to give a chance to any Honourable Member who might wish to make any remarks on this motion, but nobody rose in his place. The Honourable Member ought to have risen earlier. However, he may go on.

(1921)

Prof. N. G. Ranga (Guntur *cum* Nellore: Non-Muhammadan Rural): May I know from the Honourable the Finance Member whether he proposes to publish the minutes of evidence of the last meeting of the Public Accounts Committee, and, if so, when?

The Honourable Sir James Grigg: That does not arise out of this motion.

Somc Honourable Members: It does arise out of this.

Mr. T. S. Avinashilingam Chettiar (Salem and Coimbatore *cum* North Arcot: Non-Muhammadan Rural): Last year, we had occasion to go through the evidence that was placed before the Public Accounts Committee and that gave us to a very great extent information about the working of the various departments of the Government of India. I hear that up till now the evidence had been published. Recently we heard that in the same way in which many departments of the Government of India have received touches since the arrival of the Finance Member,—in this also he seems to have felt that he ought to interfere. The questions that were put in the Public Accounts Committee and the answers elicited were such that a lot of information which was given would otherwise not see the light of day. All these were published. Now we suspect that attempts are being made not to publish the evidence tendered before the Public Accounts Committee. Now, when my Honourable friend, Prof. Ranga, asked a question whether, as usual, the evidence before the Public Accounts Committee will be published this year also, the honest reply would be yes or no. On the other hand, we get a reply that is somewhat unusual, and that is, that this question does not arise. It does arise for this reason that if this Committee is to function properly and usefully, not only should the conclusions which it arrives at but also the evidence that is placed before it and sifted by it

Prof. N. G. Ranga: It is not for him to say that; it is for the President to rule it like that.

Mr. T. S. Avinashilingam Chettiar: And as my Honourable friend, Prof. Ranga, points out, it is for the President to say whether it arises out of this or not, but as is usual with the Finance Member, he assumes the power of many of his own colleagues, and this time, of even the President. May I say

Mr. President (The Honourable Sir Abdur Rahim): The Chair does not know if Prof. Ranga had raised a point of order, but if he had, his colleague, Mr. Chettiar, prevented the Chair from giving a ruling itself.

Mr. T. S. Avinashilingam Chettiar: I am sorry, Sir.

Mr. President (The Honourable Sir Abdur Rahim): The motion is that the Committee be appointed, and if the Finance Member refuses to give any information as regards the publishing of the proceedings of the last Public Accounts Committee, it is a point for the House to consider that in connection with this motion.

Mr. T. S. Avinashilingam Chettiar: There is no use of this Public Accounts Committee if the evidence placed before it is not to be published. The members there are the representatives of this House, and, through them, this House has the privilege of putting questions and eliciting answers about the working of the Government of India. So I submit there is no use of this Public Accounts Committee if its proceedings are not to be published. If a proper answer is not forthcoming from the Honourable the Finance Member, we oppose this motion.

Mr. N. M. Joshi (Nominated Non-Official): May I say a word about this? I feel that the Public Accounts Committee is a statutory Committee and therefore it does not lie within the power of the Finance Member to publish or not to publish the evidence volumes. It is for the Committee to decide this matter. If the majority of the Committee decide that evidence should be published, I feel that the Finance Member has no power at all to withhold the evidence.

One other point I would like to raise on this motion. During the general debate on the Budget I had pointed out an attempt made by the Honourable the Finance Member in restricting the scope of the Standing Finance Committee. I then asked the Honourable the Finance Member whether he is making similar effort, if I may say so, to define, even if I may not say restrict, the scope of the Public Accounts Committee. I would like him tell the House what his proposals are. I feel that these committees of the House are very important in enabling the House to come to a decision on important financial matters. I would therefore like the House to have full information regarding the proposals which the Government of India may be considering as regards the scope of the Public Accounts Committee.

Mr. S. Satyamurti (Madras City: Non-Muhammadan Urban): I was hoping that the Honourable the Finance Member after his dove-like performance the other day, would show a change of heart, when a matter of this kind is raised in this House. I had intended to raise this question, when I speak on the Finance Bill. As I cannot speak after the Finance Member has spoken, I would like to point out to you, the Finance Member, and this Honourable House that this Committee is a statutory committee as Mr. Joshi pointed out. Under Rule 51 of the Legislative Rules, this Committee is appointed in this House for a specific statutory purpose. This is, what it says:

"As soon as may be after the commencement of the first session of each Assembly, a Committee on Public Accounts shall, subject to the provisions of this rule, be constituted for the duration of the Assembly for the purpose of dealing with the appropriation accounts of the Governor General in Council and the report of the audit officer thereon and such other matters as the Finance Department may refer to the Committee."

Therefore, it is a comprehensive committee.

Rule 52 gives an even more detailed reference to the Committee:

"In scrutinising the appropriation accounts of the Governor General in Council and the report of the audit officer thereon, it shall be the duty of the Committee to satisfy itself that the money voted by the Assembly has been spent within the scope of the demand granted by the Assembly. It shall be the duty of the Committee to bring to the notice of the Assembly (i) every re-appropriation from one grant to another grant; (ii) every re-appropriation within a grant which is not made in accordance with such rules as may be prescribed by the Finance Department; and (iii) all expenditure which the Finance Department has requested should be brought to the notice of the Assembly."

[Mr. S. Satyamurti.]

I have been serving on this Committee for the last two years, and the year before last the evidence volume was published.

The Honourable Sir James Grigg: That is true.

Mr. S. Satyamurti: And the evidence was recorded last year also by the shorthand writers when these meetings took place. The evidence was edited by the Honourable the Finance Member or his assistants and we had nothing to do with it. This year also, in Simla, the same procedure was followed. Shorthand writers were there. Notes were taken down of the proceedings, and, speaking subject to correction, no reference was made by the Finance Member to the Public Accounts Committee on the question of not publishing the evidence this year. Sir Muhammad Yakub was a member of the Committee, and I speak for all the members when I say that no reference was made to this Committee that this evidence was not going to be published this year.

Mr. President (The Honourable Sir Abdur Rahim): Is it published every year?

Mr. S. Satyamurti: My information is that the evidence has been published all these years—ever since the Public Accounts Committee was constituted. That is my information, and I have not been contradicted.

The Honourable Sir James Grigg: That is perfectly right.

Mr. S. Satyamurti: I admire my friend's coolness. He does not seem to be afraid of you, or the House, or even of God. He comes here and says quietly that it used to be published every year.

Mr. President (The Honourable Sir Abdur Rahim): The Chair understood the Honourable Member to say that the question did not arise in connection with this motion. He did not refuse to publish the evidence. The Chair takes it that the practice so far has been to publish the evidence. It is open to Honourable Members to raise the question in the ordinary course by putting down a question or they can take that answer into consideration in dealing with the motion.

Mr. S. Satyamurti: The report part of the volume has been published many months ago, and the evidence has not been published. I shall not refer to a conversation I had with the Finance Member, because I have bitter experience of that.

Mr. President (The Honourable Sir Abdur Rahim): It cannot strictly arise out of this question.

Mr. S. Satyamurti: I wrote to Mr. Sanjiva Row and the Honourable the Finance Member asking them whether they proposed to publish the evidence, and, if not, why not.

Mr. President (The Honourable Sir Abdur Rahim): The question will directly arise when the report of the Public Accounts Committee is placed before the House. If the evidence is not there, and it has been withheld,

contrary to the practice in this House, then the question would arise and the Honourable Member would be justified in raising the point. At present this point arises only indirectly in connection with the present motion for the appointment of the Public Accounts Committee and Honourable Members may very well take that into consideration if they so choose.

Mr. S. Satyamurti: My object is to get an official and authoritative answer which will go into the proceedings of this Honourable House, on which I may take action. My difficulty with the Honourable the Finance Member is that he contradicts me. Therefore, I prefer the method of putting a question directly on the floor of the House, and of getting an answer from him, and then raising the question of privilege. This Committee has been consistently publishing its evidence for the last 15 years. Today, I am anxious that the evidence ought to be published. I want to tell this House that the evidence volume contains the questions put to the witnesses in the various departments and their answers. The answers are often very useful, and unless the evidence is published, the report by itself will not throw as much light on the financial transactions of the Government of India. No doubt, I agree that the Honourable the Finance Member and I being talkative gentlemen would occupy most of the pages of the Public Accounts Committee. He is responsible for seeing that it is published. He can keep as much about himself as he likes, and give as little as he likes of my questions. I have no part or lot in it, but I submit to the House that we must have the evidence volume. Page after page, important questions of financial control, audit control, and re-appropriations have been elaborately discussed, and I must say that the Honourable the Finance Member in his expansive moments has laid down many canons of financial wisdom and financial propriety and of audit control in the course of the evidence, which I am sure will do good to the spending departments. I do not want to deny to the spending departments the benefit of these gems of wisdom which have fallen from his lips. Incidentally, it may give prominence to those who are co-operating with him, but we cannot take the statement lying down that this report which has been published for the last 15 years is not going to be published in the future.

Mr. President (The Honourable Sir Abdur Rahim): He has not taken that attitude.

The Honourable Sir James Grigg: I did not expect that this question would be raised today in connection with this motion, although I expected that it would arise on the motion for taking the report of the Committee into consideration, and that was the motive behind my preliminary remark that it did not arise on this motion, but if it will suit the convenience of the House that I should make a statement now on the subject, I am perfectly prepared to do so.

Mr. President (The Honourable Sir Abdur Rahim): That will be the best course.

The Honourable Sir James Grigg: It is perfectly true that the shorthand notes of the evidence have not yet been published. One of the points which the Members who have spoken have overlooked is that attached to every day's proceedings is a summary of the evidence for that day,

[Sir James Grigg.]

so that in the volume already published there is a full summary of each day's proceedings. It is perfectly true that I thought it was not necessary to incur the expense of printing the shorthand notes. It is also perfectly true that the Honourable Member, Mr. Satyamurti, approached me about it. He also gave me a hint, he gave me an account of his real desire in having the evidence published which I need not touch on here

Mr. S. Satyamurti: If you do touch on it, I won't contradict you.

The Honourable Sir James Grigg: All right, in view of that invitation, I may say that I said to the Honourable Member that you have got the evidence summarised already, why do you want to incur the expense of having the shorthand notes of the evidence printed, as there are copies available in the Finance Department and they are available to the Honourable Members of the Committee? The Honourable Member said to me that the reason why he wanted it published was that he wanted whatever he said to be advertised.

Mr. S. Satyamurti: I am not ashamed of what I said.

The Honourable Sir James Grigg: Possibly mistakenly, but I thought that that was an inadequate reason for incurring the expense of actually printing the evidence in view of the fact that a summary has already been printed.

Mr. President (The Honourable Sir Abdur Rahim): The practice has been to publish it at full length?

The Honourable Sir James Grigg: Yes. After Mr. Satyamurti spoke to me, I consulted informally most of the members of the Committee who were readily available and I can say quite frankly that the majority of the Members of the Committee agreed with me that it was unnecessary to print the evidence

Prof. N. G. Ranga: What about myself, and what about Mr. B. Das?

The Honourable Sir James Grigg: You were not available at the time. I consulted all those who were available, informally, and I discovered that the majority of the Committee agreed with me that there was not sufficient reason for continuing to publish the evidence. Well, Sir, that was *prima facie* the justification for the view which I took; but I do not propose to leave it at that: I am proposing to consult the Committee formally when they next meet, and that is the position as it now is.

Mr. T. S. Avinashilingam Chettiar: What is the expense involved in publishing the evidence?

The Honourable Sir James Grigg: I cannot say off-hand.

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

"That the non-official members of the Assembly do proceed to elect, in the manner required by rule 51 of the Indian Legislative Rules, four members to be members of the Committee on Public Accounts in place of Mr. B. Das, Professor N. G. Ranga, Dr. Thein Maung and Mr. J. Ramsay Scott, who will retire on the 22nd March, 1937, in accordance with sub-rule (4) of the same rule."

The motion was adopted.

ELECTION OF THE STANDING COMMITTEE ON 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 manner as the Honourable the President may direct, of six members to serve on the Standing Committee for Roads which will be constituted to advise the Governor General in Council in the administration of the Road Fund during the financial year 1937-38."

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

"That this Assembly do proceed to the election, in such manner as the Honourable the President may direct, of six members to serve on the Standing Committee for Roads which will be constituted to advise the Governor General in Council in the administration of the Road Fund during the financial year 1937-38."

The motion was adopted.

ELECTION OF THE STANDING FINANCE COMMITTEE FOR RAILWAYS.

The Honourable Sir Muhammad Zafrullah Khan (Member for Commerce and Railways): Sir, I beg to move:

"That this Assembly do proceed to elect in such manner as may be approved by the Honourable the President, 11 members from the Assembly who shall be required to serve on the Standing Finance Committee for Railways, as provided for in clause 6 of the Resolution adopted by the Legislative Assembly on the 20th September, 1924, on the subject of the separation of Railway Finance."

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

"That this Assembly do proceed to elect in such manner as may be approved by the Honourable the President, 11 members from the Assembly who shall be required to serve on the Standing Finance Committee for Railways, as provided for in clause 6 of the Resolution adopted by the Legislative Assembly on the 20th September, 1924, on the subject of the separation of Railway Finance."

The motion was adopted.

ELECTION OF THE CENTRAL ADVISORY COUNCIL FOR RAILWAYS.

The Honourable Sir Muhammad Zafrullah Khan (Member for Commerce and Railways): Sir, I beg to move:

"That this Assembly do proceed to elect in such manner as may be approved by the Honourable the President, six non-official members from the Assembly who shall be required to serve on the Central Advisory Council for Railways."

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

"That this Assembly do proceed to elect in such manner as may be approved by the Honourable the President, six non-official members from the Assembly who shall be required to serve on the Central Advisory Council for Railways."

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 Committee on Public Accounts, the Standing Committee for Roads, the Standing Finance Committee for Railways and the Central Advisory Council for Railways, the following dates have been fixed for receiving nominations and holding elections, if necessary, namely:

Name.	Dates for nominations.	Dates for elections.
(1) Committee on Public Accounts	17-3-37	19-3-37
(2) Standing Committee for Roads	17-3-37	20-3-37
(3) Standing Finance Committee for Railways	17-3-37	19-3-37
(4) Central Advisory Council for Railways	20-3-37	30-3-37

The nominations for all the three Committees and the Council will be received in the Notice Office upto 12 Noon on each day appointed for the purpose. The elections, if necessary, which will be conducted in accordance with the principle of proportional representation by means of the single transferable vote, will, as usual, be held in the Secretary's Room in the Council House, New Delhi, between the hours of 10-30 A.M. and 1 P.M. on the dates mentioned above.

THE INDIAN OATHS (AMENDMENT) BILL.

Mr. J. A. Thorne (Government of India: Nominated Official): Sir, with your permission, I beg to move for leave to introduce a Bill further to amend the Indian Oaths Act, 1873, for a certain purpose.

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

"That leave be granted to introduce a Bill further to amend the Indian Oaths Act, 1873, for a certain purpose."

The motion was adopted.

Mr. J. A. Thorne: Sir, I introduce the Bill.

THE COMMERCIAL DOCUMENTS EVIDENCE BILL.

Mr. J. A. Thorne (Government of India: Nominated Official): Sir, with your permission, I beg to move for leave to introduce a Bill to amend the Law of Evidence with respect to certain commercial documents.

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

"That leave be granted to introduce a Bill to amend the Law of Evidence with respect to certain commercial documents."

The motion was adopted.

Mr. J. A. Thorne: Sir, I introduce the Bill.

THE INDIAN FINANCE BILL—contd.

Mr. President (The Honourable Sir Abdur Rahim): The House will now resume discussion of the motion for consideration of the Indian Finance Bill.

Mr. C. N. Muthuranga Mudaliar (South Arcot *cum* Chingleput: Non-Muhammadan Rural): Sir, the other day, before the House adjourned, I was referring to the Home Department and the Commerce Department.

The Honourable Sir Frank Noyce (Member for Industries and Labour): May I ask the Honourable Member to speak up?

The Honourable Sir James Grigg (Finance Member): We can't hear him.

The Honourable Sir Frank Noyce: I thought I could not hear him because I am deaf, but I find that other Members sitting on these benches are also in the same position.

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member should speak a little louder.

Mr. C. N. Muthuranga Mudaliar: Today I propose to refer to the other Departments of the Government of India. The next Department that I wish to take up is the Department of Education, Health and Lands. What has this Department done for the agricultural development in India? The Government have not adopted a bold policy in the matter of agriculture or agricultural research. Tinkering here and there with either the fiscal policy or advancing grants is absolutely no good. What is required is a bold initiative in the reorganisation of the activities of the agricultural department. The Imperial Council of Agricultural Research, which is supposed to co-ordinate the work in the provinces, has not so far done anything to the masses. The masses and the agriculturists do not know that there is such a department as the Agricultural Department or the marketing department. The results of the researches made by this department are not published in the language of the provinces. Now that the provinces have become autonomous, these departments of the Government of India may be dissolved and expenditure retrenched, so that the provinces may take care of those functions in accordance with the needs of the respective provinces. I would like to know how far the research activities or the marketing organisations have been of real help to the villagers. The villager today is suffering from a series of evils. He has neither the funds nor the facilities for effecting improvement in agriculture. He has no

[Mr. C. N. Muthuranga Mudaliar.]

means of marketing his goods without the middleman. The Government of India should initiate a bold policy in village co-operation and credit. The so-called crore of rupees, earmarked for the village uplift, has not even touched the fringe of the problem. I would like to know from the Finance Member why he has discontinued this grant for this year? Is it because that he thinks that the crore already granted has brought the millennium nearer; or because he has defeated the Congress in its rural uplift programme. I can only conclude that the Government in order to show their aversion to the Congress mentality of the villagers, as shown in the recent provincial elections, have discontinued this grant for this year. Even the crore which was granted last year does not seem to have benefited the villager in any way. So far as my own province of Madras is concerned, this sum does not seem to have been spent through the local boards as was done in the previous year; it was reserved to be spent through the so-called economic councils formed on the eve of the elections, and I am not sure whether any portion of it was spent at all for the benefit of the villagers. As regards the tariff policy of Government in the matter of agricultural commodities such as sugar, rice and wheat, it is now well known that either Government want to crush the existing factories by imposing very high excise duties or vested interests come in the way of giving protection to those industries.

First, let me take sugar. The worst fears entertained by most of us regarding the new orientation in the policy of the Government of India on the problem of discriminatory protection to the industries in India have been more than fulfilled by the hard blow that is given to sugar industry. Any one who is acquainted with the development of sugar industry in India during the past ten years will be impressed by the progress made therein. In 1913-14, the import of sugar into India was 800,000 tons valued at Rs. 14.29 lakhs, the imports in 1936-37 are reduced to a bare 18,000 tons valued at 19 lakhs. As a result of the development of sugar industry in India, not only has the area under cultivation of sugar been increased but also a marked improvement is noticeable in the quality of sugar produced. From the statistics available it is clear that the total amount, paid by factories to agriculturists during the last ten years, has increased by more than a thousand per cent. Further whereas the consumer had to pay nearly Rs. 11 per maund of sugar in 1928, he can get the same quantity for about 40 per cent. less today. Thus it is apparent that the growth of sugar industry in India has been of great help not only to the manufacturer and the agriculturist, but also to the consumer. This process was brought about by the Government of India in pursuance of its policy of discriminatory protection, introduced sometime ago. India has today become self-sufficient in regard to this commodity. If today the Government of India were to put a spoke into the wheel of progress with regard to this industry, it is difficult to discern any logic in its policy. For one thing, apart from the internal competition to which the industry is already subject, it will have to face foreign competition as well on a large scale. For another the enhancement of the excise duty may be instrumental in closing down of many of the existing mills, further restriction in the cultivation of this crop and lastly the throwing out of employment in large degree of both skilled and unskilled labour. It is most unfortunate that the Government did not think it necessary to consult the

interests affected prior to the formulation of any policy by which the representatives of the industry will be most affected. One wishes Government had greater foresight and not invited trouble by further impoverishing the agriculturists.

What is the position of rice? Rice has suffered most in the bargain. Government, in their anxiety to help Siam and Indo-China on the one hand or to help Burma which is to be separated shortly from India, have thought it fit either not to impose a duty on foreign rice or to make no regulations with regard to importation of Burma rice into India. Madras has suffered most as could be seen from the representations made by the Madras Government. Unless and until rice import from Burma into Madras is regulated, there is no chance for the Madras rice to rise in prices. The first duty of the Government of India after the separation of Burma would be to consult all the rice growing provinces of Madras, Bengal, Bihar and Orissa and see whether any system of licensing for Burma rice would not be beneficial to these provinces. This is a very important point which the Government of India should take up immediately. The crop planning conference, consisting mostly of officials, recommended the imposition of an import duty on foreign rice and paddy, and the removal of the export duty on Indian rice, which unfortunately has to bear export duty in the country of origin and import duty in the country to which it is imported.

As regards marketing facilities for the villagers, I should like to know what the Marketing Officer is doing? The villager is still ignorant of the price for which he has to sell his goods, or the quality of rice that would be in demand in places of consumption. Unless and until the marketing experts establish a sort of marketing intelligence in the villages and remove the ignorance of the villager in the matter of marketing his goods, there can be no real relief to him. The entire agricultural problem or the economic problem of the cultivator is so mixed up with the question of land revenue policy that unless Government are prepared to go into the question any hope of emancipation for the cultivator is futile. The land revenue assessment according to modest estimates works up to over 50 per cent. of his actual income. The Government of India should immediately appoint a committee to study how far the incidence of land tax is affecting the agriculturists.

Another branch of administration which is under this Department is the public health. Sanitation and medical facilities in the rural parts of India has still largely to be improved. The scourge of malaria takes a large toll and there are various other diseases which deplete the population. Sufficient funds are not allotted in the provinces to medical relief, sanitation and public health. Whatever little money is spared for public health is absorbed in the shape of salaries to the staff. The House is aware that so far as veterinary education is concerned, there are more than half a dozen provincial colleges in the provinces and there are any number of highly trained veterinary doctors available in India and quite equal to any trained in England. I understand that the Government are contemplating to start a Central Veterinary college in Izatnagar simply to provide suitable berths for some Europeans to be imported from England. The scheme which is estimated to cost about two lakhs per annum is a great burden on the taxpayer, especially when suitable veterinary colleges are already in existence. The existing colleges

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may be improved in efficiency by further help rather than starting a new Central college just to provide jobs for the so-called experts to be brought from England.

Another important subject which is dealt with in this Department is the question of Indians abroad. The other day, there was a budget cut motion regarding this subject. Nobody referred to the disabilities of Indians nearer home, I mean in the island of Ceylon. In Ceylon there are Indians other than estate labourers whose number is fairly large, being about one lakh. They labour under many disabilities mostly imposed by statute. The Indians in Ceylon have been greatly alarmed by the recent policy of the Ceylon Government evidently influenced by the opinion of the State Council calculated to shut out Indians from all public services. The policy of "Ceylon" for the "Ceylonese" has even spread to mercantile firms and even well qualified Indians cannot get into mercantile offices. The definition of the term "Ceylonese", in the Land Development Ordinance of 1935, has practically excluded all Indians from the benefit of the concessions in regard to crown lands under the colonization scheme. It is surprising that this definition has been adopted with the consent of the Secretary of State for the Colonies. It is not known whether the Government of India were ever consulted in this matter, and if so, whether they lodged their protest. If they are powerless in these matters, then why keep an Agent to the Government of India in every Colony? For some time past all the Government departments in Ceylon have been definitely excluding Indians from recruitment to the civil posts. The medical council of Ceylon does not admit qualified Indian medical men to their register either for setting up practice or for finding employment in estate hospitals and dispensaries. The attitude of the Ceylon medical council is against the interest of the Indian settlers and is indirectly the cause of lack of adequate medical facilities for Indians especially estate labourers. The Government of India should take steps to get this ban removed. I understand there is a proposal to enter into trade agreement with Ceylon that the Government of Ceylon are keen on it simply to find a market for their products specially coconuts. In any such agreement, the disabilities of Indians should not be lost sight of, and every effort should be made to secure equal rights for Indians.

Recently the Government of Ceylon appointed Sir Edward St. John Jackson as the sole commissioner to enquire into and report generally on the immigration of workers skilled and unskilled into Ceylon from India. I should like to know whether the Government of India have taken any steps to represent the case of India before the Commissioner. The position of Indians, settled in Ceylon, is being made intolerable day by day by vindictive ordinances, such as, minimum wage ordinance, land development ordinance, the income-tax ordinance and so on. The customs duties are so regulated that they increase the cost of living of Indians. The tariff has also ruined many small Indian merchants.

Well, Sir, I need not dwell at length on the disabilities of Indians in other colonies. No Indians are permitted to settle down in Australia and New Zealand, and even for temporary sojourn cash deposits are demanded before being allowed to land there, thus painfully reminding the sojourner that he belongs to a slave country. In Fiji islands, the racial anomaly still

persists. There is great dis-satisfaction among the Indian community on the franchise question. As regards the deplorable condition of Indian nationals in the African Continent, volumes can be said. Time forbids me from narrating in great detail the tales of woe that our countrymen are undergoing in Africa. Recently there was a so-called good-will mission which toured throughout India at the cost of the Indian tax-payer to the extent of a lakh of rupees. The practical result of that good-will mission is that soon after their arrival in Africa, further discriminatory and humiliating measures have been put on the legislative anvil, and the Indians in Africa are threatened with extinction by these measures. As if the woes of our brethren in the Dominions and colonies are not enough to occupy our attention, trouble is brewing in the adjacent Province of Burma which is to be separated from India from 1st April next. I have grave and disquieting fears about our countrymen in Burma after separation. Already the Government of Burma have given us a foretaste of their attitude towards India by increasing the postal rates between India and Burma. This will surely affect the postal facilities so long enjoyed by Indians settled in Burma who have often to correspond with their relations and friends in India. This is the reciprocity shown by Burma for the trade facilities which they will enjoy for three years even after separation. This lamentable plight of our countrymen abroad is entirely due to the apathy of the Government of India towards the interests of Indians. If a single Englishman is ill-treated anywhere in the globe, then the whole might of Britain on land, sea and air will be set in motion to seek reparation for the wrong done to that single Englishman. On the other hand, Indians, whatever be the depth of humiliation they are subjected to, are left uncared for. This reminds us of our slavery under alien yoke, and it is all the more imperative that Indians to whatever class or religion they may belong should respond to the clarion call of the Indian National Congress which aims at making Indians free at home and abroad. So long as we are serfs in our own country we will be treated as serfs and untouchables abroad.

Another important administrative branch which is under the control of the Department of Education, Health and Lands is the Epigraphical branch. The policy of Government in recruiting officers for this Department does not seem to be conducive to its efficient administration. Officers who have no working knowledge of Dravidian languages, in addition to Sanskrit and Pali, are appointed to important administrative posts in this Department. The House may perhaps be aware that most of the inscriptions are in South India and a few in North India. The Government will, therefore, be well advised in placing the entire branch of Epigraphy under the control of an experienced officer who has done work both in South Indian and North Indian epigraphy. In any case, it is advisable for Government now to separate the two branches of epigraphy and entrust South Indian epigraphy to an officer who is competent to deal with it, as the present epigraphist is not at all conversant with this branch of the subject. In this connection, another important fact has to be brought to the notice of Government. A very large number of South Indian inscriptions, collected in the Madras Presidency, remain yet to be published and there are considerable additions made to these every year. Recently the department has undertaken to collect and publish the inscriptions of Karnataka districts of the Bombay presidency. It is understood that even before this

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extra work was undertaken, there were three officers excluding the Government Epigraphist in the epigraphical branch who were meant to collect and publish the South Indian inscriptions. But in recent years the Government have been adopting a policy of retrenchment in the appointment of officers competent to deal with this branch of epigraphy. Of late they have been recruiting officers conversant with North Indian epigraphy only very much to the detriment of work connected with South Indian inscriptions of which there are several thousands to be published not to speak of the very large number of them yet to be collected and studied for publication. The Government have undertaken to expedite the collection and publication of the Bombay Karnatak inscriptions, but they have failed to implement their undertaking by making adequate provision of staff for the purpose. It looks as if the Government and the Department do not attach sufficient importance to Dravidian epigraphy which really constitutes the main bulk of the epigraphical material of the country. The Government will do well to take early steps to remedy these defects and re-organise the department so as to facilitate the progress of South Indian epigraphy.

Another important point is the question of the location of the headquarters of the Government epigraphist. It is not understood why his office should be located at Ootacamund unless it be that a former officer of the department had a house to be occupied by this department in Ootacamund. The Government have recently effected the transfer of the headquarters of the Archaeological Superintendent's office from Kotagiri to Madras. On similar considerations, it must be argued that Ootacamund has no special charms or facilities to be retained as the headquarters of the Epigraphist. It is admitted that this officer has to be in constant touch with the Director General of Archaeology who is the head of the department. Also most of his tours lie in North India. His publications are printed at the Government Press in Calcutta. In the interest of administrative efficiency and economy in travelling and other expenses of this officer and his assistant, the Government will be well advised in transferring the headquarters of this office to Delhi and clubbing it with the Director of Archaeology. In any case there is hardly any justification for keeping this office at Ootacamund. In recent years, the policy of the Central and Provincial Governments has been to transfer most of their offices, as for instance the office of the Inspector General of Prisons, from the Nilgiris to the plains and advisedly also to places where they will be centrally located and administratively more advantageously situated.

Another allied subject on which I should like to make a brief reference is Archaeology. The House is aware that India had a hoary past and a very ancient civilization. For lack of authentic recorded history, we knew very little of our ancient civilization. But thanks to the efforts, though small, of the Archaeological department very valuable finds have been unearthed in the course of the past few years which give us an insight into the wonderful civilization which India had in the past ages. Several finds have already been unearthed, and there are many more especially in South India which require to be brought to light. Owing to paucity of funds, this work is not undertaken as energetically as one would like. I would like the Government to pay special attention to the question of unearthing the archæological monuments in South India

which are buried underneath. I have already drawn the attention of Government by interpellations as to the necessity of preserving these archaeological finds in India. We have often heard how valuable finds have been taken away to foreign countries and kept in their museum. I would once again impress upon the Government that they should guard against such vandalism. The Government have been permitting foreign Archæological experts to excavate and carry away valuable finds. The Government must put a stop to this practice following the example of other countries. The Government should provide sufficient funds for the department and get Indians trained in this branch of knowledge. The Government should not treat this Department in a step-motherly fashion.

Before I take up the Finance Department I should like to make a brief reference to the Legislative Department. I am sorry that though this department is presided over by an able Indian Member, yet unfortunately he has not been giving proper advice to Government in the interest of Indians. One of the most glaring instances of how popular interests have been sacrificed is the way in which the power of interpellation of Members of this Assembly and the right to move adjournment motions has been curtailed against the unanimous opposition of all elected element in this Assembly. The wanton curtailment of the liberty of Members in the matter of interpellation is heightened by the fact that the proposal was rushed through the House in the absence of a large body of elected Members from this Assembly owing to their pre-occupation in the elections. The Government, in order to cause the greatest inconvenience and annoyance to the elected Members, commenced this Budget Session at a time when most of the Members could not be present in Delhi without detriment to their legitimate interest in the provincial elections. I had hoped that an Indian Law Member would have served the interests of the country better, but I am sorry to say that I was disappointed in my hopes.

Now, I shall deal with the Finance Department. Somehow the Finance Member has created the impression among the public that he is here to safeguard the interest of England much more than that of India. Either in shaping the tariff policy or in the matter of filling up posts in India, he thinks first and foremost of his own countrymen. It would be interesting to collect a statistics of foreign experts who have been brought to India after the advent of the Finance Member. The Finance Member has been responsible for the abolition of protection granted to Indian industries. So far as England is concerned, he believes in the theory of protection, and so far as India is concerned, it must be one of free trade. I have many grievances against the Finance Department, but I shall content myself with referring to a few of them. First of all, the present Finance Member has been largely responsible for the abrogation of the Gandhi-Irwin Pact, so far as manufacture of salt in the coastal districts is concerned. The poor villagers are not only punished for so-called infringement of the law, but their rights are withdrawn. Thus they are subject to double punishment. The salt administration in my province of Madras is very unsatisfactory. I can claim to have first hand knowledge of the conditions prevailing in the salt factories in Madras. Corruption and bribery is rampant in the department to a very marked degree. The subordinate officers of the department and sometimes even high placed officials are parties to this corruption. There is a regular

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tariff of bribes. From the commencement of the manufacture of salt till the time when it leaves the factory premises, corruption prevails from Tuticorin to Honpada, the same tale of woe is heard from the licensee. Even the newly started factories in Ennore, etc. are not exempt from it. If the Honourable Member likes, I can supply him with a schedule of rates of *mamools* at different stages of manufacture of salt. I would suggest that a committee of officials and non-officials be appointed to go into this question of corruption prevailing in Madras. I submit no reforms in Salt administration will be complete unless the Salt Act is revised. This Act is a superannuated Act framed in the eighties and needs amending at an early date.

Since the advent of the Honourable Sir James Grigg, he has dealt one of the greatest blows to an important industry in my province, namely, the tanning industry. With the abolition of the export duty on skins and hides, the tanning industry in Madras has been crippled. I would suggest that the Government should re-impose the export duty on skins and hides. Or in the alternative they could at least levy an import duty on leather goods imported from abroad into India, and this will give some sort of protection to the tanning industry in Madras, as well as stimulate production of leather goods.

The income-tax law in this country is not administered with due regard to the interests of assessees. Losses incurred in previous years are not allowed to be carried forward as in England. One of the greatest losses to the Indian exchequer is the absence of levy of income-tax on incomes paid out of the country from Indian revenues. In this way, a large number of retired civil servants and those who go out of India on leave or any other business escape levy of income-tax. They derive their income from Indian revenues.

The Government have not taken any steps to solve middle class unemployment which is becoming more and more acute every day.

One word about the petroleum duty. It is said that the duty on petroleum is only a revenue duty. If that were the case, why this difference in the rate of duty? The B. O. C. doing business in Burma oil as well as foreign oils is taxed at Re. 0-2-9½ per gallon while the Indian companies doing business in foreign petroleum are charged at Re. 0-3-9 per gallon. This involves a great loss to Government without any corresponding benefit to the consumer. Government revenue is adversely affected to the extent of about Rs. 75,00,000. It is necessary that this revenue duty should be equalised so that there may be healthy competition. Next to salt, kerosene is a commodity that is needed by all classes of people, and it is up to us to see that it is available to the masses as cheaply as possible. Liquid fuel also must be made available at cheap rates for agricultural purposes. This Government will neither care for the interest of the consumer nor for the loss in revenue, if only it benefits the European company.

In conclusion, I desire to suggest that the duty on salt should be entirely abolished, two pice postcards should be introduced. Export duty on hides and skins should be reintroduced. The export duty on rice exported from India should be abolished, and the import duty on broken rice should be continued, and in addition import duty on paddy and whole

rice should be levied. With a view to helping the poor villagers, the Gandhi-Irwin Pact should be revived especially with regard to manufacture of salt for personal consumption.

Unless the changes suggested by me are made, I can be no party to voting supplies to this Government.

Sir H. P. Mody (Bombay Millowners' Association: Indian Commerce): Sir, I have remarked on a previous occasion on the circumstance that the Finance Member has generally a very limited field of operations in which to work. He can either increase a duty here, or decrease a duty there, put on a brick or two on the tariff wall or take a brick or two off it. It is perfectly true that even within those limitations a Finance Member can do a great deal of harm or good; and the canon which I would like to apply to a budget is that it must be one whose sins of commission can be extenuated and whose sins of omission can be explained away. Of course, the Finance Member, can always follow the method which is being pursued in some of the Chinese provinces. I am being credibly informed, by one who knows first-hand, that the Governors of these provinces have already levied taxation up to 1957. (Laughter.) Well, some day when we are obliged to resort to this device it may be possible for my Honourable friends on this side of the House to do away with the salt tax, to do away with every kind of taxation and be rolling in surpluses.

Sir, there is nothing very remarkable about this budget except that for the first time the shadow of federation is hanging over it. My Honourable friend, the Finance Member, has already made provision for a few items which will have to be clearly demarcated when federation comes into existence. He has put into separate categories the corporation tax and the excise duties. He has done away with the provincial loan funds and for the first time a new item has been added, namely, payments to the Crown representative. Barring that, I submit, there is nothing very noteworthy about the budget, except of course one or two controversial points which will presently come up for discussion. One really satisfactory feature of the budget is that the Finance Member appears to have taken, in spite of adverse factors, a rather rosy view of the situation. There is a note of optimism running throughout his budget statement, and to the extent to which our credit and our revenue position are sound and can challenge comparison with the position of many other countries in the world, his optimism is fully justified. I would like, however, to remind him of one patent fact and that is that the economic condition of the country is by no means in keeping with its budgetary position. Last year, I gave a great many figures in support of my contention. I agree that those figures are not too dependable, but in the absence of reliable statistics, we are bound to fall back upon whatever figures have been published by independent observers, and in any case even if these figures are considerably out, they serve to emphasise the enormous difference between the economic position of the Indian as compared to the people of other countries. I will read two sets of figures on the present occasion. The *per capita* industrial production in India is only estimated to be Rs. 20, while in Japan it is 158, in the United Kingdom 410, in Canada 470 and in the United States 720. The *per capita* savings in bank deposits are: in India 2; in Japan 90; in France 125; in the United Kingdom 270. The question that confronts all of us is, how is wealth to be

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created? How is production to be speeded up and new sources of economic recovery discovered? My friends, the Socialists, have a plan of their own: I do not want to say anything about that plan, except this, that at the very best it contemplates merely the redistribution of wealth. I am not going to argue against that, I am merely saying that it is not a plan for the creation of more resources, and therefore the question arises how is wealth to be created? My submission is that industrialisation is the only possible means of creating more wealth. Last year I quoted the testimony of Prof. Gregory, whose authority cannot be challenged, to the effect that so far as India is concerned, the only possible means of improving its economic position was a more rapid industrialisation. I am not suggesting for a moment that agriculture is to be relegated to the background, or that its importance to Indian economy is not very great. All those who are engaged in industrial production recognise the fundamental position that it is on the economic well being of the masses alone that the well being of industries depends. That position is not being challenged. My Honourable friend, the Finance Member, has, I know, certain views on the subject. I do not credit him with harbouring any particular hostility towards industrialisation; but I certainly do think that he is somewhat indifferent or sceptical about the value of industrialisation to this country. Let me quote to him the testimony of his own colleague, Sir Frank Noyce:

"The real arguments for industrialisation in India are that the consequent diversification will render the economic life of the country less precarious than if it depends upon agriculture alone, that the capital of the country will be made more mobile by opportunities of industrial investment, that a higher standard of life in industrial centres will exert some influence in gradually raising the standard of life in the country and in breaking down the innate conservatism of Indian labour, and lastly, that industrial enterprise will have the effect of quickening initiative and practical intelligence and thereby contributing certain new elements to the national character."

Weight for weight, more importance has to be attached to the testimony of my Honourable friend, Sir Frank Noyce, or to use the dialectical device which is so popular with my Honourable friend the Finance Member, Sir Frank Noyce and Sir James Grigg cancel each other out!

The Honourable Sir James Grigg: I agree with every word of what he says.

Sir H. P. Mody: Then, we are not going to quarrel about it. But there is another aspect of this matter which has not received sufficient notice and that is, that paragraph of the Indian Fiscal Commission's Report where it talks of the importance of industrialisation to the national character, and it is necessary for me, in spite of what my Honourable friend has just now said, to quote it:

"Finally, one of the most important results that may be anticipated from a development of industries in India is one that cannot be measured in terms of money. A country industrially developed tends to suffer from a certain intellectual deadness; the outlets for a diversity of talents are few: those who may have shone in a wider sphere have their energies and minds cramped into the mould of uniformity. It is hardly too much to say that a certain measure of industrial life and opportunity is an essential condition for building up a vigorous national character."

Now, my Honourable friend says that he did not differ at all from the view point of his colleague, Sir Frank Noyce. I will remind him of what he said on a previous occasion in answer to the plea for industrialisation

and protection that I put up. He said—and I appreciate the joke as well as any one else—that what I was wanting was more and more protection after less and less inquiry and for longer and longer periods. Sir, taking the earliest opportunity of retorting to it, I said in my speech to the Employers' Federation of India at the last annual meeting, that I hoped the Finance Member did not mean that he wanted less and less protection after longer and longer inquiry and for shorter and shorter periods (Laughter), or, looking at the matter from another aspect, more and more imports, lesser and lesser production, greater and greater unemployment

Mr. M. Ananthasayanam Ayyangar (Madras ceded Districts and Chittoor: Non-Muhammadan Rural): That is exactly what he wants.

Sir H. P. Mody: I do not think he wants that exactly; he has not made up his mind yet. I am pleading, as I have always done, for a more liberal protectionist policy. It is my firm conviction that the Fiscal Commission's Report, while it is of outstanding importance and shows in every paragraph signs of great care and ability having been devoted to the subject, has gone out of date, and it is necessary that a new orientation of policy should take place. Even as the report stands, I am afraid that it is not being liberally interpreted. Different Tariff Boards have interpreted the three canons laid down by the Fiscal Commission differently. Some have regarded the absence of raw materials as being fatal, some have regarded a high measure of protection if required by an industry as fatal; and I say that the time has arrived for a clarification of those principles. I shall give one or two examples of what can be done. In the matter of the glass industry, for example, the Tariff Board, and the Government agreeing with the Tariff Board, held that the fact that soda ash was not being manufactured in this country was a fatal defect, and Government held that the industry was not entitled to protection.

Now, Sir, what are the facts? After all, soda ash constitutes less than 20 per cent. altogether of the total cost of manufacture of glass in this country, and even if the raw material was in our own borders, you could not have it for nothing. In other words, the only handicap which I can see, so far as the raw material for glass industry is concerned, is that probably, three, four or five per cent. has to be paid by way of freight upon imported soda ash. Sir, I submit that the case of the glass industry requires to be sympathetically considered.

Then, take the case of the cinema industry. This is a growing industry of considerable importance. It may be that there is no question of protecting the industry in the ordinary sense of the word, but Government can do a great deal by giving rebates on the duties on raw films, by giving concessions in the matter of railway freights and the like, to help its upward growth. Sir, my friend, Mr. Satyamurti, the other day, in his speech, put forward the argument that small industries rather than big now required the paternal care of the Government and the Legislature, and that it was in the direction of the smaller industries that Indian advance should be made. He put it forward as if we were going to disagree with him. Not one bit. As a matter of fact, if my friend, Mr. Satyamurti had taken the care to look up my own past speeches, he would have found that this is a clear case of great minds thinking alike (Laughter),—with just this difference (*Some Honourable Members:* "Oh, Oh"),—with great

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respect to my friend over there, that in many cases I do the thinking first (Laughter) and my friend follows later. Sir, it has been my theme for a considerable time that not enough is being done for the smaller industries, and that if you are going to sit tight and apply to them the principles laid down in the Fiscal Commission's Report, you will never be able to help them substantially. I am not unaware of the additions to the duty which were made in respect of a number of articles two or three years ago. I say that that policy ought to be vigorously pursued. It is impossible that smaller industries can grow up with the want of capital and of enterprise that there is in this country without an aggressive policy of fostering them in the interests of the nation.

Another thing to which I should like to draw the attention of the Government once again is that the machinery is now getting very antiquated. I want a permanent Tariff Board staffed by people who are above temptation, handsomely remunerated, thoroughly independent and who can apply their minds to the day to day problems which are raised by the demands of the various industries for protection or which may be involved in the fixation of our customs duties

An Honourable Member: Thoroughly patriotic?

Sir H. P. Mody: I hope so.

An Honourable Member: How can handsome remuneration and thorough patriotism go together?

Sir H. P. Mody: I hope they do go together occasionally.

I was saying, Sir, that something on the lines of the Import Duties Advisory Committee ought to be instituted in this country. In the course of only four years, that Committee has gone from strength to strength, and has now under its control imports amounting to three-fourths of a total of seven hundred million pounds. The Committee was created for the purpose of giving advice and assistance to the Treasury in connection with its functions with regard to customs duties. The Committee was to have regard to the advisability in the national interest of reducing imports into the United Kingdom and the interests generally of trade and industry in the United Kingdom. Now, Sir, only the other day, I was looking up a Report of the Committee, and the following items have been just picked out by me at random as illustrating the reasons which actuated the Import Duties Advisory Committee to take action in appropriate cases:

"To consolidate the progress of a small Home industry;"

"To assist British manufactures to compete on an economic basis in the Home market;"

"British industry handicapped in the Home market by foreign sales below cost of production;"

"Foreign imports rising in spite of a duty of 30 per cent."

"British industry fully capable of meeting increasing demands."

Here are a variety of reasons which impel the Import Duties Advisory Committee to move from time to time and to take appropriate action either for the protection of the Home industry or for the purpose of stimulating revenue. I submit there is a clear case for the appointment of a Committee on these lines. The present Tariff Board, with great respect to its personnel, is ineffective from its very constitution. It deliberates for months, it submits a Report after another few months; then Government takes a few months more to consider its Report, and then it is placed before the Legislature. All these things take time, a year, sometimes 2 years, and I say that Indian industrialisation can never proceed apace if the Committee on whom you rely for the purpose of making investigation cannot possibly deal with a number of items with any degree of expedition.

There is another thing on which I want some enlightenment from my Honourable friend the Finance Member. In the Federal Legislative List Item No. 34, Development of Industries, says "where development of industries under federal control is declared by federal law to be expedient in the public interest." Now, Sir, I want to know from the Government of India whether they have applied their minds to it, and whether they are going to declare at an early date what subjects are to be treated as federal for the purpose of development of industries. That constitutional position confronts us today, and I would like the Government of India to give it early consideration.

Another thing which, I think, is of equal importance is,—and that is an observation which I am addressing to my Honourable friend, Sir Frank Noyce,—what steps are going to be taken, now that provincial autonomy is an accomplished fact, with regard to the co-ordination of labour legislation. Already in some provinces, judging from certain programmes which have been put forward before the public, various legislative measures are being foreshadowed. It may well happen in certain provinces labour legislation may be of a very drastic character; in other provinces it may be of a liberal character. There will be provincial jealousies enough, I am afraid, under provincial autonomy; you surely do not want that there should be rivalry also in the matter of labour legislation. The idea to which I am referring is one of establishing a Central Industrial Council. I recognise the difficulties in the way of its functioning, but all that I want to say is that the time has arrived for the Government to deliberate upon this question of fundamental importance.

I want the Government of India to consider the establishment of another Department,—I want a Department of Overseas trade. At long last after a great deal of questioning in this House and pressure from non-official Members, two or three Trade Commissioners have been added to the exiguous list of Indian Trade Commissioners overseas. In view of the complexity of international trade, in view of the fact that India has got to fight for her position, as every other country has to fight today, are 4, 5 or 6 Trade Commissioners adequate, I ask my friends opposite? Let me explain what the Department of Overseas Trade means in Great Britain. This Department was established after the War, and it is under the joint control of the Foreign Office and the Board of Trade. The Department is served by an extensive overseas intelligence system throughout the world. 16 Trade Commissioners are stationed in the most important centres of the Empire and Trade Correspondents where there are no Trade Commissioners. 28 Commercial Councillors and Commercial Secretaries have been established in the more important foreign markets

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of the world, working in collaboration with the British Diplomatic Missions in foreign countries. The Department is assisted by an Advisory Committee of business men, and works in close connection with commercial organisations. It is a valuable means of co-operation between the British Government and British manufacturers and traders. Sir, I submit that the time has arrived for the consideration of a question of this character. The Commerce Department of the Government of India and the Finance Department are not incompetent to deal with such matters, but their machinery is hopelessly inadequate for the purpose of dealing with international problems which have grown in complexity and difficulty in the last few years; and unless you have a department to look after the trade and industries of this country, and to stimulate the off-take of the raw materials of this country by means of trade delegations, trade commissioners and commercial secretaries, the time will soon arrive when in the mad scramble that is going on the interests of India will be pushed backward. I grant that the present position is a happy one, and India has got a favourable balance of trade of a very substantial character even of merchandise. But that position is not likely to continue, and you cannot trust merely to luck and say that nothing need be done.

Another thing that requires attention also—I hope my Honourable friends will see that I am only dealing with large questions of policy and refusing to deal with details—another question is the revision of trade treaties. From a list which was supplied to me by the courtesy of the Secretary in the Commerce Department I find that there are as many as 44 countries with whom we have trade relations, which means that there are 44 countries to whom we are bound to apply the most favoured nation treatment clause. Many of these treaties are thoroughly antiquated. I have an impression derived from a study of three or four years ago, that the treaty with the United States is well over a century old. I do not know what object a century old treaty is achieving in the economy of the present day. The question that I would like to raise is whether the Government of India are going to take into consideration the question of the revision of these treaties wherever a revision is possible. I recognise the difficulties with many countries with whom we have a favourable balance of trade, I recognise, but surely, that does not apply to as many as 44 countries, and I say that the time has arrived for somebody to delve into the archives of the Secretariat, and fish out these treaties, provided they are in existence somewhere (An Honourable Member: "They will have been eaten by moths.")—if so I do not think it will matter much to us,—and apply their minds to it. The position arising from having these trade agreements is that we are bound to apply the most favoured nation clause to these countries. In these days of bilateral agreements the most favoured nation treatment clause operates as a handicap. Many ingenious devices have been employed for getting round it. One device that was employed was rather ingenious. A particular country wanted to import Swiss milk free of duty, and it could not do so without making the imports from other countries also free of duty. What did it do? It created a different category: "Milk produced from cows grazing at an altitude of 10,000 feet." (Laughter.) (An Honourable Member: "Which is the country?") I would rather not name it. (Another Honourable Member: "I suppose it is English.") The English people are ingenious, but I do not know whether they are equal to such

a device! This must be a foreign country. (An Honourable Member: "Is England your country?") (Laughter.) It is not foreign any way. What is the use of most favoured nation treatment, so far as India is concerned, when in the case of Italy, Germany, Iran, Turkey and a great many other countries exchange regulations, quotas and the like are enforced? By these means the most favoured nation treatment clause is being defeated, and the time has arrived for a revision of our treaties. Before I leave this subject, I would like to give the opinion of the Federation of British Industries. It says:

"In view of the importance of the British market, the grant of most favoured nation treatment should not be included more or less automatically in any treaties with foreign countries, but should be regarded as a most valuable concession, requiring an adequate and substantial *quid pro quo*."

Sir, my contention all along is that we are living in a world which may be regarded as an entirely different sphere from what it was when this century took birth. In the course of the last twenty years, enormous political and economic changes have taken place which have changed every country out of recognition more or less. Quotas, exchange regulations and restrictions, and the like, are holding the field. We are going back not only to the middle ages, but to the ancient world by the system of barter which has been introduced in many western countries. This method, I may incidentally say, has even penetrated the field of warfare, and I am informed that recently a Mexican General who was a prisoner of war was exchanged for a dozen tins of condensed milk. (Laughter.) Sir, we are living in such a chaotic world, and if the Government of India think that by the pursuit of methods which have grown out of date, by the maintenance of departments which on account of the pressure of work put upon them and the added responsibilities which they have now got have become inadequate for the purpose,—if the Government of India think that by the pursuit of these methods they can advance India's trade and industrial interests, I submit that they are greatly mistaken. What is wanted is a more energetic policy so that India can hold a place more in consonance with the vast mineral and material resources that she possesses in the markets of the world. And, Sir, from that point of view, I earnestly ask my Honourable friends on the other side to apply their minds to these vital problems, and to come to decisions which are calculated to promote the highest interests of this country.

Sir Muhammad Yakub (Rohilkund and Kumaon Divisions: Muhammadan Rural): Mr. President, it is for the last time that the general debate on the Finance Bill would cover a vast area of subjects. With the introduction of Provincial Autonomy, on the 1st of April next, the scope of activities of this Assembly would be curtailed and its jurisdiction would be limited. Delhi would be seriously affected by this change in the administration of the provinces of India. Although Delhi carries with it the great distinction of being the Capital of the vast Indian Empire, the people of Delhi are the worst sufferers in this country. They do not enjoy any rights or privileges belonging to the metropolis of the Empire. They have no particular lien or right for services in any of the provinces of India. Even today the educated youth of Delhi finds it very difficult to find employment in other parts of the country and with the introduction of provincial autonomy, I am afraid that, the people of Delhi will be rejected by all the provinces for want of having residential qualifications.

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The whole judiciary of Delhi is derived from the Punjab where the language of the people, the customs, the culture and the traditions are quite different from those of the people of this great City. These people come here as birds of passage and they have no sympathy with or genial interest in the inhabitants of the City. Only the other day, a barrister friend of mine told me that he wanted to visit his client in the jail in order to take instructions from him, and when he went to the jail, he found that there was not a single man among the staff of the jail who could speak any language except Panjabi, and this friend of mine was not intelligible to any of them, and he had to return without consulting his client. Now, Sir, while the educated people of other provinces can rise to the highest posts available in this country, they become Members of the Executive Council, Judges of the High Courts and even Governors of Provinces, the people of Delhi have got no such chance. After a very long time, for the first time recently an exception has been made only to prove the rule. A distinguished advocate and a worthy citizen of Delhi, Sir Abdul Rahman, has been appointed a Judge of the Madras High Court.

The Honourable Sir Muhammad Zafrullah Khan (Member for Commerce and Railways): He is an advocate of the Lahore High Court.

Sir Muhammad Yakub: This is what I am complaining against. He was an advocate of the Lahore High Court but he has been deported to Madras in order to get a judgeship of the High Court, although recently there were some vacancies in the Lahore High Court itself. This is the grievance of the people of Delhi that although they have been annexed to the Punjab, they do not get proper treatment from the Government of the Punjab and they are looked upon as aliens. The late Sir Syed Ahmad Khan, when he wrote the history of the Mutiny, said that one of the punishments inflicted on Delhi was that it was separated from the U. P. and annexed to the Punjab, and I think that grievance proves to be true to this day.

Then, Sir, in the matter of political activities also, we find that the people of Delhi have got no sphere to satisfy their aspirations. We have got only one single Member from Delhi in this Legislative Assembly and there is none in the Council of State. While from each province we have one nominated non-official Member both in the Legislative Assembly and the Council of State, the metropolis of India has been deprived of that privilege as well. The people of Delhi have got really genuine reasons for resentment. The resentment is very wide and deep and I hope that the Government of India will see that the people of Delhi do not suffer on account of its being the capital of India.

Mr. President, the unemployment of educated youth is the chief source of menace to this country. Communist societies and other terrorist associations are flourishing on account of the unemployment of educated classes in India. It is more than two years that His Excellency Lord Willingdon announced on the floor of the House that the Government of India wanted to overhaul the whole system of education in this country. Soon after that, a committee was appointed in my province presided over by that worthy citizen of the United Provinces,

the Rt. Honourable Sir T. B. Sapru. It is about two years since the report of this committee was published but nothing has yet been done. The red-tape system of the Government of India is so awful that no practical step has yet been taken on that report.

The Honourable Sir Frank Noyce (Member for Industries and Labour): That report was a provincial report. The committee was appointed by the United Provinces Government and reported to that Government.

Sir Muhammad Yakub: I know that it was a provincial committee but I believe that the Government of India, and the Members of the Government of India, have, in several of their reports and speeches, referred to that report as a piece of effort on their part in order to solve the problem of unemployment; and if it is not so, the position is still worse.

The Honourable Sir Frank Noyce: Will my Honourable friend kindly tell the House what the United Provinces Government, which is primarily concerned, has done. If he does that, then the House would be in a position to judge how far the Government of India are guilty of negligence.

Sir Muhammad Yakub: According to the present constitution of India, the provinces are tied down to instructions from the Central Government and I think it would be very difficult for any Provincial Government to make a move without getting their instructions from the Government of India. What I said was that really the Provincial Governments are not to blame. The U. P. Government is not to blame for their inaction but the red-tape system of the Government of India, where each and every report from the provinces is scrutinised in order to justify the existence of this huge secretariat which sits in the huge building on my right. If this was a provincial committee and if the Government of India had nothing to do with it, then the position is still worse. The representative of His Majesty the King Emperor on the floor of this House makes a solemn announcement, on behalf of the Government, that the whole system of education will be overhauled and scrutinised. Two years have passed and nothing has been done and if you brush aside the Sapru Committee, I would like the Government of India to tell me what other step they have taken and whether the announcement of the Viceroy has any value or not. What are the measures they have adopted to solve this problem of unemployment. The recent successes of the Congress in the provincial elections must be an eye opener to the Government of India and they must realise that the majority community in the country is up in arms against the present system of administration in India. Unless prompt and radical measures are adopted immediately, I am afraid that the position in the country would become untenable. What I suggest is that all these big universities, which produce thousands of graduates every year, like quinine pills, should be transformed into industrial institutes and the law colleges, which are the chief nursery for the communists, should be turned into business concerns if the British Government want to keep their flag flying in this country for some years more. There can be no doubt that the present Viceroy has

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placed his finger on the right-cord. He has diverted his attention towards the amelioration of the condition of the agriculturists and to improving the methods of agriculture (*An Honourable Member*: "Only stud bulls"), but then the machinery which is exhibited, and the methods which are demonstrated, are so expensive that they are out of the reach of the agriculturists in the country and out of the pale of practical politics. What is really needed is that simpler and cheaper methods of agriculture should be placed before the agriculturists of this country. Then, Sir, the amount, which is set apart for village uplift work, is very small, and I am sure that only a very small portion of that amount reaches the poor villager himself. The whole thing is spent in making exhibitions and shows. (Hear, hear.) Sir, it has now become the fashion for the Governors of Provinces, when they are on tour, as heretofore they used to visit universities, municipalities and district boards, now since the last one year or so, since the new Viceroy assumed charge and the people came to know that His Excellency takes an interest in the subject of agriculture, every Governor is taken in procession to villages, and the villages are "white-washed", and some buntings are put on the thatched houses of the villagers. Now, I ask—do these exhibitions or does this whitewashing in any way really improve the condition of the agriculturist in this country? (Hear, hear.) Therefore, I submit that the money which is wasted in these exhibitions ought to be more usefully employed and some practical methods should be adopted in order to improve the condition of the agriculturist in this country. Sir, it is a matter of great regret that the Honourable the Finance Member has not been able to find any money this year for the improvement of agriculture and village uplift in his budget, and I hope that in future years, when the provinces become autonomous, they will be in a better position to look in to this fundamental part of their duties.

Mr. President, the Federation of the Indian Princes with the people in British India has from the very beginning been looked upon with suspicion by the people of British India (Hear, hear).—not because we are in any way hostile to our Indian Princes, not because we have no sympathy with the Indian Princes but because we think that a combination of autocracy with democracy is the most uncongenial and impractical combination that can ever be thought of. Then we also think that the bloc of the nominated "black" bureaucrats from the Indian States would be of a far more reactionary type than the white bureaucrat from the Government of India. Sir, an Englishman gets his education in a democratic country and in a free atmosphere, while these people who live in the stagnant atmosphere of the autocratic Indian States have no breadth of vision and their ideas are consequently very narrow, and therefore I think that this contemplated combination has been looked upon with great suspicion and disapproval by the people of British India. But since then we find that during the last few months there have been a series of conferences and secret committees of the ministers of the Indian States behind closed doors. We also find that the representatives of the Government of India have been in constant conference with the representatives of the Indian States behind our backs. Now the position is really becoming very alarming and we are afraid that our rights, our interests, and our liberty are being bartered

away in order to secure the acceptance by the Indian Princes of an all-India scheme and in order to get them to join the federation. Sir, I warn the Government of India very seriously that if any final agreement is made with the Indian States behind our backs, and if any final decisions are arrived at with the Indian Princes without giving this House an opportunity of expressing its opinion, then I am sure the results would be very serious indeed. (Hear, hear.)

Mr. President, the political atmosphere of the country is beset with dark clouds of a vast upheaval. All the countries in Europe seem to be in a state of convulsion and the condition of affairs in Japan and China also shows that the position in the East also is not very satisfactory. A much greater and more disastrous war than the last Great War seems to be imminent, and India is sure to be the tallest oak when the storm breaks, with the possibility of external invasions and of internal commotions. Sir, I asked, in the beginning of this Session, certain questions from the Government of India as to what preparations they had made to meet this contingency. It is a pity that the Honourable the Defence Secretary is absent; he is not present in the House to give any reply to what I have got to say about it, and now the Government Whip is running to bring him in. Sir, this is the courtesy with which the Members of this House are treated. My point is that this debate on the Finance Bill is the only occasion which affords an opportunity to Members of this Honourable House to express their grievances on all subjects and I request you, Sir, that you would direct the Members of the Government that at least during this debate they all must show as much courtesy as to remain in their seats during the debate so that they may be able to give a reply to the points which we raise. Sir, what I wanted to submit was that Honourable the Defence Secretary's reply was only to this effect that the military secrets could not be divulged. Sir, I know that military secrets cannot be divulged, but can this reply be given to the Members of the House of Commons in England.

[At this stage, Mr. Tottenham, Defence Secretary, came into the Chamber and there were Cheers.]

Do we not find that the Minister for Defence in England, the Right Honourable Sir Samuel Hoare and other Cabinet Members have been explaining to the members in the House of Commons, in great detail, what preparations they are making in England to meet the contingency of a war? And not only in the House of Commons but we find that important Cabinet Ministers have availed themselves of every opportunity of making public speeches and taking the people of the country into their confidence and telling them what they are going to do. Sir, my special grievance is that the Government of India do not do the same; I do not deny that they do all that lies in their power to administer the country in the best way according to their lights. (*An Honourable Member*: "Do they?") But the point is that they do not take the people of this country into their confidence and that they do not satisfy the people by explaining the measures which they have taken.

An Honourable Member: They are all secret measures.

Sir Muhammad Yakub: Of course, the measures are secret but the plans can never remain secret. We know that India has got no Navy and that our Air Force is very very small and inadequate and in the event of a great war India cannot depend for aid from the British Navy or the British Air Force. I submit that it is very urgent and very necessary that prompt steps should be taken to build up the Royal Navy of India and to equip the Indian Air Force according to the requirements of this great country, and I have now done.

Mr. N. M. Joshi (Nominated Non-Officials): Mr. President, my Honourable friend, Sir Homi Mody, began by saying that the present budget of the Honourable the Finance Member was not a remarkable one. I propose to begin my speech with a statement that in the present budget there is nothing new. The budget which has been placed before us and the Finance Bill which has been introduced in the House are founded upon the old undemocratic principles and policies followed in the previous years. The policy of the Government of India is, in the first place, to spend disproportionately large amounts on productive services like the army.

Mr. S. Satyamurti (Madras City: Non-Muhammadan Urban): Unproductive services.

Mr. N. M. Joshi: Yes, unproductive services like the army. They spend less on those services which are likely to benefit the masses. They spend more on those services which are likely to benefit the wealthy classes. In the treatment of their employees, they show much greater favour to those employees who receive higher salaries and they give much less favourable treatment to those who belong to subordinate and inferior services. As regards the burden of taxation, they do not follow the sound principle of placing the burden according to the ability of the people to pay, but they place larger burden upon the poorer people in comparison with their ability to pay. I do not wish to deal at length with the expenditure of the Government of India. They spend about 50 crores of rupees on their defence. The question of the Indianization of the officered ranks and of the substitution of the British troops by the Indian troops was discussed only a few days ago at length. I would, therefore, content myself by touching on one point and that is the effect of separation from Burma upon our military budget.

It has been stated that on account of the separation the defence budget has been reduced by a crore and four lakhs. The Honourable Secretary of the Defence Department on Saturday made the statement that on account of the separation two battalions of the British troops, four battalions of the Indian troops and some units of the artillery have been reduced. I feel that the reduction in our expenditure and the reduction in the personnel should have been much larger on account of the separation.

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member can 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. N. M. Joshi: Mr. Deputy President, when we adjourned for Lunch, I was saying that the reduction of expenditure as well as in personnel of our defence has not been adequate. It may be said that we are not experts in the matter of defence and therefore we must accept without question what has been decided by the experts. It is quite true that we are not experts in the art of fighting, but that does not prevent us to understand an explanation of why a larger reduction was not practicable. I feel that the Government of India should have submitted a detailed memorandum why a larger reduction both as regards money and as regards personnel was not practicable.

Mr. G. R. F. Tottenham (Defence Secretary): May I intervene to explain the position? At the present moment the Government of India maintain in Burma a certain establishment of troops, and with effect from 1st April 1937 when Burma will be separated from India, India is going to be relieved of the cost of maintaining these troops which are stationed in Burma at present. At the present moment Burma will take over the cost of them which means something over one crore. Am I to understand that the Honourable Member thinks that Burma after separation should pay something more for the maintenance of troops in India as well?

Mr. N. M. Joshi: I am not concerned with what the Burma Government should pay. What I am suggesting is that when we are relieved of the responsibility for the defence of Burma, there should have been a larger reduction both in our expenditure as well as in our personnel. After all Burma did not depend merely upon the troops quartered in Burma. Burma depended on the troops quartered in India also. I therefore feel that the Government of India should place this question before one of the Committees of the House either the Standing Finance Committee or the Public Accounts Committee and explain why a larger reduction is not practicable.

Mr. G. R. F. Tottenham: We could not make a larger reduction.

Mr. N. M. Joshi: Sir, if the Honourable the Defence Secretary feels that they could not, it is their duty to explain to one of the Committees and if the Committee reports that they are satisfied with the explanation given by the Defence Department the House will accept their decision. Besides the army, the Government of India spend on other unproductive departments, although those amounts are not much compared to what they spend on the army. I shall not deal with all these unproductive departments, but I shall only mention one, namely, the Ecclesiastical department. The Government of India are spending nearly 27 lakhs on the Ecclesiastical department. Whatever may have been the justification for the Government of India in maintaining an Ecclesiastical Department, that justification does not exist today. Moreover, the European element in our services is gradually going down, and it is, therefore, necessary that

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although the Government of India may not abolish the Ecclesiastical Department immediately, my own view is that they should abolish it immediately, even then there is a good case for reducing the expenditure on the Ecclesiastical Department. I should like the Government of India to place all these items of unproductive expenditure before a committee of the House. When I spoke during the general discussion on the budget, I had suggested that the details of our budget should be examined by a committee of this House. The Honourable the Finance Member was good enough to agree with the principle of the examination of details by a committee of this House.

The Honourable Sir James Grigg: Not the least. The Honourable Member is misrepresenting me. I suggested that the Estimates Committee should take one single block every year and examine it without any reference to the budget of the year.

Mr. N. M. Joshi: I never mentioned now that this committee should examine the details of the proposals in our budget with reference to the particular year's budget. I am suggesting that items like the Ecclesiastical department should be examined by a committee of this House. You may call it the estimates committee or, you may call it the Standing Finance Committee, the name is not of much great importance. The idea is that some of these unproductive items should be examined. I do not wish to spend any more time on the expenditure side of the budget. I am more interested in the Government of India's spending money very rightly and very wisely on what I may call social services, the services necessary for the improvement of the condition of the working classes in this country, for providing employment to them and for the general development of the country. Sir, my Honourable friend, Sir H. P. Mody, referred to the policy of protecting industries of this country and developing industries. . . .

Mr. M. Asaf Ali (Delhi: General): Do you want a Standing Finance Committee for foreign affairs, they spend crores of rupees.

Mr. N. M. Joshi: I am now dealing with the development of the industries to which I shall confine myself at present. Mr. Deputy President, that in India there is not proper balance between agriculture and industry is admitted by Government themselves. It is necessary if there is to be a proper balance between agriculture and industry, that greater efforts should be made for bringing about that balance. The Government of India for some years have been following the policy of protecting certain industries by means of tariffs. I am not one of those Members of this House who would recommend to the Government of India a policy of what some Members were pleased to call indiscriminate protection. I believe that protection can be given to industries by means of tariffs, but we must remember that when we give protection to an industry by means of tariffs, we do throw a burden upon the consumers and the masses of the people in this country. We cannot forget that fact. Therefore I cannot approve of what some Members were pleased to call indiscriminate protection without any discrimination or without any enquiry.

Mr. B. Das (Orissa Division: Non-Muhammadan): There has been no indiscriminate protection.

Mr. N. M. Joshi: The Government of India have been able to develop certain industries and maintain the existence of certain industries on account of their tariff policy. I agree with my Honourable friend, Sir H. P. Mody, in recommending to the Government of India an enquiry into the whole question again. The present tariff policy was based upon the report of the Fiscal Commission which was made more than 15 years ago. The world has now changed a good deal. New ideas regarding the development of industries have come into existence. Not only have new ideas come into existence but new plans for developing industries have been experimented upon in important countries like the United States and the Union of Soviet Socialist Republics. I would like the Government of India, therefore, to re-examine their policy of protecting the industries. What the Government of India are doing today is to give protection to an industry for a certain period of time. They do not take any steps to see that that protection will be used properly. For instance, they gave protection to the textile industry for some years, but they have taken no steps to see that the textile industry will be conducted on efficient lines and there will be a time when that industry will not require protection. Sir, my Honourable friend, Sir Frank Noyce, was the Chairman of a Tariff Board and he made some recommendations for the efficient management of the textile industry. He suggested a certain scheme of amalgamation and certain other things. The Government of India took no steps to see that those recommendations were given effect to. I, therefore, feel that this policy of giving protection for a certain period of years and afterwards take no steps at all to see that the industry is conducted efficiently is a wrong one. The Government of India may give protection for a certain period of years, five or seven years; but during this period the Government of India must keep a constant watch on that industry. I, therefore, agree with the suggestion made by my Honourable friend, Mr. Mathradass Vissanji, that when an industry is given protection, the Government of India should introduce a system of licensing. No factory should be allowed to be conducted in that protected industry unless it takes a license from Government, and the license should provide certain conditions on which the factory should be worked. Those conditions may be about the efficiency of the industry, in what manner the industry should be conducted. The license should also provide conditions as regards the treatment of labour. Sir, we know that the system of licensing has been introduced in certain industries in India. We should, therefore, not hesitate to introduce a system of licensing. If an industry is protected, no work or no factory shall be conducted under that industry without a license and the license should provide all the conditions necessary for the efficient management of that industry and for the protection of all the interests involved in that industry.

Sir, the Honourable the Finance Member the other day said in his budget speech that his excise duty on sugar is useful for weeding out the inefficient factories and inefficient concerns. Well, Sir, the method of weeding out inefficient concerns by means of an excise duty is a haphazard method. You may succeed in weeding out certain factories or certain concerns by means of your excise duty; but you cannot be quite sure,

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that you are closing down the factories that deserve to be closed. There may be some factories which may be inefficient, but which may become efficient if you lay down certain conditions on them. I, therefore, feel that this method of weeding out the inefficient by means of an excise duty is a very wrong one. Weeding out of the inefficient or making the inefficient efficient is absolutely necessary if the Government of India are going to give protection to an industry, but that should be done by means of a system of licensing. Moreover, Sir, the Government of India should in my view appoint inspectors for those industries which are protected. These inspectors should inspect the factories which are protected and see that these factories are conducted according to the conditions laid down in the license. It is only then that proper protection will be given to the industries and the time will come when an industry may cease to require protection. This idea of the Government insisting upon conditions is not a new one. In Great Britain the steel industry wanted protection. The Tariff Advisory Board or the Import Duty Advisory Board insisted that protection shall not be continued unless and until the steel industry in Great Britain put their house in order and organised themselves properly. If that can be done in Great Britain, I cannot understand why that cannot be done in India. I would like, therefore, that the Government of India should take steps that when they give protection to an industry that protection will become effective and after some period the protection will become unnecessary. Well, Sir, protection by means of tariffs is only one of the methods of protecting industries, and in my judgment that is not the best method of protecting industries. The Government of India should therefore devise other methods for protecting industries. There may be some industries which may be protected by subsidies, and subsidies are a much better method of protecting an industry than tariffs. The Government of India may also develop and encourage industries by means of their stores purchase policy. The Government of India have now started a Stores Department and by purchasing all their stores in India as far as possible they can certainly develop a number of industries. At present a complaint has been heard that many stores required for the Army Department, some of the stores required for the Railway Department, are not still purchased in India, although there should be no real difficulty in manufacturing and getting those stores in India. What I would suggest in this matter is that this question of the purchase of stores should be examined by a committee of this House every year. The Government of India should make a report when they purchase stores in outside countries and that report should be considered by a committee of this House. The Government of India, whenever they make purchases outside the country, should convince the committee why those purchases could not be made in India and why purchases outside were absolutely necessary. If the Government of India help industries by means of subsidies and by means of their stores purchase policy, there is a great scope for the development of industries in this country. Sir, my Honourable friend, Sir Hormusji Mody, while referring to the question of the development of industries, stated that the socialists have no policy as regards the development of industries. I do not wish to make a speech telling him what the socialist method of developing industries is, but it is not true to say that the socialists are only interested in the proper distribution of the products of industry.

We are certainly interested in the proper distribution of the wealth created, but we have brains enough to understand that if wealth is not created wealth cannot be distributed.

An Honourable Member: Are you a Socialist?

Mr. N. M. Joshi: Yes, I am a Socialist. Sir, I, therefore, feel that it is wrong to believe that those people who call themselves Socialists are not in favour of the development of industries. As a matter of fact, we are more anxious for the development of industries than some of those people who call themselves industrialists.

Then, Sir, my Honourable friend, Sir Hormusji Mody, was good enough to refer to the question of the co-ordination of labour legislation. He recommended to the Honourable Member in charge of Industries the establishment of an Industrial Council which was recommended by the Royal Commission on Indian Labour. Sir, what labour legislation the Indian working classes require today is legislation regarding social insurance; and as I have spoken on that subject only a few days ago, I shall not make a long speech on this question. But, Sir, I should like to say on the point started by Sir Hormusji Mody that this question of social insurance is pre-eminently a question that can be taken up by the Central Government. My Honourable friend, Sir Frank Noyce, the other day, said that the money for social insurance must be spent by the Provincial Governments. Let the Provincial Governments spend money if they are willing. I am not against it; but it is putting a wrong interpretation on the present Government of India Act or on the future Government of India Act to say that no money can be spent by the Central Government on a scheme of social insurance. As a matter of fact, if the Government of India can spend crores of rupees on rural development, I cannot understand why they cannot spend money on social insurance. Rural Development is a provincial subject entirely: even rural legislation is a provincial subject.

The Honourable Sir Frank Noyce: In my speech I was referring to the future Constitution: my Honourable friend is now talking of the present Constitution.

Mr. N. M. Joshi: I also stated that the Honourable Member's interpretation of the future constitution is wrong, if he thinks that the future Federal Government cannot spend money on a scheme of social insurance. Moreover, the experience of the whole world shows that schemes of social insurance cannot be properly and adequately established by Provincial Governments. The United States of America tried the experiment of establishing schemes of social insurance by different states. The United States failed and President Roosevelt has to change the constitution in order to establish a proper scheme of unemployment insurance. Canada's experience is the same, and it is, therefore, wrong for India, after having had the experience of the United States, Canada and several countries of the world, to say that a scheme of social insurance cannot be undertaken by the Central Government and that it should be left to the Provincial Governments.

I wish now to say a few words about the Postal Department. We all know that when the great depression came the Government of India started a policy of raising the postal rates and reducing the postal facilities. I feel that this policy is wrong. The Government of India claim that the Postal

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Department is managed on commercial lines. I would like to know from any industrialist whether he will in a time of depression raise the prices of his goods. If, during a period of depression, he raises the prices of his goods, his goods will sell less and less and not more and more. Similarly, what a good industrialist in a period of depression does is to reduce the prices of his goods and extend his market. That is the proper method of securing prosperity for your department during a period of depression. The policy followed by the Government of India is quite the contrary. They raise the prices of their goods, the postal services, and reduce the facilities given to the people. I feel the Government of India should now reverse their policy, both as regards rates and the provision of postal facilities. You know, Sir, that the Postal Department is a Government monopoly. If any private people try to do postal work, those people will be prosecuted. I am not against Government monopoly at all; in a matter like the post office, it should be a Government monopoly. But if Government are going to make a monopoly of the work of the Postal Department, it is the duty of the Government to universalise the services of the Department. You have no right to tell people that they shall not do the postal work and also not provide facilities for the postal work. It is wrong, unfair, and I may even say, immoral, to create a monopoly and not provide service. What is the present state of things as regards the provision of postal services? From the last year's report, we find that the Government of India maintain 4,700 post offices in urban areas and 18,900 in rural areas: they also maintain 18,000 letter boxes in urban areas and 40,000 letter boxes in rural areas: in all, the Government of India maintains 18,900 post offices and 40,000 letter boxes in rural areas. The total is about 59,000, postal facilities or postal units in the rural areas. Now, you know that in India there are nearly 7,00,000 villages. I am not suggesting today that the Government of India can immediately provide for a post office or a letter box to all the 7,00,000 villages.

An Honourable Member: Why not?

Mr. N. M. Joshi: There is no reason why it should not do it; but I am not suggesting it, being a moderate. I am only suggesting that they should immediately take in hand the extension of postal facilities to a larger rural area. In India there are about 71,000 villages which have a population from 1,000 to 5,000—towns and villages. We have postal units, consisting of letter boxes or post offices, to the extent of a total of 59,000. This means that there are at least 21,000 villages with a population of 1,000 and over which have not got even a letter box

Mr. G. V. Bewoor (Director General of Posts and Telegraphs): 11,000.

Mr. N. M. Joshi: Very well: 11,000. And if you take villages having a population of between 500 and 1,000, there are more than 1,00,000 such villages. It is quite clear that 1,00,000 villages having a population between 500 and 1,000, have neither got a post office nor even a letter box. Under these circumstances, I ask you whether the Government of India have got any right to create a monopoly of the postal service. I, therefore, suggest to them to give up their present policy and spend money on the

extension of postal facilities to the rural areas. If they say that they cannot find revenue for the extension of those facilities, I shall in the first place point out to them that they are suffering a loss of more than 35 lakhs almost every year on their telegraph services. I stated in the beginning of my speech that the policy of the Government of India is to give more and more services to those people who have got money and less and less to those who are poor. This is an instance of that policy. The Government of India year after year is making a loss of 30 to 35 lakhs on their telegraph service. This telegraph service is used by comparatively richer people. The postal service on the whole is used by the poorer people. So the Government of India is willing to make a loss of 35 lakhs a year and pay that loss out of the postal department. Is this commercial policy, to go on suffering a loss of 35 lakhs on the telegraph department? But the Government of India are willing to do it, because it is a department which is intended for the richer classes, the commercial classes which are the patrons of the Government of India. I, therefore, suggest to the Government of India not that the telegraphs should be closed, but that as they are willing to suffer a loss of 35 lakhs a year on that department, which is after all a smaller department, there is nothing wrong if they make a loss of one crore a year on extending postal services to rural areas. If you extend the services by suffering a loss for a few years, you will be able to make good your losses after some time. I, therefore, suggest to the Government of India to change their policy and to extend the facilities to the rural areas even if a loss is necessary. They have no right to create a monopoly of the postal service, and not give service to the rural areas. I hope, Sir, the Government of India will reconsider their policy and universalise the postal service.

Well, Sir, I do not wish to speak any more on the question of postal service. May I, Sir, with your permission, say only a few words about the policy of the Government of India on the subject of taxation? Sir, I had heard the Honourable the Finance Member several times talking about the burden on the poor consumers and the masses of the people in this country on account of the protective tariffs. I have already stated that I myself feel that protection of an industry means some burden on the consumers and the poor masses of this country, and there is no denying that fact, but, Sir, it does not lie in the mouth of the present Finance Member to talk of that. Has he examined his own policy regarding taxation? The Taxation Committee had agreed that in India the indirect taxation, which falls proportionately more heavily on the poorer people than on the rich, is much larger than in any country in the world. The proportion of indirect taxation to direct taxation in India is much greater than the proportion in Great Britain. A recent authority like Sir Otto Niemeyer has agreed that our indirect taxation is much larger than the direct taxation. This is what he says:

"The general scheme of Indian taxation operates to relieve the welfare of the commercial classes to an extent which is unusual in taxation schemes."

Now, Sir, that is our taxation scheme. What has our Finance Member done, though he expresses so much sympathy for the consumer and for the Indian masses? It may be that he is only against those indirect taxes which were intended to protect Indian industries, but he is not against increasing the indirect taxes. You know, Sir, that only last year the Honourable the Finance Member reduced the income-tax, although our

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income-tax is never considered to be a very heavy tax. What does Sir Otto Neimeyer say? "The rates of income-tax and super-tax are by no means excessive". That is his opinion, and our Finance Member who is so very solicitous about the interests of the consumer and of the Indian masses takes the earliest opportunity to reduce the income-tax and to increase the indirect taxes. This is my criticism of his taxation scheme. The Honourable the Finance Member having reduced income-tax, knowing that provincial autonomy was going to come shortly, knowing that Burma was going to be separated, reduces the income-tax and immediately takes steps to impose indirect taxation. He increases the duty on silver and he puts an excise duty on sugar. Now, Sir, both silver and sugar may not be regarded as articles of necessity. I feel that, as regards sugar, there are provinces in India which consume more tea and where sugar is an article of necessity. For instance, in my own province, Bombay, tea is an article of necessity for the poor. There is no poor man who does not take tea twice, at least in Bombay, and therefore sugar is an article of necessity, but even admitting that it is not an article of necessity, it is the poor man's luxury. Should that poor man's luxury be taxed and indirect taxation be increased by reducing direct taxation? I feel that the policy which the Honourable the Finance Member is following in his scheme of taxation is a wrong one. If he cares for the masses of the people of this country, if he cares for the interests of the consumers in this country, let him revise his scheme of indirect taxation. Instead of doing that, he is increasing that taxation. I hope, Sir, the Government of India will consider this question of taxation very carefully. Very great authorities like the Taxation Committee and Sir Otto Neimeyer have expressed their view that the burden of indirect taxation is heavier in India than in several other countries, and therefore this question of indirect taxation must be reconsidered by the Government of India. Meanwhile, as I believe that the direct method of taxation is the right method of taxation, and as I believe an indirect method of taxation is wrong, I cannot be a consenting party to the increase in indirect taxation in this country. Sir, I have done.

Mr. A. K. Chanda (Bengal: Nominated Official): Sir, I rise, with your permission, to make a few observations on the proposed enhanced duty on sugar. I hope, Sir, it won't be considered presumptuous on my part to address this Honourable House, as I have spent, it is true, most of my life away from Legislatures, amongst my dusty books and perhaps sometimes dustier files

Mr. Lalchand Navalrai (Sind: Non-Muhammadan Rural): And dusty districts?

Mr. A. K. Chanda: But not so dusty as Sind.

Mr. Lalchand Navalrai: There you are right; we want more money for roads.

Mr. A. K. Chanda: But, Sir, I feel perhaps a brief and dispassionate survey of this problem may not be considered entirely irrelevant. The Honourable the Finance Member was faced this year with the problem, as you all know, of ensuring stable financial conditions for the ushering in of the reforms. He was faced with the separation of Burma and of Aden,

with subventions to the newly created provinces of Sind and Orissa, and in other ways to meet the increased expenditure for the reforms. The Honourable Member for Calcutta Suburbs the other day reminded this House of a *bon mot* of Mr. Gladstone, that it was as difficult to tax and to please as it was to be wise and be in love. Well, Sir, I think the Honourable the Finance Member has also the common human frailty of trying to please and have the good opinion of all even of the Members on the other side of the House. (*Some Congress Party Members:* "No, no.")

Mr. N. M. Joshi: This is news to us.

Mr. A. K. Chanda: I do not know whether he was not a little surprised when he found that there was so much opposition to his proposal to enhance the duty on sugar, for, Sir, sugar is, in every country, regarded as pre-eminently a suitable vehicle for an important revenue tax, and it is particularly so in India, because the tax on sugar is likely to press least heavily on the poorer classes. I was rather surprised to hear my friend Mr. Joshi speak about the sugar excise duty being an imposition on the poor man. The poor man does not take sugar. (*Several Honourable Members from the Congress Party Benches:* "What?") There are two forms in which sugar is used in this country

Mr. N. M. Joshi: Where do you live?

Mr. A. K. Chanda: In the form of refined sugar and gur. Refined sugar is usually consumed by the richer classes, by the middle classes and by the more well to do of the urban population, and gur is mostly used by the people in rural areas and by the poorer classes. This tax is thus one which is not likely to press heavily on the poorer classes at all. I would like, Sir, if I may, to examine this from four aspects,—from the point of view of the exchequer, from the consumer's standpoint, from the point of view of the agriculturist and that of the industry. Now, Sir, it is well-known to this House that sugar had been for some years, specially after the war, getting a sort of indirect protection, not directly, because for revenue purposes a tax was levied on sugar imported into this country. In 1931, the policy of protection was definitely adopted and a heavy tax was put on all sugar imported into the country. The immediate result of it was to give a tremendous stimulus to the sugar industry in the country but there was heavy loss in revenue. The following figures may be a little illuminating. In 1930-31 the total receipt as customs duty was Rs. 1078 lakhs, in 1931-32 it dropped down to 808 lakhs, in 1932-33, it went down to 685 lakhs.

Seth Haji Abdoola Haroon (Sind: Muhammadan Rural): There was no protection in 1931-32.

Mr. A. K. Chanda: In 1933-34, it was 4,72 lakhs; in 1934-35, it was 3,81 lakhs; in 1935-36, 3,21 lakhs; and, in the revised estimates of 1936-37, it has dropped down to 55 lakhs. That is to say, there is now a total loss in customs of over 10 crores, as against that, from 1934 onwards there has been an excise duty. In 1934 it yielded 97 lakhs, in 1935-36, 158 lakhs, and in the revised estimates of this year it is assumed that Rs. 275 lakhs would be realised as excise duty. So that, we are faced now with a loss of about eight crores and five lakhs on the consumption

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duty of one commodity only out of a total budget provision of 80 crores. That is to say, we are losing something like one-tenth of the total provision in our budget. I would not suggest for a minute that if this enhanced duty was going to injure Indian trade, if it was likely to result in Indian sugar factories being unable to cope with the needs of the people of India, this duty should be imposed. But already in this country production has overtaken consumption. The total consumption of sugar in India has been for a number of years in the region of a million tons.

An Honourable Member: Why not regulate production?

Mr. A. K. Chanda: The output of sugar in India from 1931-32 onwards might interest you. In 1931-32 there was a total production of 288,120 tons, in 1932-33 it was 370,283 tons, in 1933-34, 515,059 tons, in 1934-35, 620,000 tons, in 1935-36, 967,000 tons, and it is estimated that in 1936-37 the total output would be in the region of a million tons of sugar, that is to say, the normal requirements of India.

Prof. N. G. Ranga (Guntur *cum* Nellore: Non-Muhammadan Rural): You are reading from a subsidised book.

Mr. A. K. Chanda: I have also Government statistics. We may say that production has overtaken consumption. There is no danger therefore that the imposition of this tax is likely to injure trade. We have heard in this House that the excise duty will kill the industry. As a matter of curiosity I was looking up the report of the debates in this House when the Sugar Excise Bill was first introduced in 1934. You could have heard almost the identical arguments which are being used here today. There were prophets who declared that the whole industry was going to be killed, that the Finance Member out of a malicious desire to strangle a new found industry was imposing this excise duty, and one Honourable Member called the Finance Member as being guilty of infanticide. On the other hand, from 1934 up to day there has been more than a 100 per cent. rise in the output of the factories and there has been a rise of about 50 per cent. in the number of factories in the country. It does not look as if those were true prophets when they prophesied that the excise duty was going to kill the sugar industry.

Seth Haji Abdoola Haroon: The cultivator has suffered.

Mr. A. K. Chanda: I am coming to that in a minute. I think the people here who tell us now that this tax will kill the industry will prove to be as correct as those prophets.

Before I go on to the cultivator, let me deal with the consumer. As I have already indicated, there are two classes of consumers in the country. There is one class who mainly use gur; they will not be affected by this excise duty at all, and the other class is that which uses refined sugar. It is true that the consumer will have to pay a little more. The increase in excise works out, if my mathematics is not far wrong, at about one anna additional duty for every five seer bag of sugar. Certainly the consumer will have to pay something extra, but is it not right, have you not the right to demand from the consumer this little sacrifice in the interests of revenue when for years together you have demanded a much heavier sacrifice from him in the interests of the industry?

Mr. N. V. Gadgil (Bombay Central Division: Non-Muhammadan Rural): Why not demand a ten per cent. cut in the higher salaries?

Mr. A. K. Chanda: If the price of sugar remains at the price at which it stands today, even with the increased duty the consumer will be paying less for his sugar than he was paying a few months ago. I do not think we need, therefore, worry about the consumer very much.

It has been urged that the cultivator has suffered. The agriculturist comes into the picture as a producer of sugarcane, the raw material of the industry. It must be obvious that there must be some co-relation between the price of sugar and the price of the raw material. If the price of sugar falls, necessarily the cultivator suffers because the price of sugarcane falls. If there is a rise in the price of sugar, he should get a rise in the price of the raw material. (Interruptions.) The cultivator may not always get it.

Pandit Nilakantha Das (Orissa Division: Non-Muhammadan): The rise is on account of the excise duty.

Mr. A. K. Chanda: If there is a rise in the price—whatever the cause, it does not matter—if the price of the article is going to increase there must be a corresponding rise in the price of the raw material, and the agriculturist will certainly get something more. The Honourable Member does not suggest that the agriculturist would bear the whole cost of the new excise duty; if he did it, it would be iniquitous, but for that, it is not the Government who are to blame but the great industrialists who are interested in developing the great industries of India at the cost of the taxpayer. There is another thing. Out of the cane produced in the country it has been estimated that only about one-sixth goes to the sugar mills to be crushed, and five-sixths go to the production of gur. I do not know if there is any inter-relation between the price of gur and the price of refined sugar, I am not quite sure about it. My Honourable friend, Mr. Mudie, the other day told the House that whenever there is a rise in the price of sugar there is a slight rise in the price of gur. I cannot speak with any great certainty on that point, but it seems likely that if the price of sugar falls to such a low level as it has done lately, it is bound to affect the price of gur also. So, if there is a rise in the price of sugar, it is certainly going to help the agriculturist because there is likely to be a rise in the price of gur. There is another point and it is this. It is said that the agriculturist is dependent to a certain extent on the sale of his cane to the factories. If there are weak factories, as the Honourable the Finance Member pointed out the other day, a certain amount of precariousness is introduced into the position of the agriculturists, because it may be that some weak factories may not be able to purchase all the cane which the agriculturist produces for the factory. There is also perhaps a danger of over-production of cane. We have had unpleasant experience of over-production in Bengal in the case of jute. There was over-production of jute because it brought in ready money and now we are faced with a great problem there. It is not unlikely that if the cultivation of sugarcane goes on increasing simply because factory after factory is being started, it is likely ultimately to affect the agriculturist unfavourably. Now, I will look at the question from the point of view of the industry. The other day the Honourable Member for the Marwari Association told us that the sugar

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factories are being run at a loss. I was a little taken aback, because the community to which the Honourable Member belongs is known to be a hard-headed shrewd business-like people and they are not in the habit of touching any proposition which does not bring in an adequate return. Being a poorly paid public servant (*cries of 'Oh'*) and not being in the position of my wealthier friends who are lawyers and doctors on the Benches opposite, I have had no opportunities to dabble in the share-market but I was a little curious. The other day I saw some of the Honourable Members handing round a paper called the *Indian Finance*. I got a copy and wanted to see how the shares of the sugar factories stood and what dividends they had been paying. At one time they were paying as much as 60 or 70 per cent. and if you read the debates in 1933-34 you will find that the Honourable Member who represented the Bombay Mill-Owners' Association and who spoke this morning told the House that in 1934, some mills paid as much as 300 per cent. dividend on sugar.

An Honourable Member: Why not tax dividends?

Mr. A. K. Chanda: Now, Sir, the price of the shares gives a fair indication of the position. There is one company whose paid-up shares of 100 are selling at 205.

An Honourable Member: That is a case for direct tax?

Mr. A. K. Chanda: I am mentioning this to show the hollowness of the submission of one Honourable Member that the sugar factories are running at a loss. Then Belapur—a 50-rupees share is selling at 165. Deccan sugar—100-rupee share selling at 350. It does not look as if there is a great deal of loss. I cannot find any share quoted here which is sold below par.

Seth Haji Abdoola Haroon: You are quoting the shares of old factories. Read the quotations of the new started factories?

Mr. A. K. Chanda: The Sri Radha Krishna Sugar Mills which is 21 months old has been giving a dividend of 7½ per cent. That is a fairly good return for the money. I now realise that the Honourable Member who represents the Marwari Association and other Honourable Members do not consider anything below, say, 50 per cent. as a reasonable profit. According to them, anything below that is dead loss! So that, this argument that the factories are running at a loss will not bear a minute's examination. We have now on the prowl a dangerous set of men whom we may call the sugar-promoters. They have been going round selling shares, showing large profits which are being made by sugar and this is certainly having a very bad effect. The Honourable Member from the Assam Valley told about the plight of shareholders in sugar companies. Certainly if any legislation is necessary to put an end to speculation, we must have it and it is all to the good. I must confess I was a little taken aback when I saw hostility from the Congress Benches to these excise proposals. The majority of them at any rate are not out to support the industrialists' interests, or, what I may call the exploiters' interests. There are among them a large number of economists and I am surprised

that they could fail to see that this excise duty, which is primarily intended for revenue purposes, I admit, was likely to act as a stimulant to the industry in general. But, apparently, any stick is good enough to belabour the Government with. Many stories have been told in this House and I would ask your permission to tell another story. There was a cultivator with a pair of bullocks. He said one day "I will give away my pair of bullocks to anyone who will convince me of this". His wife cried: "What are you doing? If you give the bullocks away, what shall we do?" The man replied: "Don't be afraid. It is I who has to be convinced, and I can always say that I have not been convinced." I admit I was foolish to expect that they would not oppose this—after "the sporting spirit" which the Honourable Secretary of the Congress Party showed the other day in rejecting some of the railway demands. I should have thought that the same sporting spirit would be shown in opposing the Finance Bill today. But if they want to oppose, let them by all means do so, but let them leave out the sob-stuff about the poor consumer, the loss to the industry and all the rest of it.

✓ **Mr. S. Satyamurti:** We are now opposing the Finance Bill being read for the second time. ✓ Before I begin my speech, I should like to offer my very sincere congratulations to the young friend who just before intervened in the debate, though he raised a laugh at my expense. It was a very good speech, and I trust that he will soon find his proper place and defend a better cause than the unfortunate one which he defended today.

Coming to the motion before the House, ✓ I submit that this motion is a fraud on the procedure of this Honourable House. I tell you why. My Honourable friend has given notice of two motions, that the Bill be taken into consideration, and that the Bill be passed into law. He understands what I am driving at. He has no intention of moving the third reading motion; and at the proper time he will get up and say, "I will not move the motion standing in my name." Do you know why? If any amendments or all amendments are carried, he will get up and say: "I will not move the third reading of the Bill. Take it or leave it. If you even change as much as a comma, then I will not consider your amendments." Then he goes to a big man not far away, and brings the Bill back in the same form, recommended. He comes along with it; and we move and carry a single amendment. Then he takes back the Bill to another place, and, whether they agree or not, it is certified. I submit, Mr. Deputy President, that the Government are going to do that, for the third year in succession. For two years, they have done it, they have certified the Finance Bill, they have been levying taxes in this country by executive order, against the vote of the House; and, in doing that, the Government have gone not only, against the Congress Party to which I have the honour to belong, but against practically every elected non-official Member of this House. Sir, I submit that this farce should be put an end to. I commend to my Honourable friend, the Finance Member, section 67-B., of the Government of India Act, 1919, under which, even if the House refuses leave to introduce a Bill, the Governor General may certify that the passage of the Bill is essential; so that if unfortunately he has to bring in next year another Finance Bill of this character, and if the House consequently refuses to give him leave to ✓

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introduce the Bill, then he can finish it in one day, and then proceed to have it certified. I ask, Sir, why this agonizing waste of time, when the Government have already made up their mind not to accept our amendments, or even to look at a single amendment. Now I want my Honourable friends in this House to feel the sting. There are, these gentlemen who pretend to consult us. We consider the Bill and make amendments, but the Government have already made up their mind not to move the third reading. I challenge my friend to deny that I am right. Then, Sir, on the merits of the Finance Member's budget speech, I have read it very carefully, and more than once. He begins, however, with "a story of disappointments and unexpected difficulties", but by way of paying him my sincerest compliment, may I say that he treats his story of disappointments and unexpected difficulties in a very lighthearted manner? He does not take these difficulties or disappointments as anything serious, and I just want to read one paragraph of the opinion of the Federation of Indian Chambers of Commerce and Industries. Sir, it is the fashion in a section of this House to think of them as if they do not count, but I consider them as great captains of industry in this country, who have made the commerce and industry of this country, and to whose opinions, we are bound to attach a very great weight. They say, Sir: "It may be true that there are a few purple patches here and there both in regard to certain industries and to the modest increase in export activity. But the Committee are definitely of opinion that the improvement in the prices of commodities has not gone sufficiently far to materially affect the masses of the country, the betterment of whose position alone can justify an optimistic view about the economic situation in the country. If there is any recovery in the export trade, it cannot be forgotten that this country is still far remote from the position of a few years ago, when exports were very nearly double the present figure." Our favourable balance of trade was something to be proud of. It has now fallen.

"The Finance Member's treating the deficit of three crores and forty two lakhs as a matter of small consequence in a budget running in to 80 crores is, in the opinion of the Committee, a sad commentary on the general attitude of the Government in this country in disregarding the reality of the country's poverty and lack of resistant capacity to meet adverse circumstances. The budget of 80 crores for the Central Government is undoubtedly a large figure for a poor country like India, and particularly so when almost the entire amount of its expenditure is restricted to essential services like the Army and Civil Administration on the extravagant basis of the high salaries and remuneration, entirely ill-suited to the economic conditions of the country." "The Finance Member's budget speech makes not the slightest attempt at either providing directly for measures of social reform and improvement or indirectly to create conditions and atmosphere in the country which would further the economic betterment of the masses. The Finance Member made too much of the necessity of concentrating on measures of rural uplift during the last two years. But as was generally anticipated by the commercial classes in this country, the Finance Member's protestations and those in that regard have ultimately proved to have more a political basis than a genuine solicitude for the amelioration of the condition of the countless millions

of this country." My Honourable friend talks of political bias in us. With regard to the rural development fund for the last two years, he seemed to show some concern for village uplift schemes, but he has quietly dropped that this year. With regard to the extravagant salaries of Government servants, I want to say, in passing that our Karachi Congress resolution is no longer the resolution of a body agitating for something unreal, but it is a resolution of a body which now has the power in several provinces, in six it will be in power if we decide to accept office; and my Honourable friend will then think of the "poor ill-paid Government servants". (Laughter.) Then in his Budget speech, on page 5, paragraph 5, he refers to one fact which is very significant:

"Most of the expenditure which, under the existing classification, is shown under the heads 'Political', 'Frontier Watch and Ward' and 'Territorial and Political pensions' together with part of the expenditure at present shown under certain other heads in some of the Area Demands will appear under new heads 'Payments to Crown Representative', 'Tribal Areas' and 'External Affairs'."

In other words, it means that sums under voted heads will hereafter appear under non-voted heads! Then at page 6, he refers complacently to this fact:

"All sums required on revenue account by His Majesty's Representative for the exercise of the functions of the Crown in its relations with Indian States under Section 145 of the new Government of India Act, less any revenue receipts realised by him in the exercise of such functions will be shown under the head 'Payments to Crown Representative'. The cash contributions referred to in Section 146 of the Act will as hitherto appear as 'Payments from Indian States'."

Then, I come on to paragraph 12 of his speech, which really is the most laboured and most unconvincing part of his speech. In that paragraph, he says:

"It will be seen that the general effect of the separation of Burma is a net reduction of Revenue of Rs. 3,38 lakhs and a net reduction of Expenditure of Rs. 92 lakhs—these figures taking no account of a betterment of Rs. 13 lakhs in the net balance of the P. & T. Department. The net cost of separation is therefore Rs. 2,33 lakhs."

and he takes credit for certain items.

Now, the fallacy of the statement will be apparent from pages 2 and 3 of the Financial Secretary's Explanatory Memorandum. You will find, Mr. Deputy President, that at page 3 of the Memorandum, in paragraph 4 the following figures are brought out:

"The separation of Burma thus leads to a net reduction in revenue of 6,61—3,36, or 3,25, and to a saving in expenditure of 2,35—1,43, or 92. The net cost of separation will therefore be, 2,33. The gain of 3,23 shown against the head 'Extraordinary' represents the amount payable by Burma under the Amery Award and is made up of—

- (1) 2,29 being the provisional figure of the annuity payable for the next 45 years in respect of the debt and other liabilities taken over by Burma; and
- (2) in respect of Burma's liability for pensions; this figure represents the first of a series of annual payments which will diminish gradually to zero over a period of 20 years."

Now, what I am asking is whether it is right for you to treat these as permanent gains, when both of them are, *ex hypothesi*, temporary. Therefore, the separation must be said to cost more than they are trying to make out, and the net loss is really Rs. 5,56 lakhs. And, Sir, who wanted the separation? It was forced on us. We have to pay for it.

[Mr. S. Satyamurti.]

Again, we are told that all these figures are of a provisional character. The Financial Secretary is franker. He says:

"The additional burden falling on the Budget for 1937-38 arising from the constitutional changes thus amounts to 4.18. This is in addition to the charges assumed in earlier years, including the devolution of 50 per cent. of the Jute duty and the subventions to N.-W. F. Province, Sind and Orissa, which together amount to more than as much again."

That is Rs. 8½ crores altogether. Then, there are further commitments. When Federation comes, whenever it comes,—I am sure, my Honourable friend has looked up section 147 of the Government of India Act, under which there is one power residing in the Viceroy, viz., that he may "agree to remit, over a period not exceeding twenty years from the date of the accession of the State to the Federation any cash contributions payable by that State"; there are other future commitments also; and we have got a series of sections in the Government of India Act from section 137 to section 143, which I want my friends, who attach some importance to financial considerations, to mark. Sir, if Federation does not come, so much the better; but if it comes, certain duties, such as those in respect of succession to property, stamp duty, terminal taxes, and taxes on railway fares and freight, shall be levied and collected by the Federation, but the net proceeds shall not form part of the revenues of the Federation; in respect of taxes on income, the Federal Government have got to make 50 per cent. over to the provinces and, again a Corporation tax shall not be levied by the Federation in any Federated State until ten years have elapsed from the establishment of the Federation. And, similarly, there are future commitments of the Government of India, which must seriously affect the financial position of this country, under the Federation. Besides these, there are the commitments of the Governor General under sections 145 and 146 of the Act, that is to say, every year we have got to pay to the Viceroy from the revenues of the State all the money he wants for the exercise of the functions of the Crown in relation to the Indian States, and all cash contributions and payments made by the Indian States shall be received by His Majesty and shall be placed at the disposal of the Federation, but His Majesty may remit the whole or any part of the contributions so paid. Therefore, it is a case really of much more financial commitments, than are contemplated in the Finance Member's budget speech. I should like to know how he proposes to meet all these future commitments. Then, again, in his budget speech, he refers in paragraph 13 to provincial borrowing, and I am raising this point for mere elucidation, if I may. In paragraph 13, he says:

"All future borrowing by Provinces whether for long or short term, will ordinarily be from the market through the medium of the Reserve Bank."

But the terms, so far as the Provinces borrow from the Centre, are different:

"The terms of each loan to a province will be settled *ad hoc* in relation to each case."

I am only anxious, in these days of provincial autonomy, when the Reserve Bank arranges the loans for Provincial Governments and in certain cases it is arranged by the Central Government that there ought to be no unhealthy competition in the loan market. The tendency will be to raise the interest rates. After all, provincial solvency differs from province to province. Certain Governments can borrow at cheap rates, others

cannot. There ought to be some machinery, by which we ought to avoid unhealthy competition in the loan market; otherwise even good provinces which can borrow at reasonable rates may be compelled by unhealthy competition to borrow at higher rates of interest. I do not know what measures the Reserve Bank and the Government of India will take for this purpose, but they ought to evolve some good machinery.

Then, the Finance Member's proposals for revenue and expenditure are given at pages 8 and 9 of his speech. Now, I want to commend to my Honourable friend, before I deal in detail with his proposals, a few comments of a great friend of his, Sir Walter Layton, who is one of the few free-traders left in Great Britain yet. His figures are not quite up-to-date. They are about 15 years old, but I think they are more or less accurate, if we make some allowance for the changes made. According to him, the annual income of the British people is about £ 4,400 millions or £ 100 per head per year but, according to an optimistic estimate, our average income is Rs. 107 a year or about £ 8 per head. It must have fallen since, but I am giving him the benefit of a higher estimate. It will thus be seen that our average income is less than one-twelfth of the average income of a Britisher in England. The amount spent on military and naval defence was 2½ per cent., unless it has risen in this year's budget on account of the race for armaments that is going on in Europe. But the fact of the matter is that, in India, the proportion of income that is spent on defence is about 2 per cent. and it may also have increased now.

Mr. G. R. F. Tottenham: It is less now.

Mr. S. Satyamurti: It cannot be, because the income has fallen down. The average income of the Indian is not so much as it was. Everybody knows it. We have only to go round the country to see that our people are getting poorer and poorer every day and some people, of course, are getting richer and richer. Our expenditure on defence is as high as in Western countries, but the expenditure on social services, such as, education, health, sanitation, is far behind Western standards. In fact, it is almost non-existent.

Now, Sir, on the question of taxation, I would rather support the sentiments expressed by my Honourable friend, the Labour Member, who is also supported by Sir Walter Layton himself, for he says:

"Though the population in India consists in the main of extremely poor people, it is at the same time a country in which there are large accumulations of wealth on which the burden of Government rests very lightly. In spite of the widespread poverty in India, I see no reason to doubt that the public revenue of India can be substantially increased without taxation becoming intolerable provided that its incidence is adjusted to the capacity of the tax-payer to pay and the heavy additional burdens are not put upon primary necessities."

Those two are important considerations. You must not tax necessities, and you must also bear in mind the capacity of the tax-payer to pay.

The Honourable Sir James Grigg: There have been ten years of high protection since then.

Mr. S. Satyamurti: My friend has got only one bee in his bonnet. I suggest that he should educate himself. I suggest that he should read some books besides his own favourite books, and he will then find that

[Mr. S. Satyamurti.]

other countries have managed to give protection, and yet decreased the poverty of the common people. It is not impossible. I will give him one more advice from Sir Walter Layton:

"There can be little doubt that, in conditions such as those which now obtain in India, it should be possible to stimulate production and to increase the welfare of the people by public expenditure designed to give greater economic security (by irrigation works, improved and more varied methods of cultivation, etc.), better physical well-being (sanitation, water supply, improved public health, etc.), and education. Indeed, taxation may be the only practicable means of creating a better and more secure livelihood. But, in order to achieve this, the proceeds must be wisely spent."

I am surprised that other recommendations of Sir Otto Niemeyer have been carried out, but one important recommendation which he made, namely, the rich are not being taxed as much as they ought to be, has been completely lost on the Finance Member. Why has he removed the surcharge on the super-tax? Why does he not re-impose it? Why does he go about taxing necessities like sugar? So far as the general budget position of the country, as a whole, including the Centre and the Provinces, is concerned, the Central Government get about 88 crores, and the Provincial Governments get between 80 and 90 crores. On the expenditure side, defence used to cost us 55 crores, but now it is 45 crores or nearly 50 crores, as was pointed out, by my friend, Pandit Govind Ballabh Pant, the other day. Law and Order and Justice cost 21 crores, general civil administration 27 crores, pensions 7 crores. As against these, education used to cost only 13 crores, health and medical services 6½ crores, agriculture and industry 3½ crores, civil works 14 crores. Now, on the side of taxation, customs is the biggest source of Central revenue and land revenue, and alcoholic liquors are the biggest sources of provincial revenue. All these sources are precarious. Now, on the question of defence expenditure, I know that our voice is a voice in the wilderness, but still I think, on a Finance Bill like this, we must make it perfectly clear that we cannot afford to pay this bill of 45 to 50 crores for defence. We simply cannot afford it. There is no use giving me facts and figures; you must reduce the amount. There is no use saying that you are very economical, and that you have received a warning from the Commander-in-Chief, and, therefore, you cannot expect any further savings. The fact of the matter is, that if this country had any voice in it, no Government, no popular Government will ever be able to get any popular House to vote for 45 crores for defence expenditure. I want to know what is the principle on which the defence of India is being kept up. Who dictates the foreign policy of India? Are we a Member of the League of Nations or not? Do we believe in collective security or not? Do we believe in the League of Nations or not? Are we like England competing in the race for re-armament? I want to know where we stand. That is a mystery, on which no light is sought to be thrown at any time. By whom is the strength of the Indian defence force settled? By whom is the expenditure prepared in advance? No doubt under this "Charter of Liberty", namely the Government of India Act, 1935, this House will lose even the small control it has now over defence expenditure. The Viceroy will become the sole monarch of defence expenditure, the Commander-in-Chief will not be a Member of the Government of India, and this House will have very little control over defence expenditure. But

it does seem to me that today defence expenditure is one on which we cannot congratulate ourselves or to which we can be a party.

Now, I want to commend to my Honourable friend the principal features of the Indian Fiscal system, as laid down by Sir Walter Layton, with which I also entirely agree, although there are just one or two matters on which there may be room for difference of opinion. He says:

"The principal features of the financial system of British India that have contributed to the low level of taxation as compared with the level in other countries seem to be the small yield from income-tax, the total exemption of agricultural incomes from income-tax, the absence of death duties, the absence of any internal taxation on articles such as tobacco, matches, etc., and the inadequate development of local taxation particularly in rural areas."

Certain of these matters have become provincial subjects, I know, but these Provincial Governments are not going to be so helpless as all that. They will be able to come to the Legislatures and tell their people that, so long as this Moloch of a Central Government stands there, irresponsible and irresponsible to public opinion, spending over 45 crores for defence and spending a few more crores on these bloated services, we can never make any further development. Whatever may be the taxes proposed, we will again and again find that we cannot find money enough for our expenditure on national services. Then, we will develop those sanctions which will wipe out this Government of India completely. That will be the answer to those friends who simply say, "Go to the provinces and do what you can." So far as the actual proposals for increased taxation are concerned, before I deal with them I would ask my Honourable friend one question. In paragraph 20 of his budget speech, he says "that the gross deficit is 3 crores, 42 lakhs. Against this we have Rs. 1.84 lakhs in the Revenue Reserve fund and so our net deficit is Rs. 1.58 lakhs". Is it a fair calculation? This Revenue Reserve fund is there undoubtedly, and it will soon be wiped out, if this present state of revenues goes on. You cannot have permanently a Revenue Reserve fund, if you go on raiding that fund. This year, having raided the Revenue Reserve fund, the Honourable the Finance Member has reduced the deficit on paper, and he faces this prospect with equanimity. So far, it is only superficial optimism which is not justified by facts. I do not deny his right to raid the Revenue Reserve fund. But, if he does so, he must take full note of its effects and pay full consideration to it. When the deficit will come again next year, you will have no Revenue Reserve fund to meet it with, and you cannot really raid on these revenue reserve funds, except for the time being. I suggest that you must make some permanent provision for meeting this inevitable deficit, as the years go by.

Now, Sir, as regards the sugar duty, there was a sugary speech from the Honourable Member who spoke before me and his speech suggested almost an increase in the duty. I want to draw the attention of the Honourable Member to one point which the Federation of Indian Chambers of Commerce and Industry have made. They say:

"It will adversely affect the agriculturist who has undoubtedly been helped by the creation of a large sugar industry in the country. The Finance Member cannot forget that the increase in the acreage in cultivation is a remarkable testimony to the direct benefit conferred on the indigenous agriculturists in this country. However it is not too late for the Finance Member to reconsider his proposal to allow the industry to consolidate itself till the time the Tariff Board has submitted its report and recommendations."

[Mr. S. Satyamurti.]

✓ I may say that my only concern with regard to sugar excise duty is that it ought not to affect the consumers or the agriculturists. I am not anxious so much about the industry. If really this excise duty will not affect the producer, if it will not affect the prices which the agriculturist now gets for his cane, if it will not affect the consumer, I shall certainly be relieved of a portion of my anxiety.

With regard to the silver duty, I want to ask my Honourable friend whether he is perfectly right in putting this duty, and whether he will consider the question of sales of silver by Government, and whether it is right in the interests of the country to reduce the imports of silver, whether this duty may not affect the larger interests of the country. In passing, I may mention that the Honourable the Finance Member, very clever as he is usually, when he comes to Lancashire goods, betrays himself. I am not now referring to his protestation that he is only serving India's interests. I do not quarrel with him over that. But it does seem to me that, when he comes to Lancashire goods, he seems to exhibit a keen regret that in spite of a lowering of the duties, the imports have not increased. If that is so, why keep lower duties at all? He is the Finance Member of the Government of India. If really this lowering will not benefit anybody under the Sun, not even your exporters from Lancashire, why not restore the earlier duties? You will get some more money. I want to know what interest is being served by this lowering of duty:

*"Thē mī mēnusha Rakshasah Parahitam Svārthaya Nighnanti yē;
Yē thu ghnanti Nirarthakam Parahitam thē kē na jānimahē."*

"They are Rakshasas, who destroy other people's good for their benefit, but I do not know who they are, who destroy other people's good, for no purpose."

Lancashire does not benefit and there is a great loss to the Indian exchequer, and then why keep up these lower duties?

On the ratio question, I speak with great trepidation. I know it is a red rag to the mad bull. Says the Finance Member, he will not monkey with the ratio. I want to ask my Honourable friend some questions. I am not an expert, nor am I categorical in my views. I am concerned only with the supreme economic interests of my country. I want to ask my Honourable friend one or two questions. Depression is lifting from some countries, especially from Great Britain. Are we now having the same benefit of the lifting of the depression? I suggest, we are not. Are we not suffering today in our country from a low unecomic level of prices of primary products? Is there any means of raising these prices, except by a change in the ratio? Have not many countries after the great war depreciated their currencies and more than once? Of course, you talk of cheapness of money. The fact of the matter is, that money is not superabundant, but there is lesser use of money in trade and industry and agriculture. This is an unhealthy sign. Should we not be able to compete with other countries of the world, which have depreciated their currency? We must do something to increase our power to compete, by altering our ratio. No doubt, we shall require more rupees to meet Home remittances. But the increased prosperity brought about by increase in prices would meet that loss. It may also stimulate gold exports, but if on the whole, the condition of the people is improved, ✓

✓ think the net gain will be on our side. Anyhow, I feel that this is a matter on which we should like to have some clear opinion from somebody who can advise us. Of course, the Honourable the Finance Member knows his mind, he knows that he only can save India and nobody else can, but still I suggest that some times humility is a virtue. Will he ask the Reserve Bank to give a report to him on the ratio question? He refused to disclose to us the other day, in reply to an interpellation, why Sir Osborne Smith resigned his post of Governor of the Reserve Bank. ✓

[At this stage, Mr. President (The Honourable Sir Abdur Rahim) resumed the Chair.]

✓ He may still refuse to answer the question. But a bird whispers in my ears, that Sir Osborne Smith and the Honourable Sir James Grigg differed on the ratio question, and the Honourable Sir James Grigg, being the strong man that he is in the Government of India, told Sir Osborne Smith to go, and he had to go much earlier than his time, and the taxpayer had to pay him all the salary for the unexpired portion of the contract period. Among other things, I want to make a suggestion to him. Now that he has got his own man on the Reserve Bank—I do not mean any offence to Sir James Taylor—the Finance Member might ask the Reserve Bank to give a report on the question as to what is the proper ratio for the Indian rupee in this country.

So far as the remaining proposals in the Finance Bill are concerned, we of the Congress will undoubtedly oppose the salt duty, or at 4 P.M. least reduce it, and I hope the House will be with us on that. We will certainly have the half anna postcard. I am sorry my Honourable friend, Sir Frank Noyce, is going away with this tragic inheritance behind him. I wish it had been given to him to leave behind him the half anna card, but the Honourable Sir James Grigg is relentless, and the Honourable Sir Frank Noyce has to leave the shores of this country, with this regret in his mind that he cannot say that his parting gift is the half anna postcard. For after all, how much would it cost to have this half anna postcard? A few lakhs. We can certainly save a few lakhs out of the salaries paid to Government servants, especially highly paid officers. Why not do something in that direction? Why should you all have the full salary, and deny to the poor man the privilege to use a half anna postcard? Do you know the strength of feeling in this House? Almost every elected Honourable Member goes into the lobby, against the Government, but nothing seems to move this Government. Is it right that you should go on proceeding in this way, without caring for the welfare of the masses? I suggest that if you want revenue there are other means by which you can get it, other than keeping up the postcard at nine pies or raising the sugar duty. A cut in salaries will bring two crores. I suggest they should start with a ten per cent. cut in the salaries and meet the deficit, and at the same time reduce the postcard price and also reduce the sugar duty. But while we have this revenue budget which is placed before us, may I ask my Honourable friend, the Finance Member, whether he has ever considered the real budget of the average Indian *raiya*, for whom he professes so much concern? What is the average income of the average *raiya*? Sir, our poverty today is so great that, in my country alone, beggars fight for life and death over the leavings ✓

[Mr. S. Satyamurti.]

✓ of a rich man's food. I have seen it in every town, and there are thousands of people to whom a full meal is a mere romance, and they never taste it in their lives. People have seen it; those who worked in these elections know, and we saw with our own eyes the poverty and the nakedness of this country. You, from your position, may ignore these things, but a budget, without going into these facts, shows a callous disregard of those permanent human values which any human Finance Member must have regard to. What is the average longevity of life in this country? It is 23 years, whereas in your country it is 53. I do not grudge you, but am I to die at the age of 23 in this country,—a nation which lived a hundred years,—because of the colossal poverty of this country? Unemployment stalks the land; hundreds and thousands and tens of thousands of educated young men and women have no employment; and in the villages there is no employment for seven or eight months in the year. And what are our villages? They are today the abodes of dirt, insanitation, poverty, ignorance, and quarrels. We hear a good deal of cottage industries. Again, Sir, I tried my best to get an answer on the attitude of Government towards the All-India Village Industries Association and the Hallett circular; and I am yet to get a complete answer. Then, on the other hand, we get from high quarters the advice, "Drink more milk." Why add insult to injury? When I cannot get a day's square meal, why insult me by asking me to drink more milk? At least, you should be human enough not to insult us in that fashion. Stud-bulls,—what can they do? Imperial Agricultural Research,—for whom are you doing that? An Honourable Member who spoke before me said that all these experiments are too costly for the average cultivator and the *raiya*s of this country. And my Honourable friend behind me reminds me that nothing is being done for the handloom weavers, who are suffering a great deal. But even apart from these fundamental facts of Indian economic and industrial life, I ask my Honourable friend the Finance Member to see, from his narrow point of view, what is happening. Sir, I think the Honourable Sir James Grigg is too facilely optimistic in his budget. In one of the paragraphs, where he uses all his powers of expression to make the worse appear the better, on page 12 he says:

"Are our calculations then all wrong and are we pursuing a chimera in judging that we can finance the new constitution?"

An honest man would have said, Yes. He dare not say that, and he dare not say an absolute, No. So he says:

"I do not think so."

And then, he starts a huge series of paragraphs. A man who cannot answer a categorical question like that by an emphatic, positive, confident negative, and tries to argue in a whole page of printed matter with a lot of participles and conjunctions must be very weak in his own convictions. He says:

"With an increase in prosperity and activity the money-lender will once more be able to employ his idle funds."

What a poor pathetic calculation! That my countrymen should be poor enough and be compelled to borrow, they will borrow from money-lenders who will charge exorbitant rates of interest, and thus earn greater incomes and pay more income-tax! Is that a fair way of administering the finances of a country? ✓

✓ Then, there is question of silver imports. He says:

"Another bearish feature is the substitution of silver imports for imports of goods subject to a higher rate of duty—a reappearance in fact of the old hoarding tendency. It would perhaps be optimistic to prophesy any very early disappearance of this though it is to be hoped that it will disappear in time."

What a perfect consolation to man who has got to balance his budget! Then:

"We had all along assumed that the revenue from protected articles would ultimately decline to much lower levels and the fact that these levels are being reached unexpectedly quickly means again a temporary rather than a permanent embarrassment."

How is it temporary? What is going to happen after that? If you mean that it came earlier than you expected, is that nothing to the Finance Member?

The Honourable Sir James Grigg: It is something but not permanent.

Mr. S. Satyamurti: Then:

"On the other side there are definitely encouraging signs."

And what are they? The railway traffic returns. I wish he had thought of a better support than the railways. They have hopelessly bungled their affairs, and if you build on their foundations, you will be building on very shaky foundations indeed:

"The steadily increasing prices of primary products point to the same conclusion."

There is some slight increase, but nothing to congratulate ourselves upon. Then he says:

"Finally, we must be careful not to exaggerate the importance of a gap of one or two crores in a budget of over 80 crores."

How is it one crore? "One or two crores",—this is a schoolboy's English, and not a Finance Member's English, when you are dealing with such serious matters, and you are 3½ crores in deficit. Therefore, he says everything is all right; God is in His Heaven, I am the Finance Member, and everything will be all right. It seems to me, Sir, that my Honourable friend has not dealt with the future in that purposeful manner in which I know he can deal with it, if only he had the courage and the data to deal with it. Then finally he concludes:

"On the whole I do not think I shall be indulging in unjustifiable optimism . . ."

This is a beautiful gradation of English. "On the whole",—that is one qualifying phrase. "I do not think",—a negative statement,—"*that I shall be indulging*", etc. "*if I say*", as a result of considering the various factors at work that *there is no reason why*",—a double negative,—the Niemeyer prognostications *should not be realised in the long run*, and that even *in the nearer future* his programme can be fulfilled with the help of no more than a very modest addition", etc. And then, he throws the blame on me!

"Of course I am always pre-supposing the absence of internal disorder or external strife." ✓

[Mr. S. Satyamurti.]

Of course, he is never to blame! That is the robust optimism of the Finance Member. I suggest, Sir, that language is given to us not to conceal our thoughts, but to express our thoughts; and although he has tried his best, I think my Honourable friend should realise, after understanding what I have said, that his optimism is wholly misplaced.

On the other hand, Sir, take Sir Otto Niemeyer, his friend, who I suppose was also instructed by him. He was, however, wanting more exacting standards. In his report, he said:

"Throughout my recommendations, I have kept the stability of the Central finances continuously in mind."

Then, he continues:

"While it is true that the revenues of India have not returned to the exceptionally high figure prevalent before 1930-31 and it may be a long time before they again reach that level, there has been an appreciable recovery from the bottom—perhaps more than is generally realised in India. The improvement is parallel to, if not precisely identical with, what has occurred in many other parts of the world and reflects the same underlying conditions. There is no sign that it has ended, or that the natural tendency to automatic growth has ceased to function. It would, I think, at least be legitimate to anticipate a continuation of the recent rise at a moderate pace."

Facts have proved that he was wrong. The rise has not only not kept up, but it has fallen. Therefore, I submit, Sir, that an honest Finance Member should have gone back on these conclusions; but he says, "No, no. I expected a rise but there has been a fall. It is only temporary, and I will somehow manage." I say, on the whole, the future is blank.

In paragraph 20 of his speech, the Finance Member makes some suggestions, where I find myself in entire agreement with him. He says that he can find a lot more by improving and tightening up the administration of the existing taxes. I feel that in this country there is too much of corruption in the administration of the taxation laws. The State does not get as much as it ought to get, and the tax-payer does not pay as much as he is bound to pay. I think the Provincial Governments will find this problem facing them immediately, and I hope that the Congress Governments in the provinces, if they accept office, will tackle this problem of eliminating corruption, and keep it in the forefront of their programme, and that the Central Government will do all they can to help in this matter and will be grateful for this campaign against corruption. I also agree with him in the attempts made to prevent smuggling from Pondicherry and Karikal and other places. In fact, I suggest. . . .

The Honourable Sir James Grigg: Ask your friend behind you!

Mr. S. Satyamurti: We do not disagree in this matter: this is not a party matter, but a matter of administration, and I do not think my Honourable friend behind me said that he would want smuggling. There are bound to be difficulties, and my own feeling is that we should persuade His Majesty's Government to negotiate with France and Holland and other countries, and buy up all these possessions in this country: we must have a zollverein of the whole of geographical India; otherwise, we cannot administer customs satisfactorily. That is one of the major

problems: it may not be possible today; but we cannot, I think, administer customs honestly and efficiently, until all the Indian States in this country surrender all their customs rights to the future Federation. You may not be strong enough to enforce it at the moment, but if you accept Federation with all these rights reserved for these States, you are letting yourselves in for trouble. Similarly, with regard to French and other possessions.

So far as the provincial budgets are concerned, Sir Otto Niemeyer gave certain figures in Appendix 2(b). I made a rough calculation and find that the provincial deficits are more than 2 crores for the last year for which figures are available, including the Government of India subventions: and Sind has got to be paid 105 lakhs for some years, and Orissa 50 lakhs for 20 years. Taking all these, it seems to me the provincial budgets are in a deficit state, except in a few provinces; most of the provinces have got deficit budgets, and the Central Government is rapidly tending towards it; and I think a calculation has been made that, if the provinces are to make any kind of reasonable advance in education, sanitation, etc., we want an expenditure in all the 11 provinces of roughly 50 crores, on a ten-year programme—this is, of course, a rough estimate—or five crores a year for ten years. My Honourable friend, Sir Muhammad Zafrullah Khan,—I am glad he is here—says, "Go and try your hand in the provinces in those fields." But we know what the facts are. We have not told our electorate that we are going to bring in a new heaven and a new earth. We have told them that the Government of India Act is a monstrosity, that it does not give us power to do anything at all. You keep all the finances and say, "You find the money." You tax us for your defence, for the bloated salaries your services are getting, and we are asked to tax ourselves further to improve our lot. I say on the financial side, the budget has not considered the future from any relevant point of view at all. I suggest that that is not fair to the tax-payer or to the country. Drastic remedies must be applied. The rich must be taxed more. Certain new taxes have got to be introduced. But, speaking for myself and my party, if I may, we shall be no party to a single piece of taxation, until the Army expenditure is drastically cut down, and your salaries are considerably reduced, and the number of appointments are also reduced, and we get full power of the purse. There is no use coming to me and saying "Tax, Tax". I will not tax: why should I tax in order to pay Mr. Tottenham and his crowd? Why should I tax in order to pay them 45 crores a year? I will tax myself and go to the country, provided I can spend the money for the benefit of my nation as I feel, and as my friends feel fit. That is all I have to say on finance.

But, before I leave the Finance Member, I want to say something about him, if I may. I trust I shall cause no offence—that is not my intention. It is said that he is the strong man of the Government of India—at least I find that he orders about everybody here. It does seem to me, therefore, that he is the strong man of the Government of India. If that is so, I am sorry his attitude towards protection should be so relentless. I am not one of those who believe that we should have indiscriminate protection. My friend used that phrase in a happy vein; but when he says that for every evil to which the Indian economic body is heir, protection is responsible, he is certainly trying to make us practise what his countrymen have ceased to practise. I suggest that, when he goes to his country, if he should preach free trade in England,

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he will get no audience at all. I thought I heard two voices on the revenue duties of this country. In answer to my Honourable friend, Mr. James' motion, the Honourable the Finance Member undertook to examine this question, with a view to lowering the duties, wherever necessary. But, on the same day when the question of protection was raised, the Commerce Member pleaded proudly that the revenue duties themselves afforded some protection to many industries and, therefore, wanted us not to press the motion. I want to know who is running this protection policy—Sir Frank Noyce, Sir James Grigg, or Sir Muhammad Zafrullah Khan—all or none? It seems to me that this idea of one Industries Member, one Finance Member, and one Commerce Member, each pulling in his own direction, one of them swearing by free trade, another swearing by protection or discriminating protection and another by neither, is one which cannot lead the country anywhere.

Then, I want to know from him, what his attitude is towards Imperial Preference. Does he believe in it? I also want to know his part in the constitution of the Wedgwood Committee. The other day, he gave us advice in his peaceful speech to accept office. I wish he had not given that advice. The Honourable House knows my views, but I think, if a friend like the Finance Member comes with his advice on the eve of the All-India Congress Committee meeting, my chances become more difficult. (Laughter.) We know the good old English proverb about accepting even a gift from the Greeks. I wonder whether all this advice is really meant in that friendly spirit, in which it was sought to be given. But if he is sincere about it, I put to him two questions: will he undertake as Finance Member to help the Provincial Governments to the extent of giving the finances they want? All our schemes require money. We have a right to evolve our own schemes, and we will require money for every one of our schemes. Will you help there? That is one test. The second is with regard to these safeguards. Section 54 of the Government of India Act puts it in hands of the Governor General to control by his discretion the exercise of their discretion by the provincial Governors. Will he advise his chief, the Governor General, that, considering the results of these elections, the Governors shall not use these safeguards against the promotion of the constructive programme by congress ministries? It seems to me that, if he wants us to accept office and accept his advice, he must show more evidence of his sincerity. But I found that his motive was much more human: he said, "If you accept office, then you will understand and perhaps sympathise with our mistakes." I am glad he realises that even Sir James Grigg can make mistakes. That is something. But, assuming that to his credit, I can assure him in advance that, whatever mistakes we may make, we shall not make such deliberate mistakes as they have made during all these years. Mistake by error of judgment, we may not always be able to avoid; but we shall always do everything in the best interests of the country and never anything against the higher interests of our country. I charge you that you have done it. But I want to give him a friendly answer—he has given us his advice; we shall decide it in the best interests of the country. Even as I am speaking, I think the Congress high command is deciding this question. I assure him we shall decide it in the best interests of the country; but if you think that, by accepting office, we are going to accept office and settle down to work the Government of India Act, you are making the mistake of your life. This Act

must go, and the earlier it goes the better; and if we accept office, it will be to break the Act, at the earliest possible moment.

Sir, I now pass on to the Honourable the Leader of the House, whose absence I regret and the cause of whose absence I regret more. I am glad to hear he is better, and I hope he will soon be all right and be restored to us and be amidst us before very long. But, Sir, I want to charge him with this, that he, as the Leader of the House, refused to postpone the Assembly Session, when the Congress Party and the Nationalist Party both wanted an adjournment, in order that the Members of the respective parties may take part in the provincial elections. That, I think, is very unfortunate.

Then, about the rules regarding interpellations, I was not here, my party was not here, but I want to point out one sequel to it, and that is, the Question Hour has collapsed—in whose interest, may I know? The only condition on which you can justify this rule is this,—that several Honourable Members are waiting with starred questions for answer. But what is the result? I got busy with elections. I could not send my questions in time, and I find really the question hour is no longer there! And all the analogy of the House of Commons is absolutely misleading. There, you have got an absolutely responsible Government, there the number of Members is more than 700, the number of days they sit is much larger than we sit here.

Then, Sir, on the question of Federation, may I know what is happening? I asked a question, the Honourable Sir Nripendra Sircar is not here,—the Honourable Sir Frank Noyce reads out the answer,—and the answer is "No Information". I want to know what is happening. What did these Viceroy's Advisers talk to the princes about? What did the princes want? What are the negotiations about? Are our rights being signed away? What are the financial commitments? How much are we losing over this? In the Round Table Conference, Government seemed to take some of the people into confidence, but today we are no longer in the picture. Is there to be any amendment of the Act, express or implied, or in the Instrument of Instructions? Do the Princes want a solvent federal budget? Do they propose making their legitimate contribution to the finances of the country? When is the Federation coming? Sir, this House rejected the Federation, and I know that most provinces will do the same. And I suggest that your rushing through these federation negotiations behind the back of the House and not telling us anything about it is hardly fair to the country.

Then, Sir, about the Honourable Sir Frank Noyce and his Department, I want to say something on the question of the rail-road competition. I want to tell him that he is going to get nothing by mere coercion. There must be co-operation between provinces and the States on the one hand, and Federation on the other. You will get nowhere except by co-operation. And the Railways can come into their own only by efficiency, by retrenchment, by economical management, and by adopting modern methods of transport.

✓ In the case of industries, I find there is really no improvement in any direction. This morning, I had a great man agreeing with a humble man like myself, that smaller industries ought to be protected. Sir, I want to make my position perfectly clear. We shall certainly protect all ✓

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Industries in this country, large or small, which we consider necessary, subject to the fact that dividends ought to be controlled, the State ought to get its share, the consumer's interests ought to be protected, producer's interests ought to be protected, and they ought not to compete unhealthily with small industries, especially with regard to cloth, I think we shall demand that there shall be some kind of arrangement by which the Indian mills and the handloom weaver and producers of Khaddar may come to some amicable arrangement.

And as regards the Honourable the Home Member, I want merely to tell him that his repressive policy still remains. Provincial Autonomy is supposed to be there. We in Local Governments would be supposed to administer law and order, except probably in Bengal. But the Criminal Law Amendment Act has been passed, in spite of the vote of the House on three occasions, and the criminal law remains as it is. I want to tell him that no Local Government will ever use this criminal law against the people, unless there is a real threat of violence to person or to property. You may keep these orders, but no Local Government is going to use them, unless there is really absolute need for using such powers. And, with regard to many respectable citizens, like Subas Chandra Bose and Khan Abdul Ghaffoor Khan, they are still kept under restraint. Our letters and telegrams are censored and tampered with,—I wonder why,—and books are proscribed. It seems to me that these are all indications of a repressive policy, which is wholly inconsistent with what they call provincial autonomy.

To the Honourable the Commerce Member, I want to say one word. I came to this House with high hopes of him. I had built high hopes on him. He is a public man who had played, by all accounts, a distinguished part in the Round Table Conferences. I was hoping that he would do something by his country,—but, Sir, he has been a tragic failure. He has been compelled to reduce the duties on British textiles, in spite of the verdict of the House against the Indo-British Trade Agreement. He has been compelled not to give any protection to the glass industry. In his attitude towards the P. & O. Co. over the question of the Dufferin cadets, he exhibited such an amount of pusillanimity, that I wonder whether I should get angry with him or pity him. For an Honourable Member of Government to say—he would write to them,—he would persuade them to take a few cadets in their employ, he would do his utmost and so on,—is simply ridiculous. Have things come to such a pass, Sir? I would rather be a dog and bay at the moon, than be such a Member of the Government of India.

Then, in regard to the Indian Tariff Board, he has quietly abolished it. In connection with the Indo-Japanese Trade Agreement, his European Secretary went on with them. Again, what is happening to the Ottawa today? Mr. Jinnah moved a Resolution to do away with it, the House passed it by a huge majority, that you ought to terminate the agreement *immediately* and start a new one. What have you done? You have kept mum. Some non-official advisers are appointed to give advice, we are not told what is being done. Is it fair to the House to treat it in this fashion? Why don't you tell us what you are doing?

And, Sir, my Honourable friend, the Member for Health, Education and Lands, is not bothered about Health, Education or Lands,—they are all provincial subjects. The one subject of Indians abroad, in spite of his plausibility, his ability, his sweet manners, is still being discussed and discussed, while their condition is steadily deteriorating. The result is that Mahatma Gandhi is defeated by his Chief and by himself in the practice of "Satyagraha" or "non-violence" and peaceful methods in trying to persuade them. Only Mahatma Gandhi succeeds, and they fail.

Then, Sir, so far as the army is concerned, we have Mr. Tottenham with the British army, which is an army of occupation? I want to know whom they defend—India or British Imperialism? Then why not pay from your own pocket? I make this suggestion—stop European recruitment today, and, in thirty years at least, the army can be completely Indianised.

Then, what is your frontier policy? The other day, you said you had a new policy. You create enemies and you quarrel, and the same thing goes on from day to day. What are you doing there? What is the latest position? You keep us absolutely in the dark, with regard to your actions on the frontier. Therefore, Sir, looking at this Government and its administration of all their departments, their failure in every aspect of the administration, is clear. So far as we in this House are concerned, I suggest, Mr. President, as I read the Government in this House, they do not even pay us the courtesy and consideration that are due to us. Our votes are passed over, we pass adjournment motions, Resolutions, and cut motions, but nothing happens,—they go on, as if we do not exist at all. I put it to my friend, the Finance Member,—do the Viceroy's Executive Council ever sit down and put on their agenda the Resolutions and the votes passed by the House? Do they discuss them at all? Do they care to inquire about these things? They do not care to consider the effect of all these. They think we do not exist for them.

✓ Then, Sir, one last sentiment I want to express. Have these elections no lessons for our friends opposite? All our enemies were there,—riches, wealth, corruption, rowdism, communalism, and what not. They had all our enemies ranged against us, and yet they were defeated. Roughly two crores voted for us,—and we have got 711 members,—and don't these elections tell you that your days are numbered? Sir, our friends opposite came to this country as traders and as adventurers, they practically adopted all arts, they forged documents, they cheated us, they made us quarrel amongst ourselves, they followed all the arts of an unscrupulous conqueror, they made one Indian fight against another, they sat in our places, but, even after doing all these things, if they had done something to increase the material prosperity of this country, there would have been something to their credit. Our country was rich, though we quarrelled amongst ourselves. Does the Honourable the Finance Member know that his countrymen did not even know what cotton was? They were only wearing woollen garments; and until they came to this country they did not know what cotton garments were. They got cotton from my country,—they did not know until then how to use cotton, they found that the country was rich and prosperous and they made us quarrel amongst ourselves. And today, after 150 years of British rule, you are leaving this country very soon, which on the whole you have ruined. I have mentioned our poverty, our ignorance,

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our low standard of life, but what annoys me most is your hypocrisy. You pretend as if you love and seek to serve this country.

"Hypocrisy! Thy name is the Indian Bureaucracy!"

Sir, a great British Queen was made to say by a British poet:

"Rome, for empire, far renowned,

Rome shall perish!

Write that word

In the blood she has spilt."

Using the word "Britain" for "Rome", I say:

"Britain, for Empire, far renowned,

Britain shall perish!

Write that word

In the hunger, the poverty, the ignorance, the sufferings and the hypocrisy,

That she has inflicted on the millions of this country."

(Applause.)

Seth Haji Abdoola Haroon: I want to make a few observations on the Finance Bill. The Honourable the Finance Member has brought forward new taxes on silver and sugar on account of the deficit in the budget. The Government had been every year imposing more and more duties and taxes, either on customs or income-tax or in the shape of excise duties, and on the face of all that, a surcharge of 25 per cent was imposed in 1931, and it is still going on. But in spite of all that the position today is the same as it was in 1929. The income of the Government in 1929-30 without all these new taxes was Rs. 7,174 lakhs, and after all these enhancements in duties, the income is only Rs. 68 crores and some lakhs. The position is this after seven years of increased taxation you have not improved the financial position, and it proves that the policy of enhancing the taxes is very wrong. The figures that I have given are not mine, but they have been taken from the Explanatory Memorandum of the Financial Secretary at page 6, Table IV. When you have not succeeded in increasing the revenue by enhancing the taxation, why don't you look at the other side of the budget, that is, to reduce the expenditure of the Government? When the Government found difficulty in 1931, they imposed a cut in the salaries of Government servants to the extent of 10 per cent. But within two years thereof, they have removed it, whereas the other promises of the Government to reduce taxation have not been kept up. Cut the salaries by ten per cent, and you can meet your deficit. For the future reduce the scales of salaries of the Government servants, but if you increase the duties, you will get nothing but excitement in the country. If you want to reduce expenditure, I will suggest first of all a reduction in the cost of the forward policy on the North-West Frontier. We are spending 1,92 lakhs on the tribal area, 65 lakhs on Baluchistan, and we are losing about 2½ crores on the strategic railways. All these come to five crores, and I do not know how much more we are spending on the military on account of the forward policy on the North-West Frontier. On the whole, I think the

whole amount will come to not less than ten crores. You can save that amount and reduce the taxes. Mr. Satyamurti has just told the House that on account of the separation of Burma we are losing 2,33 lakhs. I want to know how much the Finance Member has reduced our military expenditure this year when there is so much less income on account of the separation of Burma. I find there is a reduction of only 61 lakhs whereas it should have been 94 lakhs. When a private firm finds its income reduced, its first duty is to cut down its expenditure, but in the case of this Government, they never do it, but come forward with fresh taxes. Is it fair, is it right that they should do this and not reduce their expenditure?

Now, I come to the new duties. Let me take, first, the enhancement of the duty on silver from two to three annas. When the Government reduced the duty, they said that on account of the exorbitant duty smuggling was going on all round, and, therefore, it was essential that they should reduce the duty. Now, when there is a deficit, the Government come forward with a proposal to increase the silver duty. I do not know whether smuggling is going on everywhere or not, but I am living in a place around which smuggling is going on not only in silver but in many other articles on which there are heavy duties.

Then, again, the Honourable Member came forward to increase the sugar excise duty—about 11 annas per cwt. Not only this. He gave reasons for it. I am hearing in this House and outside and also in some newspapers that Government have lost 10½ crores of rupees of sugar import duty, and, therefore, they are in difficulty. This is not correct. If you look at the income of the Government of India from sugar import duty, you will find that it is always varying up and down. In 1922-23, the duty was 4 crores 40 lakhs. In 1923-24, it was 3 crores 32 lakhs. At that time there was no protection nor excise duty. In 1924-25, 5 crores 76 lakhs. In that year instead of 25 per cent. duty on sugar they fixed Rs. 4 8 as. per cwt. At that year, the duty was increased on this account. Again in 1925-26, 6 crores 47 lakhs. In 1926-27, 7 crores and in 1927-28, 6 crores 51 lakhs. In 1928-29, 7 crores 77 lakhs. In 1929-30, 8 crores 69 lakhs. At that year, there was no protection Act, but in 1931-32, the revenue duty was increased from Rs. 4-8 to Rs. 6. At that time, Sir George Schuster said very clearly that they were increasing the duty for revenue purposes. Again there was a deficit budget in 1931, and the sugar duty was enhanced to Rs. 7-4. There also Sir George Schuster said very clearly that he was enhancing the duty for revenue purposes. He said, "The Tariff Board report is not yet out, but I learn that they are proposing Rs. 7-4 protection duty. I wanted to put Rs. 7-8 revenue duty, but when I heard about this report, I have put Rs. 7-4 duty." You will see from this that the Government of India have raised their duties not for protecting the sugar industry but for revenue purposes, and immediately the Tariff Board report came out, and they brought it as a revenue duty, and on account of the revenue duty, if you look to the sugar factories erected in this country, you will find from 1928-29 that there were 19 factories, in 1929-30 on account of the enhanced duty it went up to 40 and in 1930-31, it went to 46 and in 1931-32, when the Bill was not yet passed, the number went up to 69. After the Sugar Protection Act, you will find on account of the high revenue duty, the industry commenced to establish itself in this country and in 1933-34, many more factories have been erected. It is now about 146.

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[15TH MARCH 1937.]

An Honourable Member: Will some of them go?

Seth Haji Abdoola Haroon: It will be increased. What the sugar industry has gained has remained for the benefit of the country but in 1930-31, about 16 crores of our money went out from this country.

Mr. B. Das: The money remained with you.

Seth Haji Abdoola Haroon: We will try to keep it and collect more money but I am now speaking about the other matter. This money which you say remained with me is with the cultivator.

Mr. B. Das: Not the cultivator.

Seth Haji Abdoola Haroon: Today on account of the excise duty they get 4 annas. Before that they were getting 6 annas and 8 annas. This money is distributed to the cultivators, in railway freight, to the labourers and to the educated employed men, and beside that the consumer is buying a larger amount of sugar today than before. If nobody checks this industry, the consumption will become double of what it is now. Why this over-production. I think, in 1934 when this excise duty of Re. 1 was put, Mr. Morgan suggested to Government that no more factories should be erected in the zones, and that the factories should be established by the Government, but they did not listen to it, and the Honourable the Finance Member is saying that "we want to put the excise duty", because he wants to regulate the sugar industry, and on account of this excise duty, the inefficient sugar factories will go away. His idea may be correct, but I think that according to present circumstances, instead of these factories going away, the cultivators will get less price for their cane than previously. All these excise duties which come up suddenly will fall on the shoulders of the cultivator, and I shall give you one instance only. Sir, up to the 15th of March, the U. P. and the Bihar Government price of cane was four annas three pies. Immediately they knew of the enhancement of the sugar excise, they cut down their price to four annas. They know that if they do not cut down the price the factory will compel them to stop earlier than usual, because they know very well that the factories themselves are losing. Therefore, they are paying a price after the 15th of March of four annas. And I expect the Government did it because otherwise the cane is there in the fields, and the factories are not willing to crush the sugarcane at present and I expect that from the 1st of April the Government will compel them to bring down the cane price from three and a half annas to three annas; otherwise the factories will be closed. So I inform my friend, Mr. Das, that if the Government do not accept the verdict of this House to reduce the excise duty, all this burden will fall on the cultivator: and, therefore, I would say that if the Government cannot agree to the excise duty being taken away entirely, then, I suggest that at least for this season, that is, for this crop, until this crop is over by the 1st of June, they should at least consider this point, viz., to charge the duty instead of from the 1st March, from the 1st of October, and then these cultivators will get a little relief. Sir, there is a general saying that the acreage of cultivation has increased. Yes, that is correct. But I want to inform

Honourable Members that the cane cultivation has been going on since very many years, and the cane cultivation is more profitable today in this country than any other cultivation. Previously, the cane cultivation was confined to certain areas, but after the erection of these several mills in different areas, the cultivators commenced to cultivate the cane round about the factories, as the cane was thus more easily saleable to the factories, but all the while the cane that the cultivator has been cultivating in the interior of the country has still been going on, and I want to say that this cultivation has thus increased, because when you gave protection to sugar, and when you passed an Act fixing the minimum price for the cane, I think, the Government know very well,—or if they like, they can collect the figures from the sugar technologist—that those cane cultivators who were manufacturing *gur* were hardly getting benefit from protection. On account of this Act, since 1934 and 1935, the Government have fixed the price from five and a half annas up to four annas only as today; otherwise, last year, they were fixing no less than five annas, and those five annas were giving so much remuneration to the cultivator that every cultivator wanted to produce the cane instead of any other crop. So, Sir, if you want to give a little relief, of course, the sugar industry will suffer a little set-back for some time, but I warn the Government that in reality the excise duty will fall on the shoulders of the cultivator.

Mr. B. Das: That is your threat to the cultivator?

Seth Haji Abdoola Haroon: Because we, the industrial people, are so shrewd, and we know how to meet our difficulties; either we are going to stop our business, or we have to get a fair remuneration from the industry; otherwise we have to stop the mills. And if we stop the mills, then also the cultivator will suffer, because what will he do with his cane? He will probably then have to burn it. Sir, if we cannot make any profit, why should we take the trouble of running a factory? If we lose Rs. 1-8 per maund, how can we run a factory every year? We are running at a loss already. Now, Sir, I want to draw the attention of this House to this fact. This year the Government have lost about Rs. 155 lakhs through the import duty on sugar, whereas they got more money, than whatever was budgeted for, from the excise duty on sugar—about Rs. 35 lakhs. But for the last two years, 1934 and 1935, they had estimated an income of Rs. 2 crores and 5 lakhs, whereas the actual receipts were Rs. 3 crores 81 lakhs. For 1935-36, they estimated a revenue of Rs. 1 crore and 75 lakhs, and they got Rs. 3 crores and 25 lakhs. For the last two years before this, they were getting Rs. 175 lakhs more. Now at that time, whatever money they got they spent up according to their own sweet will. They did not consider the point whether next year the sugar duty would become less or more. Sir, whenever they get an income, they spend that away according to their own sweet will; and this year when they got about 110 lakhs less, they come forward with a new excise duty. If next year they get more money, again they will spend that away wherever they like. Sir, trade is after all a fluctuating affair. You cannot be certain. Next year the cane crop might be a failure and on account of that the sugar production may be less. Sir, I shall say one thing, and it is this that this industry is an infant industry, it is newly-formed, it has not stabilised itself yet, and yet every year one thing or another is being heaped upon the sugar

[Seth Haji Abdoola Haroon.]
 industry; and on account of this mentality of the Government, the industrial people are very disheartened, and so they do not know whether they should utilise more capital or not, so as to improve the efficiency of the industry or the yield of the cultivation. But if you consider the matter ecologically, you might lose this year some money, but you will stabilise the industry, and that will give, especially this year, much help to the cultivators and some help to the industry, otherwise time will show that many mills will stop the crushing, and the cane will remain in the fields, and a great disaster will overtake the country. With these words, Sir, I oppose the excise duty on sugar.

The Assembly then adjourned till Eleven of the Clock on Tuesday, the 16th March, 1937.

LEGISLATIVE ASSEMBLY.

Tuesday, 16th March, 1937.

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.

EXTENSIONS GIVEN TO MINISTERIAL OFFICERS IN THE DEPARTMENT OF EDUCATION, HEALTH AND LANDS.

678. *Khan Sahib Nawab Siddique Ali Khan: Will Government kindly state separately how many Hindu and non-Hindu officers in the ministerial staff of the Department of Education, Health and Lands and its attached offices have been given extensions of service during the last two years, and how many further extensions are proposed to be given during this and next year in the two categories separately?

Sir Girja Shankar Bajpai: A statement is laid on the table.

Statement regarding grant of Extensions of Service to Members of the Ministerial Staff of the Department of Education, Health and Lands and its Attached Offices.

The number of Hindus and non-Hindus on the ministerial staff of the Department of Education, Health and Lands and its attached offices, who were granted extensions of service during the last two years is as shown below :—

Name of Office.	Hindus.	Non-Hindus.
Department of Education, Health and Lands.	2	2
Office of the Director-General of Archaeology in India.	1	..
Office of the Director-General, Indian Medical Service.	..	..

The cases of other men who will attain the age of superannuation in 1937 and 1938 will be dealt with under the rules.

RESTRICTIONS ON THE KEEPING OF COWS IN QUARTERS IN NEW DELHI.

679. *Bhai Parma Nand: (a) Is it a fact that New Delhi Municipal Committee have passed certain bye-laws regarding restrictions on keeping cows, etc., within the limits of that Municipality?

(1983)

(b) Is it a fact that according to those bye-laws cows cannot be permitted, in most of the quarters constructed by Government for their servants?

(c) Is it a fact that several residents of Government quarters have been keeping cows in their quarters ever since their construction?

(d) Did that practice cause any infectious disease in the locality? If so, when?

(e) Is it a fact that several representations have been made to the Municipality and the Government of India against those bye-laws?

(f) Is it a fact that there are open, sunny and airy court-yards attached to all quarters?

(g) Are Government aware that there is no restriction in other cities (e.g., Delhi, Lahore, etc.) where cows are being kept even in dark rooms and streets without causing any harm to the health of the inhabitants?

(h) Are Government aware that it is a religious duty of Hindus to worship and keep cows?

Sir Girja Shankar Bajpai: (a) to (h). Information has been called for and will be supplied to the House as soon as possible.

RESTRICTIONS ON THE KEEPING OF COWS IN QUARTERS IN NEW DELHI.

680. ***Bhai Parma Nand:** (a) What is the total population of the area to which the bye-laws passed by the New Delhi Municipal Committee regarding restriction on keeping cows, apply?

(b) What is the total number of cows and buffaloes that can be kept in the cow-byres constructed by Government or by the Municipality, and the total yield of milk from such cattle?

(c) Are Government or Municipality aware that this supply of milk is not sufficient for the needs of the inhabitants of the area?

(d) Is it a fact that large quantities of milk are daily imported into the New Delhi Municipal area from the surrounding villages?

(e) Is it a fact that there is no effective check if such milk is taken from the diseased and ill-fed cows and is adulterated with dirty and unfiltered water?

(f) Are Government aware that such milk is likely to cause diseases like typhoid, other fevers, cough and dysentery, etc.?

(g) Is it a fact that several persons have been prosecuted for keeping cows, etc., in New Delhi area?

(h) Are Government prepared to instruct the Municipality to allow the residents to keep cows in their quarters until at least satisfactory arrangements are made to suit their requirements? If not, why not?

Sir Girja Shankar Bajpai: (a) to (h). Information has been called for and will be supplied to the House as soon as possible.

RESTRICTIONS ON THE KEEPING OF COWS IN QUARTERS IN NEW DELHI.

681. ***Bhai Parma Nand:** (a) What was the total amount of Government grant to the New Delhi Municipal Committee during the last three years?

(b) Is it a fact that adequate arrangements for keeping of milch cattle have been made in the bungalows of the gazetted officers and other well-paid residents and poorly paid Government servants are being deprived of their only source of getting good milk? If so, what is the justification for this discrimination?

Sir Girja Shankar Bajpai: Information has been called for and will be furnished to the House as soon as possible.

QUALIFYING MARKS FOR THE READERSHIP EXAMINATION OF THE GOVERNMENT OF INDIA PRESSES.

682. ***Mr. D. K. Lahiri Chaudhury:** (a) Is it a fact that the minimum qualification for the post of a copy-holder in Government of India Presses is to pass the matriculation examination?

(b) Is it a fact that the Controller of Printing and Stationery has fixed the qualifying marks for passing the Readership Examination as follows:

English composition 60 per cent., dictation 60 per cent., and proof reading 75 per cent.?

(c) Is it not a fact that the standard of passing stated in part (b) above is too high for matriculates?

(d) Is it not a fact that the results of Readership Examination held in Government of India Presses in 1936 were not satisfactory for matriculates, and even many graduates failed?

(e) Are Government prepared to lower the marks of passing of Readership Examination as follows:

English composition 50 per cent., dictation 60 per cent., and proof reading 60 per cent.? If not, why not?

(f) Is it a fact that in the examination held by the Public Service Commission, only aggregate marks are taken in passing and if a candidate fails in one subject but can show aggregate marks, he is declared as qualified?

(g) Are Government aware that in many Universities the following system of passing exists:

If a candidate failed in one subject for 5 per cent. marks, then 10 marks are deducted for one mark and if, after deduction, the candidate can show aggregate marks of passing, he is declared as passed?

(h) Are Government prepared to adopt any of the systems of passing mentioned in parts (f) and (g) above for the Readership Examination of Government of India Presses and give that effect to the Examination of 1936? If not, why not?

The Honourable Sir Frank Noyce: (a) and (b). Yes.

(c) I have no reason to believe that this is so.

(d) No. The number of matriculates who qualified was practically the same as that of graduates.

(e) No. It is not desirable to lower the standard.

(f) The Honourable Member does not indicate which examination he has in mind. I believe that in some a minimum aggregate mark is not the sole requirement.

- (g) I am not in possession of these particulars.
 (h) Does not arise.

Mr. D. K. Lahiri Chaudhury: With reference to part (g) where I have asked: "Are Government aware that in many Universities the following system exists: If a candidate failed in one subject

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member is arguing. It is an argument that because the system exists in the Universities, it should be applied here also.

Mr. D. K. Lahiri Chaudhury: I am not arguing, I am asking whether they are prepared to establish the same principle here which is generally adopted in many Universities?

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member may ask whether such a principle exists in University examinations.

Mr. D. K. Lahiri Chaudhury: Is it or is it not a fact that in Universities the system of allowing candidates to appear again only in subjects in which they have failed exists, and, if so, whether Government are prepared to consider the introduction of the same system here also?

The Honourable Sir Frank Noyce: I am not aware whether it is a fact or not that the system mentioned by the Honourable Member is in force in the Universities. But even if it is, I do not consider that a system which is in force in the Universities is suitable for a simple examination for copy-holders in the Government Presses. There are only three subjects and if they cannot pass in all of them at one sitting, they are obviously not suitable for appointment.

Dr. Ziauddin Ahmad: The system that is in force in the Universities is the system of grace marks. But it is not really grace marks. If a student has done below standard in one subject then he is compensated for the deficiency by his efficiency in another subject. This is really the system which prevails in Universities and may I ask the Honourable Member whether he will accept the same system for this examination also?

The Honourable Sir Frank Noyce: I am much obliged to the Honourable Member for the information.

HOLDING OF THE READERSHIP EXAMINATION OF THE GOVERNMENT OF INDIA PRESSES.

683. ***Mr. D. K. Lahiri Chaudhury:** (a) Is it a fact that the Departmental Examinations are held annually at fixed times?

(b) Is it not a fact that the above system is not observed in Government of India Presses and it is held at the discretion of the Manager?

(c) Are Government prepared to hold the Readership Examination of the Government of India Presses annually in October? If not, why not?

The Honourable Sir Frank Noyce: (a) Not always.

(b) For Readers, an examination is required to be held biennially in May for the Government of India Press, New Delhi, and in March for the Calcutta and Simla Presses. A test for compositors may be held any time at the discretion of the Managers, when the number of vacancies in that grade justifies this action.

(c) No. The number of vacancies of Readers in a Press in a year does not justify the holding of an examination annually.

HINDU EMPLOYEES OF THE GOVERNMENT OF INDIA PRESS, NEW DELHI, FORCED TO ATTEND OFFICE ON DUSEHRA AND BHARAT MILAP FESTIVALS.

684. ***Mr. D. K. Lahiri Chaudhury:** (a) Is it a fact that many Hindu employees of the Government of India Press, New Delhi, were forced to attend office on Dusehra (Durga Puja) and Bharat Milap festivals in October, 1936?

(b) Are Government aware that the Dusehra (Durga Puja) festival is the most important festival of Hindus (specially of Bengali Hindus)?

(c) Is it a fact that Muhammadan and Christian employees of the Government of India Press, New Delhi, are not booked to attend office on their festivals?

(d) Is it a fact that the Manager of the Government of India Press, New Delhi, declared Chhoti Dewali (12th November, 1936) as a communal holiday for Hindus?

(e) Is it a fact that many Hindus employees were forced to attend office on that day (12th November, 1936)?

(f) Is it not a fact that this is the first time that employees were forced to attend office on a communal holiday?

(g) Is it a fact that the Hindu employees who attended office on 12th November, 1936, applied for another communal holiday (11th March, Sheoratri) which was refused by the Manager of the Government of India Press, New Delhi?

(h) If the above facts are true, are Government prepared to direct the Manager of the Government of India Press, New Delhi, not to book members of that community on holidays (gazetted, local or communal) to which community the festivals belong? If not, why not?

The Honourable Sir Frank Noyce: (a) I presume the question refers to the industrial employees. A number of them including Hindus were booked for duty on the holidays mentioned by the Honourable Member to deal with emergent work.

(b) I am aware that it is an important Hindu festival.

(c) No.

(d) Yes, in consultation with the Works Committee.

(e) Some of the Hindu employees were booked to attend on that day for emergent work.

(f) No.

(g) Yes.

(h) No. The grant of holidays depends entirely on the state of work in the press. Every effort is, however, made to grant holidays for festivals to the employees belonging to the community to which the festivals relate.

Mr. D. K. Lahiri Chaudhury: Do they get any remuneration for the extra work they do on holidays?

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

CHARGES FRAMED AGAINST THE DEPUTY POSTMASTER, DHUBRI HEAD POST OFFICE, IN CONNECTION WITH DEFALCATION FROM SAVINGS BANK ACCOUNTS BY THE BRANCH POSTMASTER, SUKCHAR.

685. ***Mr. D. K. Lahiri Chaudhury:** (a) Will Government please state whether it is a fact that the Branch Postmaster of Sukchar, under Dhubri Head Post office, defalcated some amount from Savings Bank accounts?

(b) Is it a fact that the said Postmaster was prosecuted and convicted by the court of law?

(c) Is it a fact that the defalcated amount was not realised from the accused?

(d) Are Government aware that after the conviction of the accused charges were framed against the Deputy Postmaster, Dhubri Head Post Office, who passed the warrant of payment?

(e) Will Government please state whether the signature of depositor on the application for withdrawal agreed with that on record in the Dhubri Head Post Office? If so, will Government please state the reason why the Deputy Postmaster was charge-sheeted?

(f) Is it a fact that the Deputy Postmaster has no authority to withhold or to refuse payment if the signature agrees?

(g) Are Government aware that the Deputy Postmaster, Dhubri Head Post Office, passed the warrant of payment on the strength of the genuineness of the signature of the depositor on the application for withdrawal?

(h) Is it a fact that the Deputy Postmaster though he followed the rules of the Postal Department, was asked to contribute Rs. 500 (five hundred) towards the loss to Government due to defalcation of the amount by the Branch Postmaster who was so long entrusted with cash and property of the Government?

(i) Is it a fact that the Deputy Postmaster preferred an appeal to the Postmaster General, Bengal and Assam, against the order of the Superintendent and prayed to him for examination of the signature of the depositor by the Government Handwriting Expert, even at his own cost?

(j) Is it a fact that the Postmaster General remained silent over this point and did not assign any reason for his refusal to entertain his prayer?

(k) Is it a fact that the Deputy Postmaster not having received any reply from the Postmaster General on the above point, sent a memorial to the Director General, Posts and Telegraphs, praying for an examination of the signature by the Handwriting Expert?

(l) Are Government aware that the Postmaster General withheld the memorial on the ground that the postal subordinates are not entitled to prefer an appeal to the Director General, Posts and Telegraphs, under the recent rulings?

(m) Is it a fact that the postal subordinates are prohibited from sending even any memorial to the Director General, Posts and Telegraphs, who is the chief administrative officer of the Department?

(n) Are Government prepared to make enquiries into this case and give protection to this innocent Deputy Postmaster? If not, why not?

The Honourable Sir Frank Noyce: (a) to (c). Yes.

(d) to (n). Government have no information and do not propose to call for it. No one is prohibited from sending any petition to the Director-General of Posts and Telegraphs, but such petitions are dealt with according to the statutory rules on the subject. Government do not propose to make any enquiries into the matter. It is open to the official concerned to approach Government in the usual manner.

ABOLITION OF THE IMPORT DUTY ON PIG IRON IN THE UNITED KINGDOM.

686. ***Mr. M. Ananthasayanam Ayyangar:** (a) Is it or is it not a fact that the President of the Federation of the Indian Chambers of Commerce and Industry wired to the Secretary to the Commerce Department that the removal by His Majesty's Government of the duty of 33.1/3 per cent. on pig iron imported into the United Kingdom is a breach of the Indo-British Trade Agreement?

(b) Is it a fact that in the United Kingdom the import duty of 33.1/3 per cent. on pig iron has been abolished?

(c) If so, is not the abolition a violation of the Indo-British Trade Agreement?

(d) If so, what steps have this Government taken to avoid that breach?

(e) Was this Government consulted by His Majesty's Government before the duty was abolished, and what was the attitude of this Government in this matter?

(f) If this Government were not consulted at all, do they propose to take any retaliatory measures? If so, what are they, and if not, why not?

(g) If this Government had been consulted in advance by the Government of United Kingdom, did they take the advice of the businessmen in India, before they replied to the Government of the United Kingdom? If so, what were the interests consulted? If not, why not?

(h) What will be the probable loss to India by the removal of the duty?

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

(b) to (g). Government have seen a press report stating that import duty on foreign pig iron has been abolished by His Majesty's Government in the United Kingdom, but they have received no official intimation on the subject and were not consulted. The reason for the abolition of the duty on pig iron is reported to be that the requirements of the commodity in the United Kingdom are in excess of the supplies available in that country and the Empire, including India. The reported action of His Majesty's Government does not appear to the Government of India to contravene in any way the Ottawa Trade Agreement. Under Article 1 of that Agreement, and Article 6 of the Supplementary Agreement, dated the 9th January, 1935, His Majesty's Government in the United Kingdom undertook, subject to certain conditions, to continue the privilege of duty-free entry of Indian pig iron into the United Kingdom;

but there was no undertaking to maintain for Indian pig iron any margin of preference, or to continue to levy any duty on pig iron from other sources.

(h) Government have no information. I may however mention that they have not so far received any complaints from producers of pig iron in India that Indian exports to United Kingdom will be hampered by the recent action of His Majesty's Government in the United Kingdom.

THE INDIAN FINANCE BILL—contd.

Mr. President (The Honourable Sir Abdur Rahim): The House will now resume discussion of the motion that the Indian Finance Bill be taken into consideration.

Mr. Akhil Chandra Datta (Chittagong and Rajshahi Divisions: Non-Muhammadan Rural): Mr. President, almost half the revenue is taken up by the military expenditure and the bulk of the remainder is eaten up by the extravagant top heavy administration. Deficit is, therefore, more or less inevitable. That inevitable deficit this year is $3\frac{1}{2}$ crores gross and about $1\frac{1}{2}$ crores net. To make up this amount, it is proposed to raise the excise duty on sugar and the import duty on silver.

About the sugar excise duty so much has been said during the general discussion, during the last three or four days, that it is hardly profitable to prolong the discussion. But I must say this. The result will be that the cultivators will have to restrict their cultivation, the manufacturers will have to close down some of their factories and the consumers will have to pay higher price. That is, by one single shot, all the three birds have been killed. What is still worse, palpably this is the thin end of the wedge and is an attack on the policy of protection. The Honourable the Finance Member does not care for the policy of protection, nor does he care for the procedure. A statutory enquiry will soon be started under the provisions of the Sugar Act. He does not wait for that enquiry and for the decree of the Tariff Board, and in anticipation of that decree he puts that decree into execution. As regards the restriction of cultivation, may I invite the attention of the House to the report of the Tariff Board where it is said that it is essential in the national interest that the area under sugarcane cultivation should not diminish and that further outlets should be provided for cane by encouraging the expansion of white sugar industry. The Honourable the Finance Member's avowed object is what has been done in this case by the Honourable Member to close down a number of factories. He no doubt cures the disease, but only by killing the patient.

Another remarkable feature of this year's budget is the attitude of Government with regard to cotton textiles. In 1936, cotton duty was reduced. Here, again, it is another attack on protection,—protection of one of our most important industries. This is a more direct attack, I mean an attack by the reduction of import duty. The Honourable the Finance Member looks at it entirely and exclusively from the point of view of Lancashire industry. He does not look upon it either as an instrument of protection or as an instrument of revenue. This, therefore, leads me to an examination of the fiscal policy of the country.

Sir, I shall run on without trying to amplify, because, although there is no time-limit, I must try to be as brief as possible, to accommodate other Honourable Members. The fiscal policy is based upon the recommendation of the Fiscal Commission, or, to be more precise, upon the recommendation of the majority of the Fiscal Commission. The policy recommended was a half-hearted and halting policy. There were very important restrictions and the policy, therefore, was not accepted by the minority. I am anxious to draw the attention of the House to this aspect of the recommendation that the majority was the smallest majority and the minority was the largest minority. What I mean to say is that, out of eleven members of the Commission, as many as five members dissented from that half-hearted policy that was inculcated by the majority of the Fiscal Commission. Now, Sir, as regards Indian members, out of the seven members as many as five dissented from this view. As regards the conditions the minority were of opinion that these conditions were too stringent, that they would cause delay and the progress would be extremely slow, that they would not produce adequate results, and that these conditions would impair its utility. Then, the minority were further of this opinion that the protection policy was applied at the wrong end because the majority gave protection to the consumer at the stage when they ought to have protected the industry. But there is another drawback and that is that the conditions were not based on the facts of each particular case but on certain general and *a priori* considerations. But there was a still more serious drawback in the policy and that is that the inevitable result of that policy would be to develop only the simpler and lower stages of manufactured goods and not of the specialised stages. Such a policy, declared the minority report, was not acceptable and could not be acceptable to the people of India, and in fact the minority report said that they did not know of any other country in the world, including the British dominions, which had so qualified the policy of protection. In fact, Sir, the minority were whole-hoggers. They were in favour of an unqualified pronouncement that the fiscal policy best suited for India was protection and unqualified protection. They advocated the immediate adoption of a policy of progressive and intensive industrialisation like that of the United Kingdom and the United States of America. Although in these two countries the industries are highly advanced, still their policy of protection is far more liberal and far more comprehensive than the one that was recommended by the majority of the Fiscal Commission. So that, to start with, there is that half-hearted and halting policy. Even the limited usefulness of that qualified policy was further impaired by the dilatory procedure that was laid down. That procedure in short was this. An application has to be made by the industry seeking protection. Government in the Commerce Department will consider it and if they think that there is a *prima facie* case for protection then only a reference is made to the Tariff Board. The Tariff Board after a preliminary consideration frames and issues certain questionnaire, invites opinion which may be written or oral, examines witnesses, and then if they think that there is a *prima facie* case they submit their report and then Government will either accept it or not accept it. If they accept it the matter is brought up before the Legislature. Then here again there is a time-limit and then after that fixed time there will again be a statutory inquiry and then again a report by the Tariff Board and then again the matter is brought up before the Legislature. That is the elaborate procedure laid down and that really nullifies the whole protection. What happens in England in these cases?

[Mr. Akhil Chandra Datta.]

There the procedure is quite different. There the protection is given by the executive and a temporary duty is imposed. After that, there is an inquiry, and then the temporary duty is made permanent. That was the way in which the steel industry was given protection in England very recently although the industry is very much advanced there. My point is that the dilatory procedure in fact nullifies the protection given. Then, Sir, the protection is further whittled down by the introduction of Imperial Preference in the scheme of protection.—I mean Imperial Preference not only with regard to unprotected industries but even with regard to industries which are protected. Sir, we know several instances. In 1927, reference was given to British steel goods by the Steel Industry Protection Act of 1927. In 1930, again, preference was given to British cotton piece-goods by the Cotton Industry Protection Act of 1930. Then in 1932 at the Ottawa Conference Sir Atul Chatterji said this:

“The Indian system of protection has led directly to a preference for Empire goods.”

Then, again, in 1934, preference was given to British iron and British steel by the Indian Iron and Steel Duties Bill of that year. Again, last year, as I have said before, preference has been given to British cotton piece-goods by the reduction of the import duty behind the back of the Legislature. Therefore, Sir, that absurd interpretation was put upon the fiscal theory of 1923, namely, discrimination not only in favour of the consumers but discrimination also in favour of British manufacturers. In other words, protection here means, according to this novel interpretation, not only protection of Indian industries but also of British industries. We all know, Sir, that the Fiscal Commission did not advocate a more thorough-going policy lest it should injure the consumers, and our Finance Member would not place any burden on the consumers at all for the protection even of our own industries. But under the principle of Imperial Preference Indian consumers will have to pay not only for the protection of Indian industries but also for the protection of British industries.

Then, Sir, comes the supplementary steel agreement. Protection is still further whittled down because that contemplates an arrangement by which the Tata Company will send Indian sheet bar manufactured at Jamshedpur to England, get them manufactured into galvanised sheets and bring back as finished goods to be disposed of in India. Then, Sir, this policy of protection is now in its last gasp in the hands of the present Finance Member. Sir, free trade is an exploded heresy in these days, but our Finance Member is a virulent and violent free-trader. He is the high-priest of free trade. His nostrum of free trade reminds me of a recent observation of a great economist who said:

“In the economic problems which have become the front line questions of every nation under heaven, we find ourselves with twentieth century machines and eighteenth century political ideas. We are out of gear; we are out of touch; but it is not yet too late to recover.”

Sir, I should like to ask the Finance Member: Was it honest on his part to accept the office of Finance Member of a country which has accepted the creed of industrialisation and protection as its policy? Did he not

know that like the United Kingdom and like the United States of America and like other countries in the world India also has abjured the doctrine of free trade? How can an honest free-trader become the finance minister of a protectionist country? How is it possible for him honestly to carry out the policy of protection? He not only does not believe in protection: he does not even believe in industrialisation. He told us last year that industrialisation was a new cry in India. Is it really a new cry? Is it not a gross travesty of truth to say that industrialisation was a new cry in India? Does he not know and know it too well that industrialisation has been the cry of India for the last three quarters of a century? Does he not know that India has been clamouring for revival of her industries which had been deliberately, if not diabolically, killed by his predecessors for the benefit of his countrymen? Has he got to be told at this late hour of the day that in consequence of prolonged agitation the Government of India has accepted the policy of industrialisation? Was he not aware of the fiscal policy of 1923 before he came out to India to preach the gospel of free trade? He told us last year without any blush “I accept the fiscal policy of 1923”. Did he say so with his tongue in his cheek? Had he any mental reservation when he said this? Is it an honest statement from him? How can he reconcile this statement of his that he accepts the policy of 1923 with the series of statements he made last year during the general discussion of the Finance Bill? He said “Industrialisation by high protection is no solution of the Indian problem”. He said “Industrialisation is no cure for unemployment.” He also told us that protective taxation is unremunerative taxation. He also told us that the process of becoming self-contained in manufactured goods would lead not to an increase of employment but to a considerable net decrease. Has he not also told us last year that India must remain essentially and overwhelmingly an agricultural country? Has he not also told us that we have to start with the individual cultivator in the village? He fights shy of industry and looks for India's salvation to agriculture alone. After all this nostrum and nonsense of free trade and all this hostility to industrialisation, is it honest for him to say that he accepts the fiscal policy of 1923? Is it not merely lip homage to the policy of 1923? Does he pay this homage, I ask, out of a sincere conviction or has he sold his free-trader's conscience for Rs. 80,000 a year? Is he a mercenary soldier out and out in this country? Was it not his honest duty, I ask, to resign before giving expression to all such opinions in defiance of the accepted policy of the Government of India? May I not say that he is really an economic rebel and a fiscal outlaw? His pathetic remark about the recapture of the Indian market by Lancashire is only in keeping with the old policy of his predecessors by which the Indian market had been captured for them. His naked solicitude for the capture of the Indian market by Lancashire takes me sixty years back when in 1877, Sir John Strachey, the then Finance Member, made a similar statement in his budget speech of that year. There he said:

“I am not ashamed to say that while I hope that I feel as strongly as any man the duties which I owe to India, there is no higher duty in my estimation than that which I owe to my own countrymen. I believe that our countrymen at home have a real and a serious grievance and that it is no imaginary injury against which they complain.”

The injury on that occasion against which they complained was the duty on the cotton piece-goods from the United Kingdom. History repeats itself. Sixty years have rolled by; but the budget of this country is still

[Mr. Akhil Chandra Datta.]

based on the same vicious principle as it was sixty years before. The Honourable the Finance Member believes in agriculture. May I ask what is his agricultural policy? Has he laid down and formulated any agricultural scheme up to now, except the policy of *laissez faire*? What is his solution for the food problem for the increasing population of India?

I propose now to examine some of his theories. He says that industrialisation is no cure for unemployment. Let me take the case of a classical industry—I mean the cotton textiles. The following figures are instructive. The number of spindless increased from 66 millions in 1913 to 68 millions in 1920, to 85 millions in 1925, to 91 millions in 1930, to 97 millions in 1935 and to 99 millions in 1936. Looms have increased from 94,136 in 1913 to 119,012 in 1920, to 154,292 in 1925, to 179,250 in 1930, to 198,867 in 1935 and to 200,062 in 1936. The consumption of cotton by the Indian mills was practically the same in 1913 and 1920, namely, 2 million bales. In 1925 it was 2.2 million bales; in 1930 it was 2.6 million bales and in 1936 it was 3.1 million bales. These figures clearly show that while the industry was practically in the same position between 1913 and 1920, it was only after 1925, when protection was given definitely, that the industry has shot up and began to expand rapidly. It now provides employment to 417,803 men and supports 20,89,015 souls in all, calculating on the basis of five dependants for every worker. The cloth imported into this country is almost wholly manufactured out of foreign cotton and not of Indian cotton, whereas the Indian mills use mainly the Indian grown cotton. It can therefore safely be asserted that nearly 29 crores worth of Indian cotton which is consumed by the Indian mills would not have been consumed but for the growth of this industry, and the Indian agriculturist would have been poorer to that extent. The wages bill of the industry amounting to about 21 crores of rupees is no mean addition to the national income of this country. Not only the mill industry but also the hand looms industry has benefited by the policy of protection. The production of hand loom has risen by as much as 40 per cent. after the protection was awarded in 1925.

A study of the development of the sugar industry, after protection was given to it, reads amazingly like a romance. Within the course of the last five years, the number of mills have grown nearly five times and the total production has increased nearly three times. 11,56,000 more acres have been pressed into sugar cultivation giving food to nearly 6 million agricultural population. The amount received by the sugar cane growers has increased from Rs. 19 crores in 1926-27 to Rs. 34 crores in 1935-36. Out of Rs. 12½ crores which was the value of sugar manufactured in 1934-35, the grower gets 6 crores, Railways 1.2 crores and salaries account for 2½ crores. This industry now provides employment to nearly 2,000 science graduates, 10,000 clerical and managerial staff, and 100,000 skilled workmen and labourers. These are the results of one single industry towards the relief of unemployed in this country. And yet there is Sir James to “debunk” the theory that industrialisation is a cure for unemployment.

I shall take one more major industry which has provided employment to thousands in this country. The Iron and Steel Industry of India within

about 12 years of protection is able to supply nearly 75 per cent. of the steel requirements of this country. The number of men employed by Tatas directly or indirectly alone is about 100,000 and their total disbursement is about Rs. 9 crores per annum. But then in answer to this, the Honourable the Finance Member told us last year that ‘Oh, it was a switch over’ of some people from agriculture to industry. This argument is based on the assumption that there is absolutely no surplus population in India, and that there is no unemployment at all. Sir James Grigg would then say: “Yes, but all these have been at the expense of the poor consumer.” These tears are indeed very touching. But let us see what the figures state. The price of bars, structurals, plates, black sheets, galvanised sheets, etc. now produced in this country are almost the same as the average for three pre-war years (adjusted to 10 per cent. duty). When compared to 1924, however, the present prices are 22 to 48 per cent. less. Does that show that the consumer has been bled white? Sugar is another point in instance. When proper allowances are made for the pre-war sugar duty 5 per cent. and the present excise duty of Rs. 1-5-0, which works out at 15 per cent. of current prices, it can be safely stated that the net cost to the consumer is lower today than what it was 25 years ago. In fact sugar is being sold at the present moment cheaper than the rate worked out by the Tariff Board as to what should be at the end of the period of protection of 15 years in 1946. And yet, Sir James applies handkerchief to his eyes whenever he speaks about the poor consumer. Let it not be forgotten that apart from the direct beneficial results, the indirect beneficial results of industrialisation are many and varied. For every single labourer, clerk or artizan who gets a job as a result of industrialisation, five mouths in all are fed. For it is well known that a family is always taken as a unit of 5 persons.

Again, Sir, when we talk of industrialisation, it does not mean only of large scale industries. The Indian politician, economist and businessmen have always held up as an ideal for India the possession of some large scale industries and many small scale and cottage industries. Sir James is of the opinion that agriculture is the only major industry, and do whatever you want, you can never make any appreciable difference in the numbers supported by it. Does he know that prior to 1881 the number of people supported by agriculture was only about 50 per cent. and the present increase of agricultural population to nearly 70 per cent. is due to the deliberate murder of Indian industries by manipulation of tariffs? Does he also know that besides the 50 per cent. supported by agriculture, the rest were dependent mainly on a number of industries? There is no country in the world today which does not encourage its own industry by giving them all sorts of help. Why should India alone, under the dispensation of Sir James Grigg, pursue a policy of economic suicide? The Finance Member said that as regards the protective taxation, the whole of it is paid by the consumer. When he says this, I say he preaches very wrong economics. There can be no generalisation like this in a matter like this. It depends upon factors which are different in different cases.

Now, Sir, having submitted my views with regard to the present protection policy, how it is worked and what are the dangers inherent in such a policy, I shall point out what our goal, what our policy should be. Our goal should be maximum of industrial production with a national outlook.

[Mr. Akhil Chandra Datta.]

To achieve this, our protection policy should be revised and thoroughly overhauled. It should be bold in theory and thorough going in operation, comprehensive in its outlook, should be calculated and designed to develop all industries, large and small, nascent and old, existing and potential. It should seek to produce both for home market and foreign market. All the restrictions and conditions imposed by Fiscal Commission must be brushed aside. The procedure should not be dilatory, it should be as prompt as the English system. It should be supported by lower freight rates in Railways and shipping. I say that such a policy of protection with suitable customs tariff as its chief instrument supplemented by bounties in proper cases will protect and promote our industries and will also yield revenue for the Treasury. In India, Sir, in law Courts, all the troubles begin after the decree. In economics also, Sir, all the troubles begin in the execution of the policy after it has been laid down by the Government and the Legislature.

Now, Sir, I shall conclude with one short observation,—“industrialise or perish”.

Mr. President (The Honourable Sir Abdur Rahim): Before the discussion proceeds further, the Chair would like to point out to the House that there seems to be general agreement that the discussion of the motion for consideration of the Finance Bill should be concluded today, and it is understood that there is a desire to move closure between 4 and 4-30 p.m. subject to the reply of the Honourable Sir James Grigg. At the same time, the Chair has been given a list of seven or eight more Members who wish to take part in this debate today, and if they all desire to make speeches, it is necessary that every Honourable Member should try to occupy as little time as possible.

Lieut.-Colonel Sir Henry Gidney (Nominated Non-Official): Sir, I rise to take part in this discussion to place before the House, especially in the Posts and Telegraphs Departments, certain matters in connection with my community, and also to discuss other general matters concerning the Finance Bill and the budget. I am sorry, the Honourable the Commerce Member is not here, because, on a previous occasion, when focussing his myopic and diplopic vision on my legs, he had occasion to say that I was “old and infirm”, and that I was standing on my fore legs propped up. I may tell him that as I hear him singing his swan songs, it seems to me he is today standing on his last legs, and, as far as my legs are concerned, let me assure him that I am beginning to feel very firm standing on my new legs, be it even nationalistic legs—fore or aft—as a matter of fact, I was only pulling his legs when I said Government were standing on their hind legs.

I have first to place before this House a very serious economic problem that faces the Anglo-Indian and Domiciled European community which can rightly be called the gipsy community of India, and it is this. All Provincial Governments demand provincial domicile qualifications to establish the right of being employed in their Provincial Services. This provincial domicile qualification is a great hardship to these communities.

Let me give you an illustration of this hardship. Take an employee on the E. I. Railway—an Engine driver. He has to serve on that railway wherever he is sent and this railway traverses Bengal, Bihar, Central Provinces and Delhi. Say he is stationed at Allahabad where his wife has a child. He is then transferred to Dinapore in the province of Bihar, and his wife has another child there. Then, he goes to Calcutta and his wife has another child there. Within his service he has three children and he retires, say, to Bangalore or Dehra Dun. Those three children cannot receive employment in any of the provinces unless they have the specified provincial domicile qualification. The result is that our children are faced with a handicap in life and they cannot get employment in any of the provinces. This matter was brought by me to the notice of the Governor of the United Provinces, he consulted the Government of India who took a provincial referendum. The various provinces, except Assam and the Punjab, demanded certain domicile qualifications, the qualifications ranging from birth to residence of three to ten years exclusive of educational residence. Most of the children of these two communities are faced with this initial difficulty when seeking employment in the provinces. I think we already have to face enough hardships in our economic problems, but to add to it and demand a provincial domicile qualification worsens the position, and I would, therefore, suggest—I am sorry the Honourable the Home Member is not in his seat—I suggest that he will be so kind as to consider this matter in a sympathetic light. Speaking, as I do on behalf of, and with the support of, the European Group, I would request him to be so good as to take immediate steps to remedy this position. I suggest that he should address all Provincial Governments requesting them to exempt the Anglo-Indian and European community from any qualification of provincial domicile

Mr. S. Satyamurti (Madras City: Non-Muhammadan Urban): Why European?

Lieut.-Colonel Sir Henry Gidney: Not you. I request that he should take steps, if possible, to recognise our accepted Indian domicile as sufficient qualification for employment in all provincial services in the country. This is not a very difficult matter, and, I am sure, no one in this House will deny that this is a hardship and no one will deny to this small exemption to these communities. In other words, grant us an all-India domicile.

The next point I desire to discuss, and I do so with some hesitation and without any desire to blame the Government of India, is the protection of the dignity of Members of this Honourable House. Sir, I know law is no respecter of persons. There cannot be one law for the poor and another law for the rich, for, before the Tribunal of British Justice we are all taught to believe that there is no discrimination. But, Sir, there are certain aspects in the administration of law and justice which call for criticism, and, in doing so, I refer to the recent unfortunate arrest of one of our most esteemed and Honourable Member, I refer to Rai Bahadur Seth Bhagh Chand Soni. Sir, I am sure, every Member from all sides of this Honourable House will join me in heartily congratulating our esteemed colleague on his acquittal of the serious charges which were, without any enquiry or regard to his position in life, hurled against him and for which he sat charged before this House and before the whole of India and

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England as a criminal connected with a crime of the very worst type. I am not here to criticise, nor do I intend to argue the pros and cons of his arrest. This is outside the purview of this House, but, Sir, I cannot refrain from stating that, in my experience of now 40 years standing, I have never heard of a case involving as it does, a most respectable Member of this House, one of the most loyal servants of Government and the Empire whom it has honoured with a title, the leading public citizen of Ajmer—one who is held in the highest esteem by the officials and others in the whole of Rajputana and whose financial ramifications permeate the whole of Rajputana in that he is Treasurer and Financier to many States, to Government and to the B., B. & C. I. Rly., in which an arrest had been executed on such unjustifiable and filamentary grounds. I know how the arrest was executed, and there is no need for me to refer to it, in detail. Suffice it to say that the arrest was made without due enquiry or regard, not only as far as the guilt of the person was concerned, but as regards his standing as a Member of this House. That, of course, Sir, is a matter which, I am sure, the Government of India will assuredly take up and sift to the bottom. Let me only refer to the ignominious and undignified manner in which the police arrested our worthy and esteemed colleague. A police inspector (not a Deputy Superintendent of Police as is usual in such exceptional cases), was sent to his house in the early hours of the morning, he was asked to take off his jewels and to enter the police lorry accompanied by a police escort in which he was driven away to the police thana. Seth Bhag Chand Soni respectfully protested at such an undignified manner of arrest and such an unnecessary insult to his position, especially as a Member of this House. He asked quite reasonably to be allowed to go to the police thana in his own car in which the police guard could accompany him. This was rudely refused him, and so, like an ordinary criminal, he, an esteemed Member of this House, on the flimsiest of evidence, and which, when examined, was proved to be no evidence whatever, was carted like an ordinary criminal to the police thana, and, although he had been in residence in Delhi weeks before his arrest, attending his work at the Legislative Assembly and loyally supporting Government on every occasion.

Mr. S. Satyamurti: Ah!

Lieut.-Colonel Sir Henry Gidney: There is no use ah-ing it. Why not eh-ing it?

Mr. S. Satyamurti: That is my comment on it.

Lieut.-Colonel Sir Henry Gidney: Don't interrupt me, please keep quiet.

He was denied the elements of courtesy and decency by the police. Sir, it is this act which I desire to emphasise and bring to the notice of the Government of India, and it is this act which I call upon the Government of India carefully to enquire into and to take action, not only against those

who were at fault, but to see that such action is not repeated. What our colleague has suffered as a result of this unmerited and quite unnecessary arrest, only he could tell the House, but I can tell you, Sir, that as a result of his arrest he would have been financially ruined, had it not been that he had adequate wealth to withstand the position and the rush that was made on his Bank by depositors. Let me explain. The Imperial Bank of India, on hearing of his arrest, issued telegraphic orders to all its branches in India to refuse the acceptance of *hundis* from Seth Bhag Chand Soni. Any ordinary firm of bankers would have been ruined within a few days. I shall not refer to any further indignities, but I do hope the Government will take an early opportunity to associate themselves with this House in expressing their deep sense of displeasure and sorrow at the indignities to which one of its honoured and respected Members has been exposed and that it will do the *amende honourable* with Seth Bhag Chand Soni and assure him in, no unmeasured and uncertain, a manner its sense of regret that he should have endured such suffering, such indignity and such humiliation on a charge for which he was arrested and for which there was hardly any evidence to prove, *i.e.*, for attempting to bribe the staff of the Finance Member to secure certain budget secrets before it was read out in this House. I feel sure that there is not a single Member in the Cabinet who does not echo the sentiments I have just expressed in regard to this matter. I think, Sir, that our Honourable colleague, Seth Bhag Chand Soni, should be given some tangible assurance that this House not only sympathises with him, but congratulates him on his honourable acquittal and assures him that he has not lost one iota of our respect and confidence and which I hope the Government will join with me *nem-com*.

The next point I wish to refer to is one of great importance, and that is the ruthless reduction in staff, reduction in privileges, etc., of subordinates of Government in its desire to maintain an expensive new system of reforms for which I do not believe Government are today financially prepared. We see before us on all sides a ruthless reduction in the subordinate staffs, a ruthless deprivation of their time honoured privileges and vested interests. We see before us many such deprivations, while very little is done in regard to officials. Surely, the Government realise that satisfaction, harmony and happiness among their staff is their greatest bulwark. Surely, the Government realise that no reforms can be introduced or carried out without a happy and contented staff. It must also realise that it is the biggest employer of labour and as such it should see that its staff, above all else, are happy and contented and they are not sacrificed on their altar of economy. This is not the position among the staff today. They have applied the axe of economy and retrenchment ruthlessly among all subordinates. Its desire, firstly, is to maintain the reforms which they want to bring into operation; secondly, to maintain a costly army; thirdly, to be able to pay high salaries to officials in India, and last, but not least, to be able to pay a crore of rupees annually from the revenues of this country towards the Lee concessions. These are matters which require the serious consideration of Government. It is time that they reversed their policy. In my opinion, nothing short of a complete stoppage of the Lee concessions as also a 15 to 20 per cent. reduction in the higher salaries will meet the situation. It is no use telling

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us that there is no racial discrimination, while you give starvation wages to the subordinate staff. You make a marked distinction between officials who have a non-Asiatic domicile and those with an Asiatic domicile. You give to the former extra pay and leave, full medical treatment, shorter period of probation, Lee concessions, etc., which you deny to your Asiatic officials. Why this differential treatment on the question of domicile when both do the same work? The subordinates today live on a starvation wage. Their pay has dropped so low that they find it difficult to exist; much less live with the higher officials. Although their salaries have been reduced, they can still enjoy their social amenities and club life. Is it fair that they should be given salaries which enable them to enjoy life and these conditions be denied to subordinates?

Sir, I now come to the last and most important part of my observations. I refer to the Posts and Telegraphs Department with special reference to the position of the Anglo-Indian community in this Department. When I spoke on the Finance Bill on the 18th March, 1935, I casually referred to the Posts and Telegraphs Department. It is my object, however, today to deal, at a greater length, and so I shall have to again refer to what I said last year; but before offering my criticisms, I desire to make a few brief preliminary observations regarding the working of this Department with special reference to that part of the Honourable the Finance Member's speech in which he states "The saving under working expenses is due partly to economies in expenditure". Sir, in reviewing the Annual Report of the Posts and Telegraphs Department for 1935-36, I am sure, other Honourable Members of this House will join with me in offering my very sincere congratulations to Mr. Bewoor, the able Director-General, on having balanced his budget in the second complete year of his administration of this huge and important Department. The turn over which was Rs. 47,000 for all branches would, as in the previous year, have aggregated to a profit of many lakhs of rupees had it not been for the heavy expenditure that had to be met during the year under review under the heads of:

- (a) Pensionary charges.
- (b) Provision in full for depreciation.
- (c) Expenditure on retrenched personnel, and
- (d) Interest on Capital outlay and accumulated losses.

I observe that the expenditure under Pensionary charges and Depreciation alone amounts to nearly 30 lakhs of rupees in excess of the sums expended during the previous year under these two heads and this explains, in a large measure, why no appreciable profit could be returned during the year under review. Sir, it is pleasing to know that this Department is now bearing in full its own pensionary charges which, in the past years, were assessed on actuarial basis. The increased expenditure under this head has been largely involved by premature retirement of deserving workers contingent on the policy of ruthless retrenchment during the past five years, and for all of which, my Honourable friend, Mr. Bewoor, is person-

ally not responsible. Mr. Bewoor, it is evident, has striven strenuously during the first two years of his administration to make the working of the Department under his charge a success, and right well has he done so—I take my hat off to him. Sir, we are indebted to him for being the first Director General in having, by campaigns of publicity at the principal exhibitions in this country and by means of handbills, coloured posters, pocket guides and advertisements in the dailies, etc., notified the facilities offered by the Post and Telegraphs Department in all its branches to the uninformed public. The result of these campaigns, we may assume has helped, in no small measure, to bringing the revenue up to almost 11½ crores of rupees which, I believe, I am correct in stating, is the highest on record since 1925-26. Unfortunately, the expenditure which has been heavy for the reasons already stated at the commencement of my observations was due to causes outside the control of the administration, have prevented against better financial results. The volume of paid telegrams handed in during the year under review has, I understand, been appreciably larger than the average of the last five years and indicates a gradual return to normal trade conditions. I believe that this has resulted in a little surplus revenue from the Telegraph Department, though I believe the Post and Telephone Departments are the two that have paid the most revenue. In any case, this shows that the Telegraph Department is in no serious way of being reduced as a means of communication by the public as was anticipated. In giving the public and services interest first place, as the Director General has certainly done, it is necessary for us to remember that the welfare of a very large body of faithful Government servants in this Department, thousands of whom are holding comparatively humble positions in life, is in public keeping and should be treated with sympathy in all schemes and policy of economy.

I desire now to deal in detail with the position of the Anglo-Indian community employed in the Posts and Telegraphs Department. Sir, it would serve no useful purpose if I were to delve into a detail analysis of the various figures of communal employment in this Department from the year 1932-33 when annual figures began to be compiled for the calendar year and not for the financial year nor would much benefit be gained if an analysis of communal figures, dating from 13th June, 1935, when the revised communal orders came into force in this Department in accordance with Home Department Resolution of July, 1934. I know that the Directorate of this Department will not be able to agree on exact numbers, averages and percentages of the total employed in this Department and the total of my community, but I feel I must refer briefly to this matter which is germane to the rest of my observations. Sir, during the quinquennium, 1932-36, the strength of the combined Departments (Posts & Telegraphs) has been reduced by more than 10,000 whole-time employees, i.e., by about 10 per cent. in the entire establishment. High as this percentage has been and intense as must have been the sorrow and suffering caused by loss of employment to the unfortunate victims of enforced economy and their families, it is still more so when its appalling effects on the Anglo-Indian community are considered. From the statements showing the composition of the staff during the four years ending 1st January, 1936, it will be seen that, whereas on the 31st March, 1936, out of a total of over 107,393 whole-time employees

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of all communities and ratings, only 2,566 were Anglo-Indians and Domiciled Europeans. I know this figure of 2,566 did not obtain on the 3rd December, 1932, but, at the end of the financial year, 31st March, 1936, it included 2,405 Anglo-Indians and 161 Domiciled Europeans. It is possible that these figures are open to challenge by the Department but a few points here and there will make very little difference to my contentions. What concerns me most of all, Sir, is that: If my figure of total employees in the Department on the 31st March, 1932, is 1,07,393 and the total on the 31st December, 1935, is 95,666 and which figure, let me add, includes all the inferior servants who are paid from contingencies, then the reduction in the total establishment during these five years amounts to nearly 11 per cent. Whereas, with the Anglo-Indian figure taken at 31st March 1932, and including as it should, 161 Domiciled Europeans, gives a total of 2,566, which total fell to 2,169 on the 31st December, 1935, i.e., a drop of 397, this works out to a reduction of 15.4 per cent. in our employment. In this connection I am prepared to admit that if one excludes those inferior servants who are not paid from contingencies from the total employed in the Department the figure comes to about 84,107 which gives a higher percentage of reduction in the total number of employees of the Department. But I submit this is not a correct way of arriving at a proper reduction or percentage, I may be wrong, I speak subject to correction.

Now, Sir, I propose briefly to refer to the recruitment of Anglo-Indians during the four years 1932—35.

Calendar.	Total number recruited.	Total number of Anglo-Indians and Domiciled Europeans recruited.
1932	1,957	22
1933	2,581	31
1934	2,184	45
1935	2,803	63
Total	9,525	161 = 1.7% not 5% on the whole as is required.

Most of these belong to lower grade clerkships and clerical non-gazetted ratings.

This total of 161 Anglo-Indians who were recruited during these four years are as detailed in the following table.

Period (year ending).	Wireless Operators.	Clerks, upper and lower Divisions.	Non-Gazetted non-clerical miscellaneous staff.	Inferior servants.	Total of all ratings.
(a)	(b)	(c)	(d)	(e)	(f)
31st December 1932 .	2	12	5	3	22
31st December 1933 .	1	18	10	1	31
31st December 1934 .	0	27	18	..	45
31st December 1935 .	1	28	33	1	63
	4	85	66	5	161

including one Gazetted officer.

In stressing this fact, Sir, I am aware that there has been no recruitment of telegraphists in the Operating Branch since the year 1930, a branch in which the Anglo-Indian community has been allotted 20 per cent. Now, Sir, of these 161 new appointments, one is a gazetted officer and four are Wireless Operators, the rest are of low division clerks, non-clerical and non-gazetted lower divisional personnel and inferior servants. There has been no recruitment of telegraphists and the intention, therefore, appears to be to recruit Anglo-Indians to the lowest grades of clerkship and other lower ratings all of which start below an initial salary of Rs. 45 and creep up, in 17 years' service, to the maximum of Rs. 85. I notice from this table that there has been no direct recruitment of Anglo-Indians into the upper division clerkship, which is made by promotion of senior lower division clerks generally after they have reached their maximum in the lower ratings. Sir, the non-gazetted, non-clerical ratings in this Department are I understand, treated superior servants (so is a postman) and they probably include caretakers of buildings, telephone operators, time-keepers in telegraph offices, inspectors and delivery peons in large offices and others who do not belong to regular cadres in this category. Sir, I submit, with all respect to my Honourable friend, the Director General, that the recruitment of such people is casual and should not be brought if it is brought, into the reckoning of Anglo-Indian percentages in the Department. It will be noticed also that some "inferior servants", five in number, have also been recruited and no doubt these include telegraph messengers, mail runners, etc. It will be noticed that this drop of 15.4 per cent within four years has occurred despite the recruitment of 63 Anglo-Indians in the year 1935-36 to the junior clerical and lower non-gazetted staff. Sir, in stressing this point I do not desire to deny my gratitude to Mr. Bewoor for offering employment of some kind to these employees who must have been starving due to unemployment and he can rightly say that these Anglo-Indians voluntarily offered themselves for these non-clerical non-gazetted jobs even as inferior servants and he is no doubt right, because with the present acute state of unemployment facing the community, there

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are sections mainly of the worst type of the community who are prepared to take any wage rather than roam the streets in quest of employment and starve. But what strikes me as a disquieting feature is that there has been no recruitment during the past six years to the Signalling Department. I know this is not the fault of the Department but it certainly reduces the earning capacity of my community, who in the past, were very largely employed in this Department.

Sir, I now give a statement showing the number of Anglo-Indian and Domiciled European employees in the Posts and Telegraphs Department from 31st March 1932 to 31st December 1935:

Date.	Gazetted.			Non-Gazetted Staff.			Total of columns (a) to (f).
	Officers of Posts and Telegraphs.	Telegraph, Telephone and Electric Supervisors.	Wireless Supervisors and Wireless Telegraphists.	Telegraph Masters and Telegraphists.	Clerks, Posts and Telegraphs.	Other non-Gazetted non-clerical and inferior staff.	
	(a)	(b)	(c)	(d)	(e)	(f)	
31st March 1932	221	234	89	1703	319	Not shown	2566
31st December 1932	189	160	91	1508	353	91	2392
31st December 1933	174	160	78	1314	377	64	2167
31st December 1934	165	152	95	1253	384	99	2148
31st December 1935	167	142	94	1213	384	169	2169
Increase + or decrease — on 31st March 1932.	—54	—92	+5	—490	+65	+169	—397
	—24.4%	—39.3%	+5.6%	—28.7%	+20.3%	% — Not struck as figures for 31st March 1932 not available.	—15.4% in less than four years.

A careful examination of this entitles me to summarise the position as follows:

The community has dropped in numbers within a little over four years by 24 per cent. in the Gazetted ranks, nearly 40 per cent. in the Engineering Supervisors (General, Technical and Telephones) ratings and 28 per cent. in the Signalling establishment in which, in the past, they have been chiefly employed. The loss of employment in these branches is deeply

felt and deplored, in view of the impoverishing and depressing effects of unemployment on a community which has never failed to acquit itself meritoriously over a period of 75 years in storm and stress, on frontier and field of battle, in malaria and beast-ridden jungles and swamps, on the frozen mountains and scorching deserts, in short, wherever duty required them in this farflung sub-continent. One has only to take his mind back to the immediate past when the General Service in the Telegraph Department and the Engineering Supervisors Departments were manned almost entirely by Anglo-Indians and Domiciled Europeans. It was these two Departments that brought the Posts and Telegraphs Department to their present state of efficiency. The General Telegraph Service is no more, it has been replaced by a local Telegraph Service on 50 per cent. lower salaries and as for the Engineering Supervisors Department the recruitment has been practically closed to the community for the past six years.

Staggering as the above reductions must appear when considered in relation to the entire service, it is even more so when statistics bearing on the staff and salaries on the Telegraph side alone are considered. The prospects of the Traffic staff have been seriously affected by excessive retrenchment of the personnel in the entire branch and revisions in the cadre, gradations and salaries of Deputy Superintendents, Telegraph Traffic, by transference to a long term time-scale, have lowered the average salaries of the personnel in these ratings. These retrenchments and revisions are not in keeping with the assurances afforded by the Government of India in the Department of Commerce and Industries. Sir, on the occasions of the amalgamation of the Posts and Telegraphs Departments by Resolution No. 3062-3036-101 of April 1914 and again in a letter No. P./1-Camp, dated the 11th November 1925, the Honourable Member-in-charge of the Department of Industries and Labour confirmed the assurance that the pay and prospects of existing members of the Service would not be adversely affected by any scheme or re-organization recommended by Departmental Committees. These changes have affected all communities alike and to illustrate my point I would quote the following statement which will show this:

Grade.	Number sanctioned in 1925.	Reduced in 1935 to	Percentage drop.
Superior Traffic Class I, Pay Rs. 1,000—50—1,500.	14	3	78%
Superior Traffic Class II, Pay Rs. 350—20—550—700.	35	24	31%
Deputy Superintendents, Traffic, Grade A, Pay Rs. 500—20—600.	20	15	25%
Deputy Superintendents, Traffic, Grade B, Pay Rs. 350—20—450.	34	25	32%
Telegraph Masters, Pay Rs. 275—15—325.	353	159	55%
Total	456	226	50%

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Sir, I stand aghast at this whole-sale reduction effected on the findings of the many retrenchment committees that have sat within the last five years determined to effect considerable economies in the Post and Telegraph Departments. This reduction of 230 out of 456, or more than 50 per cent. of the entire controlling and supervisory appointments is definitely drastic and appalling and, when it is considered with a heavy fall in the operative establishment and the raising of the standards of efficiency both in operation and supervision, it will be seen that a heavy strain has been placed on the entire traffic establishment; a strain which is bound to tell in time on the men. Sir, it is well known that telegraph traffic employees start early in life and serve the Government, as a rule, for more than 36 years. The incidence of promotion is such that they do not normally attain the position in the "Traffic Service Class II" before the thirty-first year of service and the fiftieth year of their lives. They have absolutely no hope whatever of earning more than four increments in a time-scale which starts at Rs. 350 per mensem and runs through fifteen stages before the maximum can be reached. The existence in 1925 of two grades of Deputy Superintendents (Traffic) made it possible for 20 of the most senior (out of a cadre of 54) to hold the upper grade of Rs. 500—20—600 for a few years before retirement and after many years of loyal service. Subsequent reduction in the number of these appointments and their merger in 1935 in a single time-scale cadre "Class II Traffic" has not only lowered the average income of these employees during the last three years of service, but affected their pensions very adversely. The promises of Government given in the Resolutions already referred to are thus completely stultified.

Even if it is conceded that substantial retrenchment was necessary as a measure of economy, there is no justification, either for dropping Class I Traffic Appointments down by 78 per cent. and seriously stifling promotion of deserving employees, or for placing subordinates, promoted to junior gazetted rank "Traffic Class II", at the advanced age of 50 on a time-scale which runs to fifteen stages before the maximum could be reached. In view of this, the reconstitution of "Telegraph Traffic Class II" appointments into two grades, as was strongly recommended by the Telegraph Establishment Enquiry Committee of 1932-33, and the restoration of at least 3 or the 11 Superior Traffic appointments, Class I, which were withdrawn as a measure of economy, call for immediate attention.

Confidence, in respect to pledges and prospects as well as in the stability of employment, constitutes the main spring of attraction for service and the more the public realise this, the better the recruits who will be attracted to Government employment. I submit, with all the emphasis at my command, that frequent retrenchments and variations in conditions of service and salaries will ultimately destroy confidence and it behoves Government to obviate this by the stabilisation of employment and rehabilitation of the disgruntled employees. Sir, this, as far as I have been able to gather from the limited statistics at my disposal, is the actual position today of the community in the Posts and Telegraphs Department and it only serves to remind one of the past history and treatment that has been accorded to the community in other Government

services which they were mainly instrumental in developing. I know, Sir, that Mr. Bewoor, when rises to reply to my figures, will quote official statistics showing that I am wrong in certain details, percentages and totals. I apologise to him if I am wrong but I would add that I have not in my possession an army of office clerks and figures to help me in arriving at my totals and percentages, but with all these disadvantages, I submit, Sir, that my totals and percentages are, on the whole, fairly accurate.

Now, Sir, I come to a more important aspect of the employment of the Anglo-Indian community in the Posts and Telegraphs, and to develop my point I find it necessary to dip into past history and compare it with our present condition. Sir, at the outset I admit that Mr. Bewoor is entitled in his reply to say that he has, more or less, given effect to the instructions he has received from time to time regarding the recruitment and the position of the community in the Department which is under his able control. There is, however, only one provision which will entitle him to this view and that is, provided the community has accepted the correctness of the distribution of the percentages and remuneration he has made. But the fundamental point is that we have not accepted his distribution as correct and in accordance with the Government of India, Home Department Resolution of July 4th, 1934, or with section 242, sub-sections (2) and (3) of the Government of India Act, 1935. Now, Sir, it might be said that it is useless to base our present day claims on the past association of the community in this Department, but it is on this very association that section 242 of the Government of India Act has been formulated and based. I shall not again stress the pledge given by the Government of India in the Department of Labour and Industries Resolution 3062—3036—101 of April 1914, or of the Honourable Member-in-charge of Labour and Industries' letter No. P./1-Camp, dated the 11th November 1925 and which distinctly pledges the word of Government that the pay and prospects of existing members of the service (all communities) would not be adversely affected by any scheme or reorganisation by *Departmental Committees*. Sir, it will be apposite for me here to quote from the reply given by the Government of India in September 1928 to the representation made by the Anglo-Indian deputation in London, in 1925, before the Secretary of State for India.

This is what that reply says:

"See no reason to anticipate that the number of Anglo-Indian recruits would decrease to any marked extent in the near future."

I ask the Honourable Member to run his eye down the tables I have given him and to see whether this pledge has been fulfilled or thrown to the winds especially in regard to the Engineering Supervisor's Branch? Sir, a reference to the relative part of this despatch will indicate that the Government referred *only* to the *Telegraph Department*, they did not mention anything about the Postal service which, in itself, supports our claim, today, that we have never been ordinarily recruited into the Postal Branch of this Department. At the time this statement was made by the Government of India (for instance in the years 1928 and 1929), the percentage of Anglo-Indians recruited to the Telegraphists' grade was 57 per cent. and 75 per cent. respectively. Mr. Bewoor, I am sure, will admit that there has been no recruitment of Telegraphists since the year

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1930. I, therefore, ask him and the Government of India in the Department of Labour and Industries a pointed question and I want a definite reply: On what basis did it fix the proportion of Anglo-Indian recruitment to the Telegraphists grade at 20 per cent. and which is a reduction of over 40 per cent. of our original strength in the Telegraphists Section of the Department? I know the Director-General will reply that if he gave us our original percentage and, according to the Government of India Resolution of July, 1934, he gave the Muslims 25 per cent., it would leave a very small percentage for the other communities. Sir, I have never made such a ridiculous demand, for I appreciate the fact that the strength of my community in the telegraph side can never be what it was even 7 years ago, but I submit, with all respect to the Director-General, that in reducing us in this Section of his Department from 57 per cent. and 75 per cent. to 20 per cent., he has neither carried out the injunctions placed on him by the Government of India, Home Department Resolution of July, 1934, nor has he paid "due regard" to the past associations of the community in the Telegraph Department as he has been called upon to do *vide* section 242, Government of India Act, 1935. The Director-General must appreciate, remembering the fact that it is in the Operative ranks the majority of the community in the service are employed, that this suspension of recruitment would inevitably bring down the number of Anglo-Indians employed in this Branch rapidly within the next few years. The Telegraph Establishment Enquiry Committee's recommendations tended to deplete the strength of this particular Branch and the forced retirement of the senior members of this Service, consequent to those recommendations, mainly affected the Anglo-Indians who occupied most of the senior appointments, and yet I ask what regard was given to this obvious fact? None. Today we find their places have remained unfilled, and what is worse still, recruitment has been suspended for the past seven years; and, over and above all this, the Government of India have thought fit to reserve only 20 per cent. of future recruitment into these ranks. The only consolation the community is offered is that a larger number of appointments are ensured for them by reserving for it 5 per cent. of non-gazetted non-clerical grades, besides the said 20 per cent. (which reservation now exists only on paper).

Sir, I should like to inform the Honourable Member that I have received reports from various circles that the Post Masters General in the Provinces are unable to secure qualified Anglo-Indians for the posts reserved for them in these clerical grades. I have repeatedly pointed out that the community forms the backbone of the Indian Auxiliary Force and being essentially an urban community, and owing to the difference in mode of life and standard of living, would find it difficult to accept service outside the Presidency towns. It was for this reason, which has special reference to defence purposes, that I appealed to the British Parliament, even after the distribution of the percentage had been made by the Government of India, early in 1935. This diffusion of the community from the Telegraph to the Postal side will only result in discouraging the genuine members of the community from seeking service and, if the somewhat better class do seek service under these impossible conditions of pay and prospects, it is because their parents in the Department who are on the generous old scales of pay are able to maintain them to live;

a condition which will be completely altered in 20 years time, when most of the Telegraph employees will be on the new starvation scales of pay. What is likely to happen is that non-Anglo-Indians will seek these appointments, masquerading as Anglo-Indians, for it is very rarely that an Anglo-Indian will take up an appointment as a clerk, and if he does it will be only in a Presidency town office. Sir, the principles underlying the distribution of the percentage reserved for the community in the Post and Telegraph Department, under the Government of India Resolution of 4th July 1934, were laid down in para. 9(2) of the said Resolution. It states:

"In the Posts and Telegraphs Department, the same principles will be followed as in the case of Railways for safeguarding the interests of the Anglo-Indian and Domiciled European community which at present holds about 2.2 per cent. of all subordinate posts, etc."

Now, Sir, in addition to this specific injunction which I submit, the Department has not followed, I now come to the Government of India Act, 1935, section 242 (2) and (3) which also lays down, in emphatic terms, the manner in which the appointments should be distributed in the Telegraph Department to its Anglo-Indian employees. This section distinctly states that it should be distributed in association with and having "due regard" to the "specific class", "category" and "numerical percentages and remuneration of the posts hitherto held by the community". I say, Sir, the reservation for the Anglo-Indian community of 20 per cent. in the Telegraphs and five per cent. in the Postal branches is not only an utter disregard but a complete reversal of our usual and ordinary appointments in these two departments. On the other hand it seems to me, Sir, that the Government of India appear only too willing and ready to accept any reform or recommendation made by any Departmental Enquiry Committee which seeks to reduce the strength of the community in the particular branches in which they were chiefly and "ordinarily" employed in the past in large numbers. Conditions of recruitment have been altered in such a manner that in those Departments to which the community was recruited to the extent of 50 per cent. up till 1929, it now rarely gets a single appointment in the year. I refer to the Telegraph Engineering Supervisors grade. Sir, this Department as I said before was, at one time, entirely manned by Anglo-Indians, it was they who till a few years ago did much of the pioneer construction work of the Telegraph Department but for reasons unknown to us, the then Honourable Member-in-charge of this Department completely altered the terms of recruitment into this Department and which was entirely reserved for worthy and capable subordinates of all communities. Sir, this Department was converted into an All-India Service and today entrance into it is by an open competitive examination, 50 per cent. from outside direct recruitment and 50 per cent. from subordinates. This division is a mere farce for, very few subordinates are capable of competing with graduates which were suddenly found necessary for this Department and which had, since its inception, been efficiently administered by skilled practical subordinates. Sir, this is a glaring instance in which the community—its worthy and tried subordinates have been suddenly, not gradually, deprived of employment (except in severe competition with Indian graduates) in a Department in which it was but a few years ago largely and ordinarily employed. I ask, why was this done and I repeat it is a glaring case of prejudicing the

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interests of the community and depriving us of our vested interests—indeed a claim to which we were entitled as are also Indian subordinates. Sir, it seems that economies introduced in the revisions of scales of pay have also been directed towards reducing the prospects of those senior Anglo-Indians who are already in service. In my speech last year, I pointed out that whereas, in pre-war days, the Anglo-Indian telegraphists' pay was Rs. 50 to Rs. 200 per month, in the post-war period, i.e., after 1920, this was increased to Rs. 80 to 250 per mensem. Today it is Rs. 45 per mensem rising to Rs. 120 in over 20 years service. Here also, in the desire of Government to increase the salaries of the lower paid staffs of the Department, such as linemen, postmen, etc., which have been increased from 100 to 200 per cent. in many cases, Government seems to have picked the Telegraphists, a department in which Anglo-Indians predominated, as their sacrifice to economy. The reductions in the initial and maxima salaries of the Telegraphists grade have been reduced 47 per cent. and 52 per cent., respectively. Even the prospects in the Telegraph Department have been considerably reduced by the reduction of the number of higher appointments, such as First Division and 2nd Division appointments from 14 to 3 and 35 to 24, respectively—appointments which were previously opened to promoted Telegraphists. Correspondingly I presume there has been an increase in the prospects of the Postal subordinates. Honourable Members-in-charge of this Department have rightly devoted their attention to improving the standard of living of their inferior servants; for postmen and others have got their salaries increased to almost double of pre-war time, a salary on which they can live although even they, today, are complaining. Sir, this increase of pay naturally caused increased expenditure on about 10,000 lower staff and as a result of this the Department finds itself, today, faced with top-heavy administrative charges regarding salaries. Sir, it is a significant but undeniable fact, that all attempts at economy in these two departments appear to have been directed mainly towards reducing the salaries and prospects of promotion of such sections of the Department in which Anglo-Indians have been predominately employed in the past, as I said before the reduction in most cases has been as much as from 50 to 60 per cent. in salaries. This reduction, I repeat, has been contrary to all the pledges and promises given by the Government and contrary to the orders of the Government Resolution of 1934 and section 242 of the Government of India Act, 1935. I ask, Sir, does Government seriously consider a change that entails a 50 to 60 per cent. reduction in salary to be a *gradual change* in the economic life of the community? Does the Honourable Member sincerely think that this is having "due regard" to the past association of the community in the Telegraph Department? If he does, then I stand staggered. If he does not, the remedy is obvious. But, Sir, it is to be remembered that by closing down a Telegraph Office, the number of Anglo-Indians who will be affected will be much smaller than the number of inferior staff and linemen (belonging mainly to other Indian communities). The fact which should be borne in mind is this: by forcing the resignations of Telegraph Masters on the ground of retrenchment, and by allowing the casualties occurring in the operative ranks to go unfilled, the earning capacity of the community is reduced to a considerable extent. This would undoubtedly result in a dislocation of the economic structure of the community. In this connection I would draw the attention of the Honourable Member to para. 2 of the Government of India Resolution of 4th July 1934, which

lays down the object underlying the protection envisaged in that Resolution, namely:

"In considering this general position the Government of India have also to take into account the claims of Anglo-Indians and Domiciled Europeans and of the Depressed Classes. Anglo-Indians have always held a large percentage of appointments in certain branches of the public service and it has been recognised that, in view of the degree to which the community has been dependent on this employment, steps must be taken to prevent in the new conditions anything in the nature of a *rapid* displacement of Anglo-Indians from their existing position, which might occasion a violent dislocation of the economic structure of the community."

Further, the resolution says:

"The instructions which follow in regard to the employment of Anglo-Indians and Domiciled Europeans in certain Departments are designed to give effect to this policy."

Sir, with these facts facing the Department, I ask them, in all seriousness, to consider whether they have carried out these instructions. The figures I have placed before this House show a reduction of 490 appointments in the operative ranks, of 92 appointments out of 234 in the Telegraph Engineering Supervisors grade and of 54 appointments out of 221 in the gazetted ranks, all of which have been brought about within a period of five years by the Government's acceptance of schemes of retrenchment and introduction of new conditions of recruitment and service. Sir, none will say that such huge reductions can hardly be in consonance with and in obedience of the Policy declared in the above quoted para. of the Government of India Resolution of July, 1934; nor can anyone in this House say that it is in consonance or that it shows any, but utter disregard to the policy enunciated in the Government of India's reply dated the 12th September 1928 to Anglo-Indian deputation that waited in London on the Secretary of State for India. Sir, when I delivered my speech on the general discussion of the Railway Budget I entered into details as regards the violation by that Department of certain parts of section 242 to the Government of India Act. It is unnecessary for me to repeat those views on this matter. I will only add that every word I uttered in that speech applies with equal force to the violation of that section by the Department controlling the Posts and Telegraphs Department.

Sir, when I raised the question of the interpretation of section 242(2) in this House on the 18th of February last and while I admitted that the Government of India had given partial effect to the sub-sections, particularly in regard to the distribution of the over-all percentage reserved for the Anglo-Indian community in the subordinate Railway services, I contended that the Government had not acted on the mandate contained in the sub-section regarding the remuneration of the posts. I, today, ask the Honourable Member of Labour and Industries that, if the words of the section relating to the remuneration of the posts were not intended to be effective, what was the purpose of the Houses of Parliament unanimously passing the relative sections? In Maxwell's "Interpretation of Statutes" that great authority says:

"The words of a statute, when there is a doubt about their meaning, are to be understood in the sense in which they best harmonize with the subject of the enactment and the object which the Legislature has in view."

In support let me quote what Sir Austen Chamberlain, M.P., said in the House of Commons on the statutory value of this section, which formed an amendment to the India Bill. He spoke after Lord Eustace Percy had replied on behalf of the Cabinet, when he stated that the

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injunctions implied in this section were not a facade, but a valued statement "of the standard by which the Railway Authorities must act". Sir Austen Chamberlain said:

"The Honourable Gentleman who has spoken will be grateful to the Noble Lord (Lord Eustace Percy) for the explanation he has just given. For my part I accept it as a satisfactory explanation. I think that the words introduced in another place are an effective guarantee for the fair treatment of the class of community whose case is under discussion. It is not the words themselves, but I think the Secretary of State in another place (House of Lords) used some rather loose language in describing what they were and what they were not. What I have hitherto understood by a *declaratory law* was that, when doubts had arisen as to what the law was, it was positively declared to be so and so; that, in fact, the Legislature professes to restate clearly the *existing law* and not to introduce an *entirely new law*. That is a very different thing from saying, in connection with such an amendment as this, that it is purely declaratory and that it does not bind anybody to do anything. I think those words were unfortunate and gave rise to misgivings which have found expression today. After hearing my Noble friend I am satisfied that the words themselves are right and will do what we want done."

It is, therefore, necessary in this instance, I mean, in the operation of section 242, as far as the Post and Telegraph Department is concerned, to consider what were the circumstances under which the particular section was adopted by the British Parliament. Sir, on the 2nd April, 1935, the late Sir Reginald Craddock moved in the House of Commons an innocuous amendment to the effect that "in recruitment to such posts and in recruitment generally for railway purposes (the Railway Authority) shall have due regard to the past association of the Anglo-Indian community with Railway Services in India". Parliament, by a very large majority, rejected this amendment, but in replying to the debate, the Parliamentary Under Secretary of State for India enunciated certain principles for the distribution of the reserved percentages. Subsequent to this, representations were submitted to members of Parliament praying for statutory protection, both in regard to the correct distribution of the reserved appointments and the salaries of those posts, in view of the revised scales of pay published after the issue of the Government of India Resolution of 4th July 1934. It was as a result of these representations that Lord Lloyd moved the amendments in question and the speech he delivered on that occasion clearly indicated the object the Legislature, which adopted those amendments, had in view. The speech, as far as it related to these two matters, reads as follows:

"My Lords, I have some reason to hope, after a consultation with my Noble Friend (referring to the Secretary of State for India) that he will feel able to accept the amended terms of my amendment as it appears on the paper. You will remember that there was a shorter amendment originally put down. That has now been amplified to meet more especially the anxieties of the Anglo-Indian community. One was with regard to the percentage of posts to be kept for them and the other was not only that they were to have the percentage of posts but were to be kept employed in the same classes and character of employment as they had hitherto enjoyed. They had very good reason for anxiety over this."

There has also been added the word 'remuneration' which is very important to them, because, the scales of pay have deteriorated so terribly in recent times, and I might tell your Lordships that a European or Anglo-Indian boy fireman only gets ten rupees a month for the first few years. You will realise how impossible it is for anybody to live on that pay. These are matters which I believe are being enquired into. They are all very grave and, therefore, I am grateful to my Noble Friend for allowing the word 'remuneration' to come into the amendment, as well as his sympathy and assistance about it."

The mandate to the Posts and Telegraph Authority (also Railways) to have regard to the remuneration of the posts hitherto held by the community, was, therefore, inserted by Parliament, the Secretary of State for India agreeing, for the one and only reason that the scales of pay had, —to quote Lord Lloyd's words—"deteriorated so terribly in recent times". The Honourable the Railway Member in replying to my demand, while complaining against me for drawing a distinction between him as the Railway Member and the Government of India, gave his "own" individual opinion as to what section 242 meant and how it should have been worded if anything else had been intended. If the Government of India had the matter under consideration and if he were not in a position to inform the Legislative Assembly of the stage at which the matter stood, he could have said so. As regards his own opinion, as an individual, and which I may add is at distinct variance with the Houses of Parliament and the alternative interpretation he preferred. I shall not cross swords with such a legal luminary as the Honourable Sir Muhammad Zafrullah Khan. I have already stated facts and I bring this to the notice of the Honourable Member in charge of the Posts and Telegraphs that the words in this section should, in my humble opinion, be understood in the sense in which they best harmonize with the subject of the enactment and the object which the Legislature has in view. This object, none can deny, was the protection of the Anglo-Indian community—its jobs and their remuneration. If, in the opinion of Parliament, a correct distribution of the reserved posts in itself could afford the community the protection which it was Parliament's responsibility to ensure, the words:

"and particularly to the specific class, character and numerical percentages of the posts hitherto held by members of the community" should have been quite sufficient. Moreover Mr. Butler, Parliamentary Under Secretary of State for India, in replying to the debate in the House of Commons on the 4th April, 1935, on the amendment moved by the late Sir Reginald Craddock, did not mention anything regarding the remuneration of the posts as a distinguishing feature, or as a guide in the distribution of the reserved appointments. The words "remuneration attaching to such posts" were inserted at the instance of Lord Lloyd and the object of this additional provision he sought to make and which was unanimously accepted by both Houses of Parliament, is clear from the text of his speech quoted above. I, therefore, respectfully submit, no one has any right, today, to adduce a different reason for the inclusion of these words in the Statute. Any interpretation which is sought to be placed on those words should be in the light of the objection which Lord Lloyd, as mover of the amendment, had in view and expressed. The Honourable Sir Muhammad Zafrullah Khan suggests that they mean "the remuneration which is attached to those posts". The actual words in the section are "remuneration of such posts", that is to say, "the remuneration of the posts hitherto held by the community". It certainly could not have referred to the remuneration which those posts at present carry, *vide* the new scales of pay. If it were so, the reference in the section to the question of remuneration becomes absolutely meaningless and a camouflage. I submit, Sir, that the British Parliament, with its wide experience in legislation, could not be guilty of this charge, especially when dealing with the protection of the interests of a community, the responsibility for which protection had been specially placed on its shoulders by the Government of India themselves, *vide* the Government of India Despatch on Constitutional Reform (September, 1930). Furthermore,

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confirmation of this view can be found in the remarks of the Marquess of Zetland, Secretary of State for India, in the House of Lords, on the 24th July, 1935, and the speeches of Lord Wolmer, Lord Eustace Percy and Sir Austen Chamberlain in the House of Commons on the 30th July, 1935. "Remuneration of such posts", therefore, necessarily refers to the remuneration which the posts hitherto held by the community carried in the past and not to the revised scales of pay introduced in the latter part of 1934. And the Railway Authority and the Government of India, in other mentioned departments, are bound to observe that "standard" in carrying out the mandate of the British Parliament in this regard. Sir, to my mind it is not a question of the British Parliament asking the Government of India, or the Honourable Members in charge of Departments to "fix the remuneration of the members of the Anglo-Indian community, when holding certain posts, which should have reference to some standard of living which I (Sir Henry Gidney) has in mind", as the Honourable Member for Railways would have it. It is merely a question of having "due regard" to the remuneration which the "posts hitherto held by the community" carried, prior to the introduction of the revised scales of pay. These posts, in the Posts and Telegraphs Department, also carried certain salaries, whatever might have been the considerations which influenced the Government to fix those rates in the past, and the relative section of the Act charges the Department to have "due regard" to those salaries, in the same manner as the Government in the Railway Department has given effect already to the provisions regarding the distribution of the posts with "due regard" to the particular category, character and numerical percentage of the posts hitherto held by the community.

Sir, the inference the Honourable the Railway Member tried to draw from my remarks, regarding the "common grievance" and "common action", is, in my opinion, entirely unjustified. To my mind those remarks of mine had nothing whatever to do with the acceptance or rejection by the Government of my interpretation of section 242. When I used the words "common grievance" and "common action" I referred chiefly to the curtailment of past and existing privileges of subordinates and the imposition of new conditions of service; for instance, the restriction of leave rules, reduction of over-time, deprivation of privileges, e.g. pass rules, increase in house rent, heavy reduction in the scales of pay on the ground of "no discrimination" and "standardization" and other allowances, etc., etc., I did say and I meant it that should the Honourable Member decline to give any information what the Government propose to do the community would know exactly where they stood and would be able to take whatever action they thought necessary for their future relation with the Railway Service. Surely, Sir, it could not be interpreted as a threat. In any case I am not afraid to say, as far as the community is concerned, we do not share the view that reliability and even loyalty connotes obsequious acceptance of whatever the employer may be pleased to do with regard to the conditions of service of the employee. I go so far as to say that, any revision of salaries and deprivation of other well known privileges, should be done after taking into some account the opinions of the employees concerned, indeed—these opinions should, as far as possible, be an expression of the will and the desire of the employees and, in paying no attention to this, I submit, the Government has acted, not only in an arbitrary and unjust manner,

but has deprived the employees of any voice when they made such drastic changes in the past conditions and prospects of its hundreds of thousands of employees.

Sir, I have entered into these details to show how seriously in my opinion the Anglo-Indian community has been prejudiced in a Department that it has largely helped to bring to its present state of efficiency. The records of the past history of this Department bear ample testimony to my statement, but I use no idle words when I state that I am seriously perturbed as to the fate of the community in this Department and, if I am to judge the future by the present, not the past, then the future of the community is indeed not an enviable one in this Department. The Honourable Member, no doubt, in his reply will prove to this House that he has maintained the percentages given to us as per Government of India resolution of 1934, but he, I am sure, will not be able to state on the floor of this House that he has carried out section 242 of the Government of India Act, 1935, as has the Railway Department in two of its three sections for, had he done so, he certainly would not have divided our employment with a 20 per cent. reservation in the Telegraph branch in which we were mainly employed and increased our percentage from a decimal to five per cent. in the Postal Department in which we were not generally employed. Sir, I know, he will say he has done this for the benefit of the community and I thank him for his genuine solicitude, but I am not prepared to accept that. We, rightly or wrongly, think that we have been ruthlessly deprived of a reasonable percentage in the Telegraphs in which we were mainly employed and unreasonably and against our wishes employed in the postal department which in our opinion, rightly or wrongly, offers less prospects than those in the telegraph side. We also submit that had he carried out section 242 of the Government of India Act and paid "due regard" to our past associations in the Telegraph Department we would not have been deprived of the percentage we enjoyed in the Engineering Supervisors' Department, nor would he have consented to reduce our salaries, as has been done, from 50 to 60 per cent. of our initial pays.

Sir, I apologise to this House for the length of my speech, but as it is most likely to be my swan-song, I feel it incumbent on me to enter into full details, as far as my limited figures allow me to do and which, I again admit, may be wrong in details and so place before Government, I hope, for the last time, the prejudicial effect on the community by the improper operation of the Government of India Resolution of 1934 and section 242 of the Government of India Act. Before I conclude I desire, notwithstanding the criticisms I have made, to assure the Honourable Member-in-charge of this Department, that no one appreciates more than I do the solicitude, the equity and the kindness of heart that he and Mr. Bewoor have shown towards the employment and retention of Anglo-Indians in his Department. I am sure he will be the first to admit that, as a community, we have played no small part in developing this Department. But, Sir, my duty as a representative of my community in this Honourable House and my fruitless efforts in the past to obtain some redress, have forced me to state here and now that the community has, for years, not received a square deal in the Telegraph Department. It is no use telling me that the Government of India Resolution of 1934 has been strictly adhered to when you have so reduced the salaries of the community employed in this Department, as to render them almost a starvation wage. Furthermore, it cannot be denied that the Department has

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denied to us the benefits which are inherent and mandatory in section 242 of the Government of India Act. Sir, I do not wish to enter into an acrimonious controversy with the Director General of the Posts and Telegraphs. I have too great a respect and regard for him for I know that, if he could, he would help the community, for he will not deny that our standard of living is higher than that of Indians employed in certain sections of this Department. I, also, am prepared to give way if he proves that my totals, percentages and figures are, in minor points, wrong, but I feel sure he will agree that roughly speaking I have not strayed from the truth. In any case, Sir, I have placed my cards on the table and now expect the Honourable Member to make a full reply to the various points I have raised. I would conclude my remarks by asking the Director General of Posts and Telegraphs to be good enough to consider the advisability of restoring, at a very early date, to these unfortunate men of all communities at least some of the privileges, prospects and emoluments which have been withdrawn from them. I would ask him to consider:

1. restoring at least three out of 11 of the Class I Superior Traffic appointments which were ruthlessly retrenched;
2. introducing two grades of Superior Telegraph Traffic Officers, of which at least 25 per cent. should be in the upper grade;
3. increase in the percentage reserved for the community in the Operative ranks from 20 as at present to 40 per cent.;
4. to arrest a further drop in the proportion of Anglo-Indians and Domiciled Europeans hitherto employed as Supervisors in the Telegraph, Telephone, Technical and Wireless Engineering branches and in the Signalling Engineering branch;
5. that he be pleased to sanction a special reservation for the community in the Telegraph Engineering Supervisors Grade (with due regard to the community's past association with the Branch of the service) and at the same time confining the recruitment to the Posts reserved for the community in the Postal service to the Presidency towns only;
6. reopening training schools for recruitment of Telegraphists, both Indians and Anglo-Indians, in view of already heavy attenuation of trained operators and the prospect of an early rise in Telegraph Traffic; and
7. reconsidering in terms of section 242, Government of India Act, 1935, the specific classes, category and numerical percentage of the posts held by the community in the various classes of the Telegraph Department, and specially having due regard to the remuneration of such posts.

Sir, let me, in conclusion again express my grateful thanks to Mr. Bewoor and let me ask him, in all sincerity, to realise that I do not use the superlative when I say that the present salaries offered to the Anglo-Indian community in the Telegraph and Postal Departments are absolutely inadequate for the community as it exists today. If he has any doubt of the validity of my claim regarding the operation in entirety of section 242, sub-sections (2) and (3) of the Government of India Act, it is his duty not to pay "no regard" to these injunctions, but, if he has

any doubt to refer this to proper authority for a correct interpretation of this section and I hope he will not delay in doing so. If I have in any way hurt Mr. Bewoor's feelings, let me assure him that such was wholly unintentional and, moreover, most of my wails refer to a period before he assumed the reins of his office. The Department, Sir, is fortunate today to have such an able and sympathetic Director-General, for he is a pride to India and can always be held up as an example of what an Indian can do when given a chance to show his intrinsic worth.

Sir, I apologise for the length of the speech and I thank you for your indulgence.

Maulana Shaukat Ali (Cities of the United Provinces: Muhammadan Urban): Sir, I do not think I will take very long to ventilate my little grievance. I will mention only the recent elections and my own personal experience of them—what I found there, what had been promised by the Government and what has been actually done; and what we get when we come and ask for redress. I hope I shall confine myself within proper limits in what I have to say. Before I got up, I gave notice to the Government whip that I would very much like the Honourable the Home Member, Sir Henry Craik, to be present to hear what I had to say, so that it may not be said that I took advantage of his absence to say things which were not correct. (*An Honourable Member*: "He is here.") I am glad and grateful that he is here, though I would have said my say whether he was here or not; but I want to be fair, and to fight fair. I have been a fighter and I am not ashamed of fighting; but I prefer peace and I want to be friendly; though if a fight is forced on me, I am too heavy to run away: that is an advantage! If you remember, Sir, Dr. Khan Sahib proposed a Resolution in this House in the last Simla Session asking that the Government should issue instructions that the Government officials should take no part in the elections in the interests of one candidate or the other, and I will quote a few words in order to refresh the memory of Members in the House. The Honourable the Leader of the House, Sir Nripendranath Sircar, said:

"On behalf of the Government I am authorised to accept, and I do accept this resolution. ("Hear, hear", from the Congress benches.) . . . I am authorised to accept the resolution as also the amendment, and I say either or both of them. I maintain that non-interference in elections by Government servants has been the policy of Government—I am not talking of public servants in the sense used in the Resolution, because there are public servants who are not Government servants—like the servants of the Calcutta Corporation, who have decided to take part in elections, I am not concerned with them—I am confining myself only to Government servants."

Sir, I am also confining my remarks to Government servants and none else. Further on, he said:

"I maintain that non-interference by Government servants in elections ought to be and has been the policy of the Government. I state that deliberately and I assure the House that that policy will be continued. I may further state that I desire to make it perfectly clear that while accepting this Resolution and the principle enunciated in it, I am not admitting the charges which have been made by my friend, Dr. Khan Sahib . . . If there has been a failure, if there has been a breach of the instructions which have been issued or of the orders given by Government, it is not because Government directed or desired them or encouraged them to act in the manner they did, or because Government acquiesced in their actions, but they have happened in spite of the Government having taken all steps. I ask the House also to consider whether it is not inevitable that where the organization is so very large, defections are bound to take place in spite of all reasonable steps taken by high authorities."

[Maulana Shaukat Ali.]

Sir, I followed the Honourable the Leader of the House and I began in this way:

"I rise to support the Resolution and I am very glad indeed that the Honourable the Law Member has accepted it and has promised to do his utmost to see that no official, either directly or indirectly, takes part in the coming elections"

I will leave out the portions following, because Sir Muhammad Yakub and I are friends now. Then I referred to the woman's seat for which Begum Muhammad Ali contested—I leave all that out as it is personal; and further on I said:

"I warn you, Sir, that in the next few months, you may hear that there was a case against Maulana Shaukat Ali for murder, or for dacoity or for elopement (Laughter); you may hear that there is a case against me for bad livelihood and what not. I am perfectly willing to face all this and you should see that the official orders are carried out I heard that the same officer, Major Nethersole in charge of Moradabad said to a visitor that 'if any one tells you that I want to favour this man or that man, hand that man over to me', but I want to tell you all the same, 'look at the idiocy of this Government, they are issuing orders that we should be impartial, but orders or no orders, I will play my usual game'."

I may say he did play the usual game

Mr. President (The Honourable Sir Abdur Rahim): What is the Honourable Member reading from?

Maulana Shaukat Ali: Legislative Assembly Debates of Thursday, the 1st October, 1936

Mr. President (The Honourable Sir Abdur Rahim): It is there for any Honourable Member to read. The Chair does not think the Honourable Member can be allowed to read it at length like this.

Maulana Shaukat Ali: I only wanted to refresh everybody's memory.

Mr. President (The Honourable Sir Abdur Rahim): No. The Chair cannot allow that.

Maulana Shaukat Ali: I want to show that every promise made by this Government was broken. I do not want to read this book—it is a nuisance to me to have to read it: I merely wanted to remind the officials of the promises they made. I am sorry you stopped me, because I wanted to refer to the Home Member and to the promises he made. He said no case has been brought up in this House beyond some newspaper reports. I have the report of the Home Member's speech here with me to the effect that the Government shall not interfere in the elections, and if there be any grievance or complaint about interference, direct or indirect by Government officials, it would be looked into. He said—"If you have any grievance, if you have any specific complaint, you can come to us, and we shall go into the matter very thoroughly". Sir, I did bring to his notice the gross breach of this promise in Moradabad. Sir, I could not move my motion for adjournment, because you said the matter was not decided yet, and so it could not be allowed. I always respect your decisions and rulings. I think the whole House will bear with me when I say that I have never questioned your rulings or your authority, nor have I ever disobeyed your instructions. Then I brought

an amendment to the Resolution. That too was disallowed in my absence and because I was late by only five minutes. The meeting started at 11, and finished at 11-15 and I came to the House at 11-20. Then, Sir, I made an appointment with the Home Member at the advice of certain friends,—I won't tell you their names. I have hardly asked any questions in this House. I have always preferred to go to the Heads of Departments instead of publishing my grievances. I have been to almost every Member of the Executive Council, except perhaps to the Finance Member, because I know nothing about finance. Even if he hands me a copy of his budget speech 10 days before he actually presents it to the House, and even if he puts an extra duty on any article, I will not be able to make even five pice extra out of it. (Laughter.) I have been to the Honourable Sir Frank Noyce, and I always found him to be very kind and courteous. I have been to my friend, Sir Muhammad Zafrullah Khan, and very often, and I found him also to be very courteous. I have been to Sir Jagdish Prasad over the Haj question, and other matters, and he was also extremely kind and courteous. I have been to the Honourable Sir Henry Craik to discuss the question of the Lahore Shahidgunj mosque. I went over to him after these two amendments and censure motions, and I asked him for the good name of his Government, in the good name of his officials, he should see that his orders are properly carried out by his officers, I wanted him to see that his orders were not disobeyed by his officers in Moradabad. I wanted a public inquiry about their misbehaviour because in that case I would have led evidence before it. At the same time I was very anxious that there should be no partiality shown for any of the candidates, that there should be a fair, and square deal, because otherwise they would have no chance for free elections. I made an appointment with the Honourable the Home Member at his house. I am very glad he is here, and let him say whether what I am saying today is true or not. I explained to him how I was umpired out, I explained to him how Begam Muhammad Ali was umpired out, how the application of another was turned down. Maulana Bashir Ahmed. I also explained to him how Rai Bahadur Sardar Singh, one of the biggest zemindars of Moradabad, a man whose family received property and jagir after the mutiny for good services, a man who was a Member of the U. P. Council for 11 years, who was Chairman of the District Board, was dealt with, because he had the temerity to stand up against the Collector. Of course, I have no quarrel with the Collector, I have no fear of him or anybody else, I can always take care of myself. If the Collector or any one abuses me, I will not hesitate to retort and give back with interest. If anybody fights me, I will not hesitate to fight with greater force,—I would rather die than accept a disgraceful surrender. But I want to be a friend of everybody. I don't want to quarrel with any one. If you quarrel with me, I shall not hesitate to quarrel with you. Therefore, I made an appointment and went to the Honourable the Home Member's house, but I do not know why he did not show me the same courtesy as before. He was probably angry that I had gone to him with this complaint. Sir, I spoke to him without any excitement, I spoke to him with absolute restraint. But when I raised this question of interference in elections by officials in Moradabad, Major Nethersole and Syed Bashir Hyder, he turned round said: "Do you slander our officials"? I say, Sir, he will be an impossible man who can slander Major Nethersole—the Collector and his Tahsildar! If the Honourable the Home Member had inquired from his own friends like Sir Muhammad Yakub, Sir

[Maulana Shaukat Ali.]

Muhammad Yamin Khan, or from any of the officials who represent U. P. Government in this House and in whom he has confidence they would have told him what sort of a notorious man Major Nethersole was and he would have been satisfied. If he had enquired from his Local Government about this officer, the Home Member would have got a correct picture of this man. I went to him with a genuine grievance, complaints about which I had abundant proofs which I was going to produce—before the enquiry committee—but then I was told by the Honourable the Home Member—‘You slander our officials’. Sir, there was not the least justification for a remark like that. Still I kept quiet and said—‘You promised us in your speech that should there be any interference by our officers in elections we should bring such complaints to your notice. Here is the speech you made to the effect that if there was a definite charge or complaint, we should come to you’. Sir, you will not allow me to read that portion of the speech of the Home Member

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member has stated the facts. That is quite enough. It is not necessary to read the whole speech.

Maulana Shaukat Ali: Thank you, Sir. Before I had put my case in hand in five minutes he interrupted me,—whether he did so through ill-health or not, I cannot say, or whether it was the fact that he had had no lunch, that too I cannot say. But, Sir, I had 150 miles by car through the night, I had to sit up all night in the car and, I reached at Delhi 4 o'clock in the morning. I reached the House only 5 minutes late unfortunately, and so I was not able to ventilate my grievance, but you had decided against me and gave me a little reprimand. You certainly meant well and I did not mind it. Now, to revert to my grievance I went over to the Home Member with my grievance. He said—‘Go to the U. P. Government’. Then I said—‘Why should I go to the U. P. Government? I represent the U. P. in this Assembly; you made a promise to us that in case any specific complaints about interference in elections were brought to you, you would look into them, and, therefore, I have a right to come to you’. Then he said—‘Get out of my house’. Sir, I then also used language which was unparliamentary and which I don't want to repeat here and I left his house. Let him repeat word for word what I said to him and what he replied. Sir,—‘I have a right to come to you, and to the Members of this House. I would not have bothered you but for the specific charges against Major Nethersole and I can adduce abundant proof. Every man in Moradabad knows Major Nethersole and Syed Bashir Hyder. If an impartial inquiry were held, I assure you that you will find a most immoral, corrupt administrator in the district’. Sir, this officer is not an I. C. S. man. He was a military officer, he was in charge of some aeroplane. He had an accident and hurt his head. He was shunted on from the military to the civil side. He should have been put in command of the British forces at Aldershot or at some other place but he should not have been thrust on the poor people of Moradabad. He wants to break every law, he laughs at every authority. If he takes a fancy to some one, he will advance his interests right or wrong; if he has a hatred for some one, he would use every means to ruin him completely. He is very well known to the U. P.

Government, and it is this man who interfered with free elections. In spite of his interference through his officers, Sir, we defeated him and we have won. I am prepared to cite 30 or 40 true and genuine cases of people with whose free votes he and his officers interfered. It is not the Collector who fought with us. If I desired to fight with any one, I would have fought him also, I have fought with the biggest in the land, but I wanted to win the elections, for my part and not to fight any. Sir, I have been a rebel and an outlaw, as you all know. I had the honour of seeing Governors and Viceroys and they had always shown me the greatest courtesy. I have had my fights with them. But today I want co-operation, I want friendliness to prevail, and when I am trying to work in that friendly spirit, I get abuse, because perhaps they think that this kind of co-operation of mine is not sufficient, they must have abject slavery. (‘Hear, hear’ from Congress Party Benches.) Where am I to go? What are these promises worth? The Honourable the Home Member may or may not apologise to me, but I have given him as much as he gave me. Then, Sir, what a contrast! I was boiling over with indignation owing to that incident and yet I had to go immediately to my Honourable friend, the Law Member, with a friend who was a Peshawari and who arrived here from Calcutta about a case of repression, and I asked him to see me for two minutes, though I had made no previous appointment with him. He said: ‘Whenever you come, why take two minutes, you can talk to me for two hours if you like’. I told the Law Member all I wanted to tell him. He took down notes and gave me a patient hearing. Whether he has done anything for me or not I do not know; at least he gave me every consideration and courtesy. If the Honourable Member had made an enquiry, even from Members who come from Moradabad in this House, from Sir Jagdish Prasad—he could have learnt something about the gentleman. What is the use of treating us like this? There will be shortly a by-election in which I may have to fight an old friend, a Khilafat worker, though I still hope that we may come to some arrangement by which this may be avoided. But I may tell you this that I do not want any help from any collector or magistrate or police officer—I will deal with my friends there, and they will deal with me, and whoever wins, we will shake hands. I know the Congress candidate, I know him better than anybody else. What we want is complete impartiality, and we should have courtesy from everybody. I have got friends, Englishmen and Indians, many friends on the other side of the House. I had been 17 years in Government service and I had nothing but courtesy and kindness then, and even during my internment they kept up their friendship. I hope the Honourable Member will be good enough to order an enquiry and allow us to lead evidence, and then he can decide what he likes on the merits of the case. If the evidence is considered concocted or wrong and I cannot prove my case, I give them full authority to hang me. I hope that the Honourable Members on the front benches will show us courtesy and give us justice which they promise freely. (Applause.)

Mr. Ganga Singh (Burma: Non-European): Mr. President, I thank 1 P.M. you very heartily for kindly giving me an opportunity to speak, especially as it is the last occasion when a Member from Burma will rise in this House to speak. It is my duty to express the views of the people of Burma as to what we think about the Government of India.

[Mr. Ganga Singh.]

Sir, wherever there is British administration, we have many grievances to present, many lamentations to bring, because the attitude of the British Government (wherever it is) towards Indians, is that of a step-mother. Very many speakers before me have protested against the Finance Bill on the ground that it is not in the national economic interests of India. Sir, all the money got goes to maintain that topheavy administration which forges chains to increase the slavery of India. This money is utilised for the maintenance of that army which not only keeps the people of India as slaves but it goes further and makes other nations also slaves. I would not omit at this time to mention one thing. Some of my Honourable friends have heard about the martial race. I may tell them that I belong to that race, but it is a shame on our part to stand before another nation and say that we belong to that martial race which takes away the liberty of other people. It has lost its own home and it goes to other peoples' homes and makes them slaves. Those Indians who have been to foreign lands or have met foreigners—I assure you when an occasion comes to talk about India they try to hide their feelings, they try to hide the fact that they belong to that race which is making other peoples slaves. The lamentations are too many as I have mentioned, but I would proceed to mention the other indignities that this administration heaps on Indians overseas. The Indians overseas are nothing but slaves and I do not think that they have got any right of assertion to be men because they are slaves at home and they must be slaves abroad. A slave has got no right to be master anywhere if he is a slave at his own home. This administration in India has reduced him to such a level of slavery that he is not only bodily a slave but also mentally, from which we do not think there is any escape in the near future. The British administration in India is like a wooden cake. It has got into the mouths of Indians, but it is too sticky to be pulled out. Neither we can afford to swallow it because that means slavery for ever, nor can we pull it out because of this administration and this army, which is keeping the cake in. These are a few salient factors which I think every man and woman of India laments. By this expression, "Indians", I should not be understood that I separate the Burmans. Burma is a province which by nature was within India, but it has so happened that it is going to be separated from India from the 1st April next. I will not go into the merits of separation or no separation, but I would say that this separation is intended to keep those people beyond the Bay slaves for a longer time than Indians. Honourable Members must have read or heard that the first step of British Imperialism to keep the people of Burma away from the politics of India is to increase the postal rates between Burma and India. We went to Burma centuries before the British ever knew about Burma. The British Government should have realised that the relation between the two countries is not a relation of a few years, but one of centuries. It is the British administration which has started this game. This is the first game of the British Government, to divide and rule whenever they can, sub-divide, bisect and disect and then rule.

Then, I come to the duties imposed on sugar and silver and the postal rates. The sugar industry in a very few years has grown up to such an extent that it has reached its manhood and able to face the competition of the world but the Britisher does not like that a poor Indian should eat

sugar because he thinks that the Indian mouth is not fit for sugar. It might bring stomach troubles, diabetes and other troubles. I was quite surprised to hear the other day on the floor of the House a Government Member saying that a large number of the people of India are eating *gur*. I would ask him how many Government servants eat *gur*.

Mr. A. K. Chanda (Bengal: Nominated Official): I eat *gur*.

Mr. Ganga Singh: I am pleased that he takes it, more as a pleasure, not as a necessity.

Then, Sir, by a trick of high finance, I can assure this House, every woman of Burma had lost every ounce of her gold. We do not know what is meant by high finance, but I know that by some jugglery every woman of Burma has been made to part with her gold ornaments, and if a census is taken, it will be found that even five per cent. of the women of Burma have not got gold. Then, as regards silver, it is luxury of the poor. The poor could hoard little silver, but the attention of this benign Government has been turned to it as well. I assure the Finance Member that if one more jugglery of high finance is performed the silver also will be gone. This is high finance and I take it that high finance is to deprive other people by hook or crook of things with which they would not part otherwise. With regard to the general condition of the people of India, and when I say, India it includes Burma also, there are very few actual necessities of the people. First, he needs clothing. Secondly, he needs food and thirdly, he needs lodging. With regard to clothing, he needs it to cover his body. Food he wants to sustain himself and he wants house a place to live in to give him protection from external influences. I shall now examine what percentage of the people can clothe themselves properly to meet the climatic conditions. I can assure the Honourable the Finance Member that the people of Burma, who used to wear silk costing Rs. 10 to Rs. 12 have now substituted it with Japanese cotton clothes which cost not more than Rs. 1-2-0.

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. Ganga Singh: Sir, I will continue from the place where I left. I was mentioning that the needs of a person were clothing, food and houses to live in. You have to examine this question, namely, how many people in this country are properly clothed, properly nourished and properly housed. Sir, I need not go into the details of this question. Government and the Honourable Members of this House know that a very large percentage of Indians have not got sufficient clothes to cover them, sufficient food to nourish them, and proper sanitary houses to live in. This is apparent from the unemployment we have in this unfortunate land, where a very large percentage of the people are unemployed. Sir, this

[Mr. Ganga Singh.]

evil is due to the policy of the Government, because the Government want to exploit our people for their own people in England, and for that exploitation they help other nations also to exploit us. (Hear, hear.) This unemployment question is the question which will decide the fate of this Administration in India. Sir, if there would have been so much unemployment in England and if England did not have so many colonies and so many dominions and so many other possessions to send its educated men to, I can assure this House that then the unemployed educated men of England would have exploded and finished England by now. Sir, it is the good luck of England that it has got so many places on earth to supply employment to its people. Sir, this curse is only appreciated by those who have this evil at their doors. Unemployment is increasing, and the Government pay no regard to that. Sir, our unemployment can be removed by starting industries in this country and making the country self-supporting with regard to those articles that are required in this land; otherwise I can assure this Government that this is the thing which will finish them. There need not be other causes. There may be any kind of steel frame to govern us, they may have any martial races to back them, but this unemployment is the explosive which will burst them.

Now, Sir, I would like to say a few words with regard to the Constitution that has been given to my province and to other provinces. Sir, the reforms were the result of the thankfulness of the British nation in 1917, because the Indian Army, and the Indian people, by their supply of all raw products, saved the homes of the British, and there were Englishmen who did realise that it was India which saved England, and it was because of this appreciation that the reforms were granted to us, and it was that fresh thankfulness that made the British give us the reforms and thus resulted the system of dyarchy. Sir, we had dyarchy for about ten years and then came the time for its review, and we all know how many years were spent in considering and examining that question. Now, the present Constitution that has been given to my province and to the other provinces in India is another display of divide and rule; there is nothing substantial in this constitution. This constitution has taken back from us whatever was given even in the dyarchical system. Governors of provinces are enshrined under the Act as the perfect bureaucratic rulers. Whatever popular opinion desires to have done, they can do that, but the Governor can veto the whole. That is the chief aspect of the constitution. Sir, I can assure the Benches opposite to us that the Constitution conferred on Burma is most unsuitable, because the framers of that Constitution all the time had cast their eyes upon the idea of Hindu-Muslim disunity, of divide and rule. This is not the case in Burma. There is one class, one community. Sir, that Constitution is bound to go.

Now, Sir, I have a grievance against the Postal Department; that is, we have got a very large number of postal employees working under the Central Government. Now, when the postal rates are raised to the empire rate, it is natural that the traffic in the postal articles will go down and the result will be to remove those persons who are at present serving in that service. That service demanded from the Department that when the Central Government was leaving them, they must have an assurance of the security of their services. Those who have a desire to get their transfers to India should be allowed to have the transfers and those who are in

India, but have their homes in Burma, should be allowed to have their transfers back to Burma. Sir, I am the President of the Rangoon Postal Union in Burma and my Union did its best to represent this matter, but nothing so far has been done. Secondly, Sir, I have a message from the Muhammadan community in Burma that the grave of our *ex*-Emperor Bahadur Shah lies in an undignified way, which Government should not have allowed to remain in that condition. He lies under one shed of corrugated iron sheets and the members of the Muhammadan community are doing their best to make a dignified grave for that exalted person. The other day, in reply to my question, I was given a certain amount of assurance of what the Government of India are willing to do. If they really translate their word into action, it will be very much appreciated.

Sir, I again renew my grievance about the increase of postal rates and I would like to place on record a number of telegrams that I have received from the different Chambers of Commerce and other bodies in Burma, Calcutta and Madras. Here is a telegram from the Chettiar Association, Rangoon. They say:

"Communiqué published today. Empire postal rates apply from Burma to India. Telegram rates also raised. This is opposed trade agreement; should maintain *status quo*. Affects trade adversely resulting fall in revenue. Ask authorities for necessary action."

I have received a telegram from the Chettiers Association, Madras; I have also received another telegram from the Indian Chamber of Commerce, Calcutta. I have also received a telegram from Mandalay saying that a public meeting was held and they protest against this increase. Sir, I have got a large number of messages in this connection and I do not desire to take up more time of the House. I would, however, like to mention this that I had an interview with the Member in charge and he assured me that they will give their consideration to this matter at a later date. In this connection, Government of India might say, that in this case, it is the Government of Burma which has first started this increase. Sir, both countries have got great trade relations and the postal rates should be settled by mutual consent. It is right and proper on this for India to safeguard the communications of its nationals. There is a very large number of Indians in Burma, four or five lakhs of labourers and about eight lakhs others. The Indians view this increase of rates with suspicion, and they fear that Burma may not become another South Africa in the near future at the hand of Britishers. Sir, I give this warning to this Government that it will be another black mark on the administration of the British in this country if the condition of the people in Burma is allowed to drift as has been the case in South Africa and other places.

Sir, most of our speeches in the Assembly are not taken seriously by the official benches as they think that it is customary for Honourable Members to talk. I remember one of their great politician saying that the caravan will pass, let the dogs bark. Sir, the dogs do not bark unless they have some suspicion that the caravan consists of robbers and thieves. The dogs suspect, and then they bark. This is the condition of those people who cry out their grievances before the Government. I can assure the House that in India as well as in every part of the world where there is the British rule, people are tired of it, and there will be no more passing of the caravans and the barking of dogs. There will be a terrible re-action whenever an opportunity presents itself.

[Mr. Ganga Singh.]

Sir, a word more and I have done. The Government of India should watch the interests of Indians in Burma with keener interest in order to avoid the repetition of what has occurred in other countries. I oppose the motion of the Finance Member, because this Finance Bill is not in the national and economic interest of India. It is to maintain the undesirable, unwanted and distrusted British trust in this country.

Dr. Ziauddin Ahmad (United Provinces Southern Divisions: Muhammadan Rural): Sir, first of all, I desire to draw the attention of the House to a defect in the rules and Standing Orders. We have got starred questions and unstarred questions. Similarly, we ought to have starred speeches and unstarred speeches. I daresay I was not very much charmed by the essay which was read out by Sir Henry Gidney this morning. Probably it would have been more effective to the House if he had got printed the whole of it—no doubt, at the expense of the tax-payer—and had delivered only the last portion of his speech which was really effective.

Lieut.-Colonel Sir Henry Gidney: Why don't you do the same? Why don't you confine yourself to mathematics?

Dr. Ziauddin Ahmad: In the first place, I would like to take up the policy of protection. This policy is now 16 years old and I think the time has come when we ought to revise it. It is based on three fundamental points. It should have a natural advantage, the development is urgently needed, and eventually it will be able to stand on its own legs. The Fiscal Commission point out a danger which unfortunately has proved to be true. The danger is that once a protection is given, it is exceedingly difficult to withdraw it. This they say on page 55 of their report. In the actual working of the protection, we find that there are three defects. Firstly, no machinery has been provided to watch the progress of the industry. Secondly, no machinery exists to control the prices. They calculate the profits at certain rates which they call the fair selling price, but there is no machinery to see that the same price will be observed later on and that it will not be allowed to increase. Actually, we find that the prices do increase and the benefit of that goes to the shareholders. The third defect is that no machinery is provided to regulate the dividends. At present we are noticing that certain industries, which have been given protection, are giving very heavy dividends at the expense of the consumer. Now, it is desirable that these high profits ought to be kept in a reserve, so that they may be used in times of necessity. We should also remember that this protection is really a double tax, it is a tax on the consumers, it is naturally a tax on the revenue of the Government. It always leads to the diminution of the revenue, otherwise it will not be a protection. So, this protection really acts in two ways. In the first place, you tax the consumer to pay higher prices, and, on account of the loss of the revenue, you put your duty on some other commodity in order to make up the loss. Therefore, this thing requires very careful consideration and we should avoid as far as possible this double taxation. As regards taxes for protection, I can understand that you levy a tax for revenue purposes of the Government so that the Government may exist. I can also understand a tax for the benefit of the poor, and you tax the rich in that way. But I think it is very malicious to tax the poor for the benefit of the rich. This often happens in protection. As regards the policy of protection, I

am not opposed to it provided it is done for the benefit of the people of India and not for the benefit of the millowners of the country. My Honourable friend, Sir H. P. Mody, the other day said that he was in favour of cottage industries. May I ask him whether he would allow the levy of an excise duty on mills for the protection of cottage industries. Certainly not. He will be the first man to come forward and oppose the excise duty on mill production. What is then really necessary in this case? We should have an excise duty on mills and a corresponding duty on imported articles and then allow the cottage industries to go free. If we really want to have protection to the mills as well as protection to cottage industry this is the right way of doing it.

The next point I wish to touch upon is the question of road-rail competition, but I do not wish to discuss it in detail. I never had an opportunity to express my opinion on this subject. One point which we forget is that the road is paying a tax to the Government. The income from petrol at present is about six crores, and there is an annual increase of income under this head to the extent of half a crore. This is really an addition to the revenues of the country. Consider that the railways do not pay any revenue to the Government as they previously promised to pay, that is about one per cent. of the capital at charge. The other thing is that the accessories of motor cars are paying to us about 1½ crores which we cannot neglect. Therefore, in making our calculations and coming to a final decision, this particular point should also be taken into consideration, that the roads are paying to the revenues of the Government while the railways are not. By whatever way you decide the question of road-rail competition, you must remember three fundamental principles, these are (1) that private enterprise should not be stifled; (2) the motors should pay proportionately the cost of maintenance of roads, and (3) the legislature should not cripple the free development of road traffic and a settlement should be obtained by mutual compromise. These are the three fundamental principles on which a settlement ought to be based.

There are one or two minor points which I shall just mention. My Honourable friend, Sir Muhammad Yakub, the other day drew the attention of the House to the disabilities of the people of Delhi. The services at Delhi are at present amalgamated with the Punjab. I do not object to it, at the same time the interest of the people of Delhi ought to be safeguarded, and this could be done only in either of the two ways. You can fix a quota to Delhi in all service for which amalgamation with the Punjab exists; or in all selection committees, the Chief Commissioner or one of his representatives should be present in order to safeguard the interests of the people of Delhi.

Mr. B. Das (Orissa Division: Non-Muhammadan): In that case, you will have to give representation to Orissa also.

Dr. Ziauddin Ahmad: The province of Orissa does not come into the picture at all. This question concerns Delhi alone and the services therein.

I have got to say a few words about the sugar industry. I have got with me figures relating to one particular factory. I notice that in 1932-33, the average profit was 25 per cent.; in 1933-34, it was 18 per cent.; and in 1934-35, it was 10½ per cent.; in 1935-36, it was 10½ per cent.; and, even after the imposition of the excise duty, the profit still continues to be 10½ per cent. Thus, during the last five years, 75 per cent. of the

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capital which they originally invested has already been paid back in the shape of dividends. These calculations do not include the latest or invisible profits which are existing. So the imposition of excise duty on sugar did not work out to be so bad as some persons made it out in 1934. But I will discuss this question when we take up the clauses of the Finance Bill.

The next point to which I wish to refer is the competitive examination. This is the only opportunity when I can discuss this point now, because I cannot get any opportunity for its discussion on any other occasion. At present researches are being made in every country which show that the system of our examinations is not what it ought to be. Our examinations are very defective and the marks given by the examiners are very deceptive. I will just give an example by quoting an American author:

"In an examination in History in the year 1920, the papers were evaluated by six professors of History working as a panel. One of the professors, who was exceedingly conscientious, began by writing out what he considered model answers to the questions, but inadvertently his model answers got mixed up with the papers of those whom he had ploughed and was sent round to the other five professors for their appraisal. His paper was read by them as a *bona fide* answer paper of an examinee, and some of his colleagues ploughed him, the marks ranging all the way from 40 to 80."

I will now quote Sir Phillip Hartog who is a great authority on examination. He says:

"Of the 39 candidates who were awarded a Failure mark by one or more examiners, 25 were awarded a Credit, 8 special credit, and 3 distinction by one or more examiners."

This question was also examined by one or two educationists in India and there was a very good article in the Education Supplement of the *Hindu* of 1931:

"On an examination of the marks given to A, the best boy in the class, it will be seen that not only do the marks vary from 39 to 71 but are so distributed that one would not probably get a different set of marks if each examiner was allowed to draw his marks from an urn containing all the possible marks."

Later on, the same author says:

"No serious injustice would be done to candidates if the marks allotted to them are simply drawn out of a ballot box."

Well, Sir, these are the opinions about marking. There exists very great uncertainty about the marks given by the examiners and the errors are abnormal. People are investigating the question.

When we come to competitive examinations, the difficulties become still greater. There you have parallel subjects which the students take up; and one person has taken up history, another has taken up economics, a third, Persian or Sanskrit. We then total all the marks. There are two serious difficulties, the one is that the question papers in the alternative subjects may not be the papers of equivalent difficulty. There may be a very stiff paper in one subject and a very easy paper in an alternative subject which some other student may have taken. The standard of marking may be different in different subjects. The answer books in one subject may be examined by a person with lenient personal equation, the answer book of another student may be seen by a person with strict personal

equation. In this case the students are very much handicapped. In all these, what you call fair competitive examinations, there is an enormous amount of uncertainty which is not possible to overcome and which is exceedingly difficult to remove.

An Honourable Member: That will apply in the case of ordinary examinations also.

Dr. Ziauddin Ahmad: Yes, but in competitive examinations two additional difficulties apply and those are that the question papers in the alternative subjects may not be of equivalent difficulty and the students may be adversely affected by examination errors. Therefore, the conclusion that I have drawn is this that by adding the numerical marks it is impossible to say whether one person is abler than another. These competitive examinations, as they are conducted, do not decide or select the best candidate, but they certainly decide what I may call the most fortunate candidate and who really takes up a particular subject or subjects in which papers happen to be easy in that particular year. I am asked, what is the alternative? I will require some time to deal with the matter, but I will just suggest one or two points in which changes may be made. In the first place, every answer book ought to be examined by more than one examiner and serious differences of marks ought to be adjudicated by a third person. Secondly, marks of different examiners ought to be reduced to what is called a common scale. These are the two suggestions I make today.

Pandit Lakshmi Kanta Maitra (Presidency Division: Non-Muhammadan Rural): The third is the choice of examiners by the candidate.

3 P.M.

Dr. Ziauddin Ahmad: Fourth no examination. By competitive examinations we really cannot select the best candidates, and this system ought to be replaced as early as possible by a system which may be more effective, and we may select persons who may be able to carry on the work more efficiently.

I will now deal with the Defence Department. We ought to divide our army into two categories; one, required for the general defence of the Empire, and, secondly, for the maintenance of peace and tranquillity in the country; and there ought to be a distinct budget for these. The army of each category at the time of need should assist each other. Separated Burma may keep her own army for internal tranquillity and she ought to pay to India the proportionate cost of that army which is required for the safety of the whole Empire, because, really speaking, we maintain a very big army in India and that is really an army to safeguard the interests of Burma as well, and it is just and proper that she should pay her proportionate cost.

Mr. T. S. Avinashilingam Chettiar (Salem and Coimbatore *cum* North Arcot: Non-Muhammadan Rural): Sir, when I was hearing the speech of the Honourable Sir Frank Noyce the other day, I was reminded of a story. I had a servant and very often, once in two or three days, he was breaking a china cup. Cups and saucers suffered very much with him, and then when we scolded him, he said: "Look at this man; he scolds

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me when it is broken, but how often have I not broken. For my not breaking the china on these days, I must be appreciated." That is the spirit in which I think the Honourable Sir Frank Noyce wants an appreciation from us. He says, "You must give us credit for what we have not done and some credit for what we have done." I am sorry, Sir, that the budget which has been placed before the House today has not dealt with the facts and the serious problems before this country. It looks as if a joint stock company has placed its balance-sheets just to make the expenditure and income the same. The serious problems before the country,—the poverty of this country, the unemployment in this country, the problem of agricultural prices in this country,—there has been no attempt to tackle these problems. It is only a few days ago that I read in the newspapers about a great tragedy,—which has become rather a common occurrence in this country,—in Coimbatore where a mother with three children fell into a well and committed suicide on account of the fact that she was not able to eke out a living and feed her children and herself. And this is not an isolated instance. Very often we read in the news papers about people, father and mother and parents and children committing suicide, because they are not able to make both ends meet. And this is not confined only to the educated classes of this country, but extends to all classes of people. I should like to ask if any attempt has been made to meet the problem of poverty in this country or of unemployment? In this connection, I should like to point out what other countries are doing, and I will refer to the country from which my Honourable friend, the Finance Member, himself comes. He lays stress on his canons of financial procedure, but let me point out how other countries are trying to solve this problem of unemployment. I refer to the Sugar-Beet scandal as it is termed here. I read from the *Economist*, dated the 8th February, 1936, and it says:

"The Government's capitulation to the sugar beet interests is now complete. There has been no sorer story in post-war British politics than that of the sugar beet subsidy. Since 1924 the State has spent £50 millions in supporting an industry whose total output is worth less than the subsidy received. During this period the profits, financed by the subsidy, have enabled the beet sugar companies to repay nearly 18½ per cent. of their capital, to accumulate assets equal to nearly 27 per cent. of their remaining capital, to write-off about 42 per cent. of their expenditure on fixed assets, and to pay gross dividends amounting to more than 83 per cent. of the share capital outstanding."

I do not want to go through the whole thing here, but it is enough to show that the British Government followed a policy of encouraging the beet sugar industry which was condemned by this paper and many others. May I know whether that Government, in view of this criticism which to my Honourable friend may seem very correct, abandoned that scheme and stopped giving protection? Certainly not. They said there are millions of men unemployed in the country and in order to provide employment for these people they went on supporting this industry even though there might be losses to the exchequer. And they did so in spite of the most vehement opposition from the great experts of that country. May I know whether the Finance Member is prepared to apply the same kind of policy to this country also? If that is done, millions of people will be able to live. Very often we have asked that the vital industries like the manufacture of motor cars and of locomotives should be started in this country, not for the sake of profits alone,—it may become profitable

a decade or two hence—but only to afford employment to millions of people in this country. And out of these key industries, many smaller industries will rise here which will give employment to thousands and millions of people. What replies have we got to all this? They say it will not work at a profit. What matters it if there be no profit? Have they in their own country started industries only for the sake of profit? Certainly not. This itself is a standing example of the fact that they lay down certain principles for their own country but when it comes to this country, their ideas of protection and their principles and canons undergo a complete change.

Then, about unemployment, I have heard of a bird which is considered to be very foolish which, when danger comes on, closes its eyes and thinks the danger has gone. In the same way, the Government of India dare not face facts in this country. When they advertised for a post here in the Watch and Ward Department, they know how many thousands of applications were received,—for one single job, they got about two or three thousand applications. In the light of these facts, questions have been often asked by many Members so that the Government may collect statistics about unemployment in this country. But they dare not face the facts for the reason that if they once collect the data, they will know what colossal and vast unemployment prevails here, and they will have to do something, which they are not prepared to do. For this reason they shut their eyes and say that unemployment is the business of the provinces and not their own. A question was asked if it could not be ascertained from the universities as to how many of their products were still unemployed: that could have been done very easily. Even that was refused. It is not that they lack the machinery for collecting the figures—they have got village officers, town officers, district officers—there is no fresh machinery necessary to be created to get these statistics. From the books published by the League of Nations, we get figures of unemployment for almost all countries in the world except our own: we can find out, how unemployment has been fought in Germany, in England, in the United States and in various other countries: and even in a country like Japan, figures are given. What do they do here? They say there are no figures—figures are not available. Is it not to the shame of the Government to say that they are not able to collect figures even—let alone doing something about relief of unemployment? We, on this side of the House, strongly resent the way in which budgets are placed before this House—as if just to meet the needs of the people who have to be paid, the needs of those who do the policing in this country, as if nothing has to be done to meet the needs of the country and solve its problems except policyming.

The next problem is that of agricultural prices. If we can find out a way and do something to raise the prices of agricultural products, poverty can be solved to some extent. But what have the Government done? Questions are being put as to what has been done. The other day, my Honourable friend read some figures to show that the prices of primary products are rising. I have here before me, not the prices of primary products, but the monthly bulletin of statistics, issued by the League of Nations, where the index of wholesale prices is published. Prices of primary products like rice might have risen in Rangoon a little: but is it a permanent rise? Can I not say that this temporary rise is

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due rather to the rearmament preparations that are going on in foreign countries? Why, even one of the Honourable Members in his reply the other day admitted as much. Even granting prices have risen, how much have they risen? As compared with prices in other countries, the rise in India is very poor indeed. Taking the basic figure to be 100 in 1929, in the United States it was 83 in 1935, in Germany it was 74, in Japan it was 84 and in the United Kingdom it was 77. What is it in India? It is 64. Can it be said that the rise in India has been commensurate with the rise in other countries? Can the Government say that this is a matter in which they cannot or need not interfere? It is not so. It is merely because they are not interested in the teeming millions of this country. They are satisfied with making both ends meet in their own case; and we on this side suggest that only three things can solve these problems of unemployment, poverty and depression. I do not want to speak at length about all these matters—I will confine my attention to one. About the question of raising the prices of agricultural products, I shall say a few words. We here believe that the rupee has been over-valued. We believe that a change back from 1/6 to 1/4 will bring about a rise in agricultural prices. In regard to this, apart from argument, and apart from the newspaper reports which may or may not be true but which have not been contradicted by the Honourable the Finance Member, it appears that the resignation of Sir Osborne Smith has something to do with the present ratio. It has been reported in the papers many times and in leading financial journals that in the opinion of Sir Osborne Smith, the proper ratio was 1s. 4d., but that the Finance Member of the Government of India disagreed with him, and that was the main cause of his resignation. This question of the resignation has been surrounded with mystery, and the fact, that no reply has been forthcoming to our questions, has made it more mysterious still. They say there has not been any difference on a major question. We are at a loss to know what a major question is: for aught we know, this may not be a major question to the Government of India: and many other questions which we think are major questions may be minor to the Government. To all these we have got no reply except to say that they will not say anything. My Honourable friend, Mr. Santhanam, put a question in this connection the other day whether Sir Osborne Smith had been given any compensation. We are entitled to know about this matter, but we do not get any reply. We get merely a grim face and angry looks and nothing more. Is this the proper way to treat this House? We ought to get a franker reply.

As regards capital works to relieve unemployment my Honourable friend, Sir Frank Noyce, said last year that they have started building in New Delhi to relieve unemployment. I have not yet got the figures which I wanted. But this much I can say. Most of the money invested in New Delhi was invested in times when there was no depression. After the depression has set in, the money invested in New Delhi is very small indeed, and it could not have relieved unemployment to any large extent. Most of this money was spent when money was not cheap, and there was no depression.

I want to say a few words now about the cut in salaries. Every one has spoken about this subject. I will not go into the figures about the disparity of salaries in this country as compared with other countries.

I will only point out that there is no ground for keeping up these high salaries here. Let me quote a few words from the Report of the Lee Commission, dated the 27th March, 1924

Mr. N. V. Gadgil (Bombay Central Division: Non-Muhammadan Rural): That is their Bible!

Mr. T. S. Avinashilingam Chettiar: What does their Bible say? What are the reasons they give for enhancing their salaries? They say, at page 24:

"The existing scales of pay for the All-India Services were fixed in 1919-20 on the basis of the recommendations of the Islington Commission. A great rise in prices had taken place since their report was signed. This was not ignored in recasting the scales, but no attempt was made to increase the rupee rates of pay to a figure which could justly be considered as taking full account of this rise in prices"

"The effect on the financial resources of officers remitting large sums to England for the maintenance and education of their families, and consuming considerable quantities of imported articles the rupee price of which has greatly risen, was immediate and serious; and a flood of memorials followed protesting against the inadequacy of the new scales."

The main reason for the increase of salaries was that prices had risen. Now, what has happened? The prices have come down by more than 50 per cent. Has there been any decrease in their salaries? Not only no decrease; but the cuts have been restored. There was a committee appointed to suggest methods of retrenchment. I read from the Report of the General Purposes Sub-Committee of the Retrenchment Advisory Committee of September, 1931. The recommendations of this committee, which were adopted in part, are in these words:

"We have no hesitation in recording our opinion that they (the salaries) are pitched high enough to bear substantial percentage cut without causing any serious inconvenience to the staff. (We may mention that we have made full allowance for the recently increased taxes on income and import tariffs on certain articles of luxury such as wine, tobacco, etc.)"

What more do they want when provision has been made even for wine, tobacco, etc.:

"In the case of men on the lower grades of pay, the unprecedented fall in the prices of food-stuffs should, to some extent, palliate the hardship of a percentage cut. Further, with the exception of Mr. Nixon, we have no hesitation in recommending that in a financial crisis of this magnitude, the costly 'concessions' known as the Lee Concessions (excepting those in the form of increased salaries which, pending consideration of the general question relating to pay and allowances, would be subjected, as proposed by us, to percentage cuts) should be withdrawn."

And, Sir, in this matter it is indeed very funny to find that the recommendations of the Retrenchment Committee have been accepted so far as the lower paid staff is concerned, but as far as the favourite wife of the Government of India and the British Government is concerned, I mean the I. C. S. and the I. P. S., nothing has been done. Questions have been asked over this matter. When you reduced the salaries of other people, you promised that you would consider and reduce in effect the salaries of your superior officers also but what have you done so far? Nothing. Sir, in 1934,—this question goes a long time back,—a question was asked—"Will Government be pleased to state whether the question of revising the pay of the Indian Civil Service and the Indian Police, as far as it affects the new entrants, has yet been decided or not?" The

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Honourable Sir Harry Haig, the then Home Member, replied as follows: "No, Sir. There has been some unexpected delay in formulating the conclusions of the Government of India, and the Secretary of State has not yet been addressed." On the 24th of January, 1934, the Secretary of State was not addressed, but what happened a year hence? On the 23rd February, 1935, again a question was asked—"With reference to starred question No. 10, dated the 24th January, 1934, will Government be pleased to state if any recommendations have been made to the Secretary of State regarding the revision of pay for future recruits to the Indian Civil Service and the Indian Police Service? If so, in what directions and when are the new scales of pay expected to be introduced in their case? (b) Are Government aware of the great discontent among the subordinate ranks of the services and among the members of the other all-India services, such as the Indian Audit and Accounts Service, owing to the discriminatory treatment meted out to them in the matter of reduction of their salaries?" And what was the reply given to this question? The reply was this,—“The answer to the first part of the question is in the affirmative. As regards the second part, I am unable, in accordance with the existing practice, to disclose the nature of the recommendations made. The Secretary of State has decided to postpone further consideration of this question until after the passing of the Constitution Act.”

Now, Sir, the Constitution Act has been passed. It is now more than a year since it has been passed and brought into force. Has anything been done yet? Has any consideration been given to the fact that these higher paid officers are still receiving their bloated salaries in spite of a sharp decline in the prices? Have any proposals been formulated in order to reduce their salaries? No, nothing has been done. Government refuse to consider the question. Why,—may I ask? Is it honesty, is it fairly dealing with this country when you don't make any the slightest attempt to reduce the bloated salaries of people who virtually today get double the amount considering the fall in prices? Sir, from the point of view of prices obtaining today, I say that these superior officers are receiving double the pay of what they were getting in 1924, and these bloated salaries are still being kept up, no proposals have been made to the Secretary of State to reduce those salaries, nothing has been done. Why?

Then, Sir, one word more, and I have done. Christ said about those people whose fall he prophesied—"They have eyes but will not see, they have ears, but will not hear". And may I ask you, Sir, will this Government see and will this Government hear?

Mr. J. Ramsay Scott (United Provinces; European): Mr. Deputy President, the Tariff Board in their report on the sugar industry in 1931 emphasised that protection to the industry was recommended primarily in the interest of the cultivator who, owing to the acute agricultural depression and the fall in the prices of all staple agricultural products, required an alternative crop, which would not be affected by world prices. Imports of foreign sugar into India were then about one million tons, and if India's requirements could be supplied from her own cultivation of sugarcane, the cultivator would be assured of the wherewithal to pay his rent and irrigation dues and provide those necessities of life for which cash payment is required. The production of one million tons of sugar required the erection of many additional factories, and the only means

of ensuring this was a protective duty against the entry of foreign sugar, which they recommended should be Rs. 7-4-0 per cwt. for the *first* or development period of seven years, and Rs. 6-4-0 per cwt. for the *second* or consolidation period of eight years, and the Tariff Board's opinion was that the United Provinces and Bihar, where more than half of the sugarcane in India was grown, afforded (and I want you to bear this prominently in mind) the best prospects for the development of the sugar industry. The Legislature, however, instead of adopting the Tariff Board's proposals, fixed the protective duty at Rs. 7-4-0 per cwt. for the development period, and decided that the rate of protection from 1938 to 1946 would be the subject of an inquiry. What, Sir, has been the result? Firstly, on the agricultural side, the area under sugarcane has, since 1931, increased by 50 per cent., i.e., from about three million acres to about 4½ million acres. That the ryot has benefited, no one can question, and he has been enabled to do so by the Sugar Cane Act of 1934, under which two Provincial Governments—U. P. and Bihar,—fixed by law the minimum price at which cane could be purchased by sugar factories, on the basis of the ruling market prices for white sugar produced in these provinces.

Secondly, on the manufacturing side, the number of sugar factories has, since 1931, increased from 30 to 150, and the production of cane sugar from about 80,000 tons to over one million tons, rendering India self-supporting within about four years.

Thirdly, the cost of sugar to the consumer has been reduced from about Rs. 10 per maund to just under Rs. 6 per maund.

The ryot, the consumer and the sugar manufacturer have, therefore, benefited. Over 12 crores of rupees, according to the Tariff Board's estimate, have annually been retained in this country, to say nothing of the increase in employment which the expansion of the industry, both on the agricultural and the manufacturing side, has created.

According to the Honourable the Finance Member, the degree of development has been overdone, but if it is so, it is because the protective duty was automatically increased from Rs. 7-4-0 per cwt. to Rs. 9-1-0 per cwt. when, due to the financial stringency, Government increased all customs and excise duties by 25 per cent. equal to Rs. 1-13-0 per cwt. additional protection. I do not think there has been over production of sugar. Over a period of years, the consumption, based on imports and production of indigenous sugar, has been 1¼ million tons, and it would only be reasonable to assume that, as a result of low prices, increase of population, and a higher standard of living, consumption of sugar is going up. The Government estimate this year of cane sugar production is 1,038,000 tons, and allowing for sugar from *gur* and *khandsari* sugar, the total production is less than the estimate consumption. There is no need, therefore, for this panic to sell. The prospects of good profits led to the rushing up of factories, and many such factories were bought on the deferred purchase system and the owners hoped to pay for such factories out of profits. The question of the amount of finance required seems to have been hardly considered. A factory costing 15 lakhs of rupees to crush 30 lakhs of maunds of cane requires over the season about 17 lakhs of finance, about four lakhs of which should be working capital. Cane costing Rs. 0-4-3 per maund or say five annas per maund delivered at factory will account for ten lakhs which has to be paid on the nail. Wages, salaries and manufacturing charges amount to another 3½ lakhs

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spread over the year and Excise 3½ lakhs which has to be paid within a month of the sugar going out of the factory compound. The present position is to a great extent due to weak sellers who have to sell sugar as soon as possible and are living from hand to mouth. There is also the cost of storage accommodation to be considered and the likelihood of deterioration during the monsoon. In the past sugar was sold as produced and the balance of India's requirements came from Java. Now, Indian sugar has to be sold throughout the year and as it is only produced from roughly December to April more than half the production has to be stored to supply the remainder of the year. The price of sugar has dropped this year to Rs. 6-0-0 per maund and below and this includes an excise of As. 0-15-6 per maund so that the return to the manufacturer is about Rs. 5-0-0 per maund. The cost of cane, say 11 maund at As. 0-5-0 delivered at Factory would be Rs. 3-7-0 which leaves Rs. 1-9-0 for manufacturing costs and profit if any. I would, in passing, mention that the Tariff Board envisaged that the manufacturing costs would be Rs. 2-7-6 but as they have been reduced well below that figure there can be no charge of inefficiency against the manufacturer. The more I read the Tariff Board's report the more I am impressed with the progressive increase in factory efficiency. If the surcharge of 11 annas per cwt. or about 8 annas per maund falls on the industry (and fall it will) every maund of sugar will be produced at a loss.

Are there any prospects of further economies? Any fall in the price of sugar will have the effect of reducing the cost of cane to the factory but that will reduce the price which the cultivator receives for his cane. The cost of cane is at present under investigation by Government so that neither I nor Government can at the moment say what such a cost is but I do know that it varies from Province to Province. In the past few years in my Province cane is the only agricultural crop which has not dropped by 50 per cent. in value and has been the saving of the ryot. The excise is a fixed charge of Rs. 1-7-6 per maund and is 30 per cent. of what the manufacturer receives after paying excise. I do not think that there is any room for reducing the costs of manufacture.

I would like to ask that if at the beginning of the period of Protection the Revenue from Sugar Customs duty was 10½ crores what permanent steps have been taken to fill its place. All I can find is that within 5 years the industry has had to pay per annum to the extent of 2½ crores and now 3½ crores in the shape of excise duty. In the first place a regular diminution in arithmetical progression of about ⅓ crore per annum seems to have been anticipated and that in 5th year this would have amounted to 3½ crores. What Government have given with one hand they have taken away with the other. In other words the industry is paying for its own protection. When protection was granted no excise was suggested by either Government or the Tariff Board. "The strain of the loss of about seven crores" is I admit a severe loss but my Honourable friend, the Finance Member, and his predecessor must surely have foreseen this or is it part of the "*Laissez Faire*" Policy of Government.

The Honourable the Finance Member said: "The present level of internal prices is such that the consumer when he has fully shouldered the burden

of an additional 11 annas per cwt. will be paying no more for his sugar than he was until a very recent date". This statement of the Finance Member seems to me inconsistent, for if the lowering of price is due to the pressure to sell it follows that the pressure to sell will continue and that the whole of the burden will be borne by the manufacturer.

He further said that: "As regards the manufacturer the enhanced excise will eliminate weak and inefficient producers and have a salutary effect by arresting further deterioration". I agree with the Finance Member that this increased excise will eliminate the weak and inefficient, if any, but it will also eliminate the efficient producer unless he has accumulated sufficient reserves to tide him over the next two or three years. It seems an effort to ruin the industry in order to save it.

What are the so called benefits to the cultivator. The cultivator's price for cane depends on the price of sugar and if the price includes the excise duty the price of sugar is artificially maintained in order to keep up the price of cane.

The ryot has already planted his cane which is to be cut next season as it is a 12 to 15 months crop so that if there is any fall in the price of sugar he will have to suffer the rest of this season and probably the whole of next. I would like my Honourable friend, Mr. Mudie, to note that the price of refining *gur* in 1936 was on an average about Rs. 2-12-0 per maund and as it takes 10 maunds of cane to make 1 maund of *gur* the ryot was obtaining about 4½ annas for cane less manufacturing and marketing costs. At present in the Gorakhpur District the price of refining *gur* is Rs. 1-8-0 per maund so that the ryot is now receiving only about 2 annas for cane turned into *gur*. The cane supplied to factories is still about 0-4-3 per maund so that the factory is his best market and any decrease in the factory off-take will throw more *gur* on the *gur* market which is already depressed.

The cost of producing cane may be about 3½ annas in the U. P. and Bihar, but this is only a guess and as I said before no one can yet substantiate this figure or indeed any figure.

If the ryot decides not to grow cane as it is no longer profitable can you tell me what other crop he can grow to take its place and to involve him in a smaller loss. 4½ millions of acres if planted with other crops would no doubt bring about a deterioration of other crops prices so that the ryot now seems to me to be between the Devil and the Deep Sea.

Now, let us see what proposals or suggestions we can make.

In the last year, the cane acreage has increased by 10 per cent. while the yield has increased by 14 per cent. Efforts must be made and no effort or expense spared to obtain an increased yield per acre so that the ryot can obtain as much income per acre as he formerly has, as a lowering of cane prices must now be envisaged and also cheaper *gur*.

Secondly, uniformity of colour and size of crystals must be obtained by the industry. At present there are seven recognised colours and in each colour five sizes that is 35 standards. Thirdly we come to the "Put your house in order" question namely that the industry should start a selling and marketing organisation to restrict production and regulate the sale of sugar produced.

[Mr. J. Ramsay Scott.]

The industry has 150 factories spread all over India and none of them seem to have the time or the mutual trust in each other to get such a scheme going. Now I would ask does Government consider whether sufficient attention is paid by the official Research Agency to the cane cultivation side particularly for the prevention of cane pests and diseases which are costing India several crores annually. Is there not room for better co-operation between Industry and Research Agencies? The plight of the industry is so bad that my Honoured Leader stated that the excise proposals were drastic and, Sir, drastic proposals require drastic remedies and I can only appeal for help and I trust such an appeal will not fall on deaf ears.

I myself am not satisfied that the particulars and statistics collected are being made use of in a proper manner and I am also sure that they are not being produced as quickly as possible. In the Indian Trade Journal of February 25th I notice figures for the fortnight ending December 15th. In a later number, improvement has been made, but it should be possible to publish such figures in about a fortnight after receipt. In Italy, figures are produced within a week. Although Protection enables Government to call for figures the industry has no penalty imposed on it if it does not produce the figures and out of 150 factories the first return was for 95, the second for 93 and the third for 90. Statistics are of no use unless accurate and up to date. Fourthly there is the question of the zoning of cane and the licensing of factories. This proposal was first suggested at a Conference in 1933 and in the Select Committee in 1931. The U. P. and Bihar Governments were in favour but Madras and Bombay were not. It is almost too late now but the Central Government should then have taken the matter in hand.

The Government seem to be as much to blame for the present position as the Industry and I feel that the very closest co-operation between Government and the Industry is required.

We are now on the eve of a Tariff Board Enquiry and I hope that the Tariff Board will consider all these points and that we shall see some constructive and helpful proposals in the 1938 Budget.

Dr. P. N. Banerjee (Calcutta Suburbs: Non-Muhammadian Urban): Sir, a review of the financial position of the Government of India during the last 16 years reveals the fact that only seven of these years have been years of surplus and no fewer than nine have been years of deficit. Again, for the year 1937-38 a deficit budget has been presented, so that we have in all ten years of deficit, and only seven years of surplus out of a total period of 17 years. That is so far as the financial position of the Government of India is concerned. What about the provinces? In most of the provinces, during this period, there have been deficit budgets, and only in a few provinces there have been surpluses. And how have these deficits been met? In two instances, the Government of India met their deficits out of the reserve funds which had been created, but during all the other years the Government had recourse to borrowing and additional taxation. Borrowing and additional taxation were also resorted to in the provinces. In fact, the financial position of some of the provinces was even worse than the financial position of the Central Government. It is true that a considerable part of the trouble in the provinces was due to the iniquitous Meston Award which happily is now going to be ended; but there

were also other causes. It was the uncertain position of Central finance and the fact of several new provinces having been created which prevented Sir Otto Niemeyer from doing full justice to the provinces. My own province expected to receive substantial help, but we have been disappointed. We want the whole of the proceeds of the export duty on jute and also a substantial portion of the income-tax proceeds to be transferred to our province. These are not unreasonable demands, but unfortunately they have not been acceded to as yet.

As for this chronic deficiency of income, it is clear that it discloses a very unsatisfactory state of things. Nor can it be regarded as sound policy. Of course, I do not blame the present Finance Member or even the present Members of the Government of India for this financial mismanagement during the whole of this period, but they have their share in it, and, to that extent, they must be held responsible. Now, what is the cause of this financial difficulty? To me it appears that the cause is two-fold. The first cause is the lack of foresight. Our administrators live from day to day. They carry on a hand-to-mouth administration and they do not look ahead. The result is that, in times of plenty, they indulge in reckless and extravagant expenditure, and in times of difficulty they do not care or dare to reduce their expenditure. The second cause is that they consider additional taxation an easier mode of tiding over a difficulty, because to curtail expenditure sometimes means touching of vested interests. The Government of India do not desire to touch vested interests; also they are powerless, because they are a Government subordinate to the British Government. It is true that, twice during this period, Retrenchment Committees were appointed, but these bodies went about their business in the wrong way and their recommendations were inadequate and imperfect. The axe fell very heavily on the poorer employees, while the richer persons among the employees of Government suffered very little. But imperfect and inadequate as these measures were, they were removed before the financial position of the Government had sufficiently improved.

Proposals for fresh taxation have now been placed before this House, and objections have been raised from all quarters. The Government benches have become impatient with this opposition, but such opposition is perfectly natural. I may point out to the Government benches that, even in those days when there were no non-official Members in the Legislature, opposition was sometimes made to the proposals for fresh taxation. When, in 1859, after the great crisis of the Sepoy Mutiny, the severest crisis that has ever occurred in India, proposals for fresh taxation were placed before the Legislative Council of the Governor General, the opposition was led by no less a person than Sir Barnes Peacock, then Chief Justice of the Supreme Court in Bengal, and Vice-President of the Council. Sir Barnes Peacock led the opposition from the Chair and his observations on that occasion are worth noting. He said:

"Are we to accept, without demur, proposals of the Executive Government? Are we to become mere registrars of the decrees of the Executive Government? For what purpose are we assembled here? Are we not here to discharge our duties conscientiously? Are we to become mere machines in the hands of the Government?"

Sir, another high officer of the Government, Sir Charles Trevelyan, who was then Governor of Madras, opposed the taxation proposals of the Government of India and published the memorandum which he had sent to them. In that memorandum he urged that when financial difficulty

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occurred, retrenchment was the proper course to adopt, and that it was not right that additional taxation should be resorted to by the Executive Government. He went so far in his opposition to the proposals for levying additional taxes in Madras that his conduct was censured by the Secretary of State, and Sir Charles Trevelyan was removed from the high office of Governor of the Madras Presidency. But these were great men, and no comparison can be instituted between them and the present officers of the Government. (Laughter.)

Sir, coming to the taxation proposals themselves, what do we find? The most surprising part of the Honourable Sir James Grigg's speech is that in which he says that he seeks to confer a boon upon the sugar industry. Sir, orators are credited with the gift of being able to make black appear white. Sir James Grigg is not an orator (*An Honourable Member*: "He is a wrangler"), but he has not been able to resist the temptation of resorting to an oratorical device in order to defend a bad case. Sir, many persons fully conversant with the sugar industry have spoken and the speech of my Honourable friend, Mr. Ramsay Scott, will, I hope, appeal to most Members of this House. I will not go into the details of this subject, but I will say this that I am not a capitalist and that I am not enamoured of the capitalistic system of production, but it would be wrong on my part to ignore the fact that capital is an important factor in industry. It is clear, if capital becomes shy, the industrial development of the country will be hampered. In India, capital is gradually overcoming its shyness, but if many sugar concerns fail, that shyness will once again re-appear. Therefore, Sir, I suggest that this excise duty on sugar should not be levied. My Honourable friend, Mr. Chanda, an official Member from Bengal, spoke eloquently yesterday—and I congratulate him on his eloquence—about the profits of the sugar industry. Sir, if the sugar industry pays such high dividends as those referred to by my friend, then the proper thing to do would be to levy on them higher rates of income-tax and super-tax. That would be the correct way of taxing the profits of an industry, and not by means of an excise duty, for an excise duty, as is well known, falls on the poor and the rich alike, and, in fact, it affects the poor to a much greater extent than the rich.

Mr. B. Das: The rich exploit the poor.

Dr. P. N. Banerjea: Sir, I am one of those who do not agree with the view that taxation is a necessary evil. On the other hand, I believe that, in certain circumstances, taxation does descend in a fertilizing shower. But the proper conditions must exist for this state of things. And, what are the conditions? The conditions are as follows. Firstly, taxation should be adjusted to the taxable capacity of the people. Now, in India, what do we find? We find that the taxable capacity of the people is low, and it is low, because the people are poor. And what have the Government been doing to raise the taxable capacity of the people? Very little. Sir, the wealth of a people is derived from industry, and, in order that there may be a substantial augmentation of our wealth, it is necessary on the part of Government to encourage industry, both industry on a large scale and industry on a small scale. Sir, the other day, a casual remark from my Honourable friend, Mr. Satyamurti, about the development of small-scale industries gladdened the heart of our Finance Member. Well, I am

one of those who believe that a great encouragement should be given to the small industries; but the larger industries should not be neglected. In fact, industrialisation should be adopted as the firm and deliberate policy of the Government, and full and active encouragement should be given to all industries, large as well as small. Sir, in this connection, I may refer to what I said last year when I pointed out to the Honourable the Finance Member that Mr. J. M. Keynes, although a member of the orthodox school of economics had partially changed his views and favoured the helping of industries out of State funds. Our Finance Member refused to be convinced by that argument. But I may place before him certain facts which I hope will convince him now. I hold in my hand a copy of the Report of the Director of the International Labour Office. He says:

"Even a few years ago public works were greatly derided as being economically unsound and practically ineffacious. The theoretical objection is now being vigorously combated by a number of latter-day economists of whom Mr. J. M. Keynes is not the least eminent. But it is from the field of fact that the most cogent arguments have been derived. The practical demonstrations given in the last two years have put a new complexion on the whole matter. The actual experience acquired in Sweden, the United States and other countries has shown that within limits well-planned schemes of public development not only make a real contribution to diminishing unemployment but may also provide facilities, services or commodities of great permanent value to the community."

Sir, the League of Nations and the International Labour Organization have done very useful work in regard to the publication of information relating to different countries, and I will invite the attention of our Finance Member to the publications of these bodies. If he looks at any of these publications, he will find that a great deal has been done in almost every civilized country for industrial development and for curbing unemployment. "The World Economic Survey" and "the Monetary Review" are publications to which I will invite his special attention. A great deal has been done in Japan, and a book published by the Economic Research Bureau gives an insight into the whole history of industrial development in that country. The book is entitled "Japanese Trade and Industry". Sir, very little has been done in this country either for industrial development or for meeting the problem of unemployment, and the Director of the Labour Organisation, while observing that unemployment has declined very substantially in most countries, remarks that there are certain exceptions, and among the exceptions are mentioned "vast areas such as India and China which are not included in the reckoning where unemployment or unremunerative employment exists on a huge scale". This much, Sir, with regard to improving the economic condition of the people in order that their taxable capacity may be raised.

The second condition which I would lay down for the imposition of fresh taxation is that the tax burden should be equitably distributed as between the different classes of society. At the present moment, the tax burden falls far more heavily on the poor than on the rich. It is unfortunate that when we urge that there should be a re-adjustment of this tax burden, our Finance Member, although he shows his solicitude for the poor in words, refuses to take any practical steps.

Thirdly, I would urge that no taxes should be levied without the consent of the representatives of the people. What is done in India at the present moment? Have we any real power with regard to taxation? None. This Finance Bill, which we are considering now, will perhaps not be accepted by this House, but, then, what will the Honourable the Finance

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Member do? He will approach His Excellency the Governor General and ask him to certify the measure and he will then bring forward a Recommended Bill. If the Recommended Bill is not accepted by the House, then he will ask the Governor General to pass this measure into an Act over the signature of the Governor General himself. This is certainly not taxation with the consent of the people.

Fourthly, expenditure incurred out of the taxes levied should be such as will benefit the people. Now, Sir, a very small proportion of the revenue derived is spent for the benefit of the people of the country. Certain important subjects, such as sanitation, education, agricultural improvement, industrial development, are neglected, and there are certain services which exist in all civilized countries, but for which no money is spent in India at all. Take, for instance, unemployment insurance and other forms of social insurance.

Lastly, Sir, I would urge that the taxes raised within the country should be spent within the country itself. Unfortunately, what happens now is that a good part of the taxes raised in this country goes out of the country without any direct return. This is a state of things which should be ended as soon as possible.

This House cannot be a consenting party to the additional taxation which has been proposed by the Honourable the Finance Member. As a matter of fact, this House will stultify itself if it accepts these proposals. But the Finance Member will ask, what are your alternatives? I have several alternatives and I will place them before this House. In the first place, resort to economy and retrenchment in civil administration will be quite sufficient to meet the deficiency for the current year. I would, therefore, urge that the salaries of all officers drawing more than Rs. 100 or Rs. 150 should be cut on a graduated scale rising from 2½ per cent. to 50 per cent. Secondly, there should be economy in the Military Department. This economy can be secured, as has been pointed out by many speakers, by Indianisation, particularly Indianisation of the officers' ranks of the army. Thirdly, economy in the Military Department can be secured by making over some of the charges now defrayed out of the Indian Exchequer to the British Exchequer. Mr. Ramsay Macdonald, who was Prime Minister of England for many years and who is now a Member of the Cabinet, observed, not long ago, that a large part of the army, at least one-half of the army, was an Imperial Army and the cost of this army should be defrayed out of the British Exchequer and not the Indian Exchequer. A fourth alternative would be to reduce the size of the present army after the separation of Burma. It is pointed out in the budget that there has been a saving of expenditure only to the extent of a little more than one crore on this account. But that is not sufficient. There should be a saving of at least five crores in military expenditure on account of the separation of Burma. Fifthly, as I have already stated, we are not absolutely hostile to the imposition of fresh taxation. But the character of the tax proposals should be such as may be acceptable to the people. I would suggest that we reimpose the surcharges on the income-tax—especially income-tax in the higher grades—and super-tax. Our Finance Member professes his solicitude for the poor, I hope he will agree to this proposal of mine. Lastly, I would suggest an export duty on gold at the rate of ten per cent. *ad valorem*. Our Finance Member always holds the view that gold is a commodity. I accept his view. If gold is a commodity, what

would be the harm in putting an export duty on it. We have in the past levied export duties on many commodities, and even at the present day we are levying export duties on two commodities, namely, jute and rice. What objection could there be to the levy of an export duty on gold? I do not agree with Sir James Grigg fully when he says that gold is a commodity like other commodities. It is a commodity, but there is some amount of difference between gold and other commodities? Gold is the basis of the currencies of most countries and gold is also the basis on which the credit of many countries is founded. Further, gold is the medium for making up the balance in international dealings. Whatever that may be, as gold is a commodity and as we have in the past levied export duties on commodities, I would urge upon the Honourable the Finance Member the levy of an export duty on it on the present occasion. This will yield at least 1½ crores.

Sir, anyone of the measures suggested by me will give us an income which would be quite enough to meet the present deficit. A combination of all the measures will yield a surplus which will be large enough, not only to meet the deficit for this year, but will enable the Finance Member to put a large sum in the revenue reserve fund for utilisation in years of future difficulty. More than that, this will enable him to reduce the salt duty to a substantial extent and also to reduce the price of the postcard to the two-pice rate.

Sir, one word more, and I will finish. The Honourable the Finance Member told us at the end of his speech that he wants to close the loopholes in the administration of the taxes. I fully agree with him and I will fully support him in all the measures that he will take in that regard. But I should like to urge that nothing will be done which will lead to hardship on the poorer classes of the people or create any harassment for them. Further, I do hope and trust that nothing will be done in the name of "tightening up of the administration of existing taxes" which will result in putting additional tax burdens on the poor.

Babu Kailash Behari Lal (Bhagalpur, Purnea and Sonthal Parganas: Non-Muhammadian): Sir, it is always to my lot to speak at the far end of a debate. But since I have been called upon to speak now and since this has been so dearly got, I appreciate it all the more. Sir, I would not have spoken at all had not one of the measures proposed in the Finance Bill attempted to hit hard my province of Bihar. I think the result of all these speeches that have been delivered on this subject will be to give some hope to those who believe in making speeches here so that the people outside may take it that something has been done and in this way they will take it that I have also contributed my mite in this attempt. It is in this spirit that I am going to make my submission.

In Bihar, the development of sugar industry has reached to such a state that it was hoped that it would go a great deal to solve the unemployment problem, not only the unemployment of the labouring classes, but also the unemployment of the middle classes, and it would go a great deal also to help the capitalists to get profit out of their capital which had become so shy during periods of depression. With all these things before our eyes, the prospect was so bright that we were expecting that in course of time at least practically Bihar would be able to solve its unemployment problem, when all of a sudden this bolt from the blue comes and it is proposed by the Honourable the Finance Member that

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sugar industry will now be taxed. Sir, it is said that it will not affect the industry so far as those who are well off are concerned. The other day, an Honourable Member from the Government Benches made a speech with facts and figures and tried to convince the House that it will not affect at all those who are concerned in the business. I think, Sir, he gave a story also to prove that those on this side are so hard of belief that they would not accept the theory because we are always in the habit of not believing the good intentions of the Government. He narrated the story of a bullock. If his intention was to convince this House or to convince this side of the House that the Government had good intentions, I would only tell him that he was attempting to convince just as in the story the robbers attempted to convince the Brahman. The story is that there was a Brahman who was taking a cow and somewhere on the way four robbers planned to take away the cow from him and they planted themselves at a distance of a few furlongs from each other so that, when the Brahman was passing, one robber told him that it was not a cow that he was escorting, but that it was a dog; but the Brahman only laughed at him, and went on his way. Then, after a furlong, another robber asked him why he was taking a dog, he being a Brahman. Then, the Brahman began to suspect within himself, but however he proceeded further. Then, the third robber repeated the same remark that he was taking a dog and not a cow. By this time the Brahman began to entertain grave doubts as to whether the animal he was taking was a cow or a dog and finally when the fourth robber also corroborated what the other fellows said, the Brahman came to the conclusion that perhaps he himself was wrong in thinking that it was a cow and he was thus convinced that it was a dog. If my Honourable friend on the other side wanted to convince us in that way with these figures about a fact which is as clear as daylight, then of course my Honourable friend may feel convinced that he has satisfied us. But for his satisfaction I may tell him that he may convince himself from the very budget speech of the Honourable the Finance Member where he says:

"The main single cause of the present weakness in our revenue position is the virtual disappearance of the revenue from imported sugar."

This one sentence gives the clue to the mentality of the persons who are instrumental in imposing this tax. There can be no two interpretations that the intention is that as the import of sugar is necessary for making money for this Government of India this tax is going to be levied. And that becomes clear in a later sentence:

"In so far as the enhanced excise will check this tendency by eliminating the weak and inefficient producer it will have a salutary effect."

There can be no doubt as regards the position when these two sentences are read together. One says that the Finance Member is in need of money and so he must import sugar from outside; and the other says that if he at all imports sugar from outside, it matters little if the weak or inefficient industry in the land is killed on that account. Although he calls that a weak and inefficient industry, God knows what in actual practice it will come to, whether the weak and inefficient will be killed or the efficient and the strong will be killed. But nevertheless he has not taken into consideration the death of the industry before the fact that he wants money and so he must import foreign sugar.

Having said this much about sugar I do not think any further argument is necessary because much has been said from all sides of the House in this regard. Many facts and figures have been produced, and if those facts and figures have not convinced the Honourable the Finance Member, I do not think my arguments will have that effect. So much has been said from all sides of the House that I do not see any reason why I should prolong my speech, and I therefore propose to take only a few minutes more. I will only say about some of the wrongs that have been inflicted upon the people due to a certain policy pursued by Government,—a policy of irresponsibility, petty-mindedness, arrogance, corruption, jobbery, nepotism, and last but not the least, extravagance. I will deal with each one of these one by one. Dealing first with irresponsibility, we know that three-fourths of the total revenue of the Government of India are allotted for non-voted expenditure in which the representatives of the people of India cannot have any voice, and the remaining one-fourth upon which the vote of this House is taken, if rejected by the House, can be restored by the Viceroy. Then, where is the necessity for devoting so much of time for the sanction of this House to a comparatively small amount covered by this Finance Bill? Why hesitate over a goat when you can swallow an elephant? It cannot be imagined that the Government of India is even partially a responsible Government and it is out of the sense of responsibility that this Finance Bill is brought before the Legislature for its sanction. Their responsibility can more be imagined than described from day to day happenings in this very House. Do we not know how questions are answered by Government? It would not be out of place to mention here that the other day in reply to a question of Mr. Umar Aly Shah, the Honourable the Railway Member referred him to the answer given to a similar question put by Qazi Muhammad Ahmad Kazmi. And when the answer given to Mr. Kazmi was looked into it was found that the Honourable the Railway Member had referred Mr. Kazmi in that answer to the answers given in reply to 400 questions spread over two years. This is how Government discharge their sense of responsibility. So, situated as we are, it can neither be for a vote of confidence nor for the sense of responsibility on the part of Government. It is only for affording us an opportunity to sing our own song of woes and to give our rulers an opportunity to take stock of the feelings of the people over the sins of omission and commission on the part of Government. It is in this spirit that I beg to narrate a few of the grievances.

The other day, while discussing the cut motion over the question of repressive policy of Government, very ugly scenes of repression carried on by Government were described and the right of Government to resort to such repressive action was challenged. I was thinking all along and I came to the conclusion that if the foreign Government means to rule here they have no option but to resort to all sorts of repression. What I could not understand was the petty-mindedness behind all these repressions. Let me illustrate what I have said.

One Mohit Chandra Adhikari was convicted to transportation for life for the offence of committing dacoity or attempt to commit dacoity in Bhagalpur. He was sent to the Andamans. Perhaps in the Andaman Islands he contracted tuberculosis. He was brought back to Bhagalpur where it was more or less certain that he was passing his last days. He

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was the only son of his father whose very sight would bring down tears from the strongest heart. The father naturally wanted his son during his last days. He would have only got the skeleton of his son only to await his passing away, but that also he was denied. In the end, the son died, and my information is that the father was informed of it much later. We used to hear that the treatment accorded to Mohit Chandra Adhikari was not human. Apart from the fact whether it was right or wrong, I concede the right of a foreign Government to do whatever and howsoever they like with the man whom they consider their enemy. But will Government please say what can be the good of showing petty-mindedness to the father or other relatives or, as a matter of fact, to the whole nation whose human feelings are still alive? Do Government gain anything by this? I ask Government to ponder over it. I understand Government are very careful to keep out Russian thoughts from entering the minds of Indian people. As a matter of fact I have not read any book on communism nor do I know what it is. But the late Mr. D. N. Singh, whom I have succeeded in this House, on his return from Russia delivered a public lecture, and, amongst other things that he described about Russia, he painted a very beautiful picture about the treatment of prisoners in Russian jails. He said that the prisoners were allowed to go on parole even for harvesting, what to speak about the methods and treatment to correct and reform them. Such comparisons of things at once create thoughts in one's mind and lead to liking for things which I doubt if Government can be successful in keeping out. I know about my own brother who, as long ago as 1917, was suspected of taking part in revolutionary activities and was interned till 1920. But even after his internment, just as some Honourable Members observed that once an internee always an internee, his movements are watched like an ordinary criminal. Can Government give any justification for such petty-mindedness?

Next to petty-mindedness comes the arrogance of those who are entrusted with the task of administration of this country. I am conscious that the tallest among the Indians must be made to look small before any person who represents Imperialism in this land. A tiny bureaucrat would not even care to reply to a letter addressed by a Gandhi-cap-walla. Is it not in pursuance of this policy that an atmosphere of superiority is maintained by the Government servant in this land? It is in pursuance of this policy that we hear daily about discrimination between Europeans and Indians in railway trains, in public parks, in hotels and in Government service. It is in pursuance of this policy that discrimination is maintained even before law courts and sometimes Europeans guilty of even hunting down Indians escape scot-free, not to speak of insulting and outraging. In short, the display of arrogance is a thing which of all things will be remembered by Indians of future generations in regulating their relations with those who happen to predominate in this country at present.

As regards corruption and jobbery and nepotism, the less said the better. It would take a long time to make any brief reference to the ways of Government in these respects. However, one instance which is fresh in my mind I will take this opportunity of bringing to the notice of Government. I took an opportunity to speak in the Simla Session with regard to this incident. This is a case of the Railway Department where a man

has been victimised and his victimisation by a subordinate officer in the department has been upheld even up to the Railway Member. I brought this case to the notice of the Railway Member and he promised to look into it. During the Railway Budget debate I spoke about this and he said that he has looked into the papers and was convinced that justice had been done. I put it to him whether he gave any opportunity to the man aggrieved to prove his innocence. Everything that was cooked up by the guilty man who wanted to victimise him was put before his superior officer, and that superior officer might have forwarded it to the still higher superior officer until it came to the Agent and the Agent forwarded it to the Railway Board and the Railway Board sent it to the Railway Member and the Railway Member was convinced that it is all right. It is against this sort of practice that I lodge a protest. My request was a simple one that the Railway Member should give him an opportunity to prove his innocence. It can be called no inquiry at all if whatever is cooked up by the guilty man is put up before the Railway Member and he is satisfied that justice is done.

I have got a good deal more to say about other questions, but as I am being pressed from all sides and as I generally have the misfortune of getting an opportunity to speak at the fag end of the day, I cannot press all the points, except one which I might bring to the notice of the House—the differential treatment of the Government in the matter of distributing their favours. I am referring to broadcasting. I do not say it is necessary for the people, but since the Government say so and taking the Government on its own case, may I know why certain provinces have been given two broadcasting stations while some provinces have not got even one?

One other point I would mention is about the military policy of the Government. (Laughter.) This has been debated from so many points of view that I need not touch upon it at all; but I have something new to say. Apart from the martial or non-martial point of view which the Government have taken into account, I may point out this: the Government have neglected some provinces which were not neglected before: Bihar once contributed a major portion of the military before the Sepoy Mutiny about which we read in history. It was the Bihar sepoys who mutinied at that time: and whether they are martial or non-martial, they were soldiers then and even conquered the Punjab. I am ashamed of that conquest, but they have been penalised for that sin. But I do not think they need atone for the sin of the Mutiny.

An Honourable Member: First War of Indian Independence.

Babu Kailash Behari Lal: Yes, which I would call by some other name. I am proud of that. I will only say that whether they are martial or non-martial, they have been taken in the constabulary forces in four provinces of Bengal, Bihar, Assam and Orissa, and in which they predominate. I think if they can do well in the constabulary, there is no reason why they should be totally wiped off from the military cadre. I place this matter before the Government for their consideration.

Sir Cowasji Jehangir (Bombay City: Non-Muhammadan Urban): Sir, I move that the question be now put.

Mr. President (The Honourable Sir Abdur Rahim): The Chair accepts the closure, subject to the reply of the Honourable the Finance Member.

The question is:

"That the question be now put."

The motion was adopted.

The Honourable Sir James Grigg (Finance Member): Sir, we have been, in theory, discussing the budget for a considerable time. We have had the inevitable references to exploitation, barbarism, repression, dishonesty, martial races, bloated bureaucracy, and so on. In fact, we have heard so much of these terms that I caught myself wondering at times whether the Party opposite had not had some of their election speeches electrically recorded and forgotten to turn the loud speaker off. Then, we had a repetition of Pandit Malaviya's lecture on emasculation accompanied this year by a not very savoury story from America to point his moral and adorn his tale though I was not quite clear what the moral was: we had the usual fairy stories—of more than one kind—from Rohtak: we had the usual dissertations on Indianisation of the army: we have had several impassioned harangues on the woes of the Bengali terrorists, and so on. But we have had very little about the budget; and indeed very little about any financial topic at all; and, therefore, I am somewhat at a loss to know how to reply to this debate. However, perhaps the best thing I can do is to take the principal points on which Honourable Members have impinged on the subject of finance and to expose some of the more glaring fallacies and inaccuracies to which they have given vent; and if I can establish error and misstatement in the economic sphere, I shall make so bold as to assume that the political diatribes to which we have just listened are just about equally accurate.

First of all, may I take one of the earlier speeches of the Deputy Leader of the Opposition? He said—and I copied out his words from the typescript of the official reporters:

"The income of England from investments abroad has increased by 300 millions in the last 17 years, with the result that it is getting today from shipping and other investments more than the total income of our country."

What are the facts? The highest figure of the United Kingdom income from foreign investments was 250 millions: in 1935, it had dropped to 185 millions. This is the gross figure, not the increase. The highest figure for the United Kingdom shipping income was 140 millions: in 1935, it had fallen to 75 millions. In 1935, we see that the income from the two together—shipping and other investments abroad—was 260 millions; and, Sir, the estimated Indian national income in that year was 1,200 millions sterling. So that, you see that every single item of the Pandit's statements is incorrect, one of them to the extent of 400 or 500 per cent.

Then, Sir, Pandit Malaviya was making a speech the other day, and, in the course of that speech, he denied that France was exporting gold, and, when challenged, he said: "Well, perhaps she is, but that is only in order to purchase American support in the event of German aggression"

Pandit Krishna Kant Malaviya (Benares and Gorakhpur Divisions: Non-Muhammadan Rural): I never denied that France did export gold.

The Honourable Sir James Grigg: You did, to start with.

Pandit Krishna Kant Malaviya: Never.

The Honourable Sir James Grigg: You said that no nation was exporting gold except India. I am within the recollection of the House at any rate

Dr. P. N. Banerjee: That was not meant.

The Honourable Sir James Grigg: I am not responsible for what he meant. I can only deal with what he said. Was there ever such a feeble and fantastic way of getting out of a flat misstatement? That kind of thing is getting rather frequent in the Party opposite. Mr. Chettiar, this afternoon, said: "Oh, yes, I no longer deny that prices are rising, but anyhow it is due to re-armament in the western world". But you cannot first deny that there has been a rise in prices, and when it is proved that there is a rise in prices, say "oh, well, it is due to something which we ought to be able to leave out of account". Anyhow, to come back to Pandit Malaviya, he said that no country in the world, except India, was exporting gold. Has he forgotten Holland; has he forgotten

Pandit Krishna Kant Malaviya: What about England? Why don't you say anything about England?

The Honourable Sir James Grigg: Japan which, according to recent newspaper reports, is preparing to export gold on a very large scale?

Now, Sir, we will take a third Pandit, Pandit Lakshmi Kanta Maitra. He asserted that revenue had fallen off by four crores, and used this as an argument to show how I have ruined the finances of India. Now, let us look at facts. I am comparing the figures for 1934-35 and the estimates for 1937-38, and, in order to get at a proper basis of comparison, you must make certain adjustments to start with. The first is that you must deduct in each case the railway interest receipts, and you must add to the figures of 1937-38 the amount of the 50 per cent. of the jute export duty assigned to Bengal. The reason for that is in the earlier year, the jute export duty was treated as expenditure, while, in the later year, it is treated as deduction from revenue. If you make those adjustments, you will get a falling off of revenue from 1934-35 to the estimates of 1937-38 of three crores 25 lakhs. In the case of the jute export duty, I assume that the Pandit from Bengal does not regard a gift of 50 per cent. of the export duty made to his province by my predecessor as a clear indication of the ruin which I have brought upon the finances of India. Then, Sir, we have to make further adjustments to bring into account the alterations in taxation which have been made during the last three years. In 1935 there were reductions of taxation of the value of one crore 44 lakhs a year; in the following year, there were reductions of taxations of the value of one crore 98 lakhs a year, whereas this year there are additions of taxation which are expected to yield one crore 65 lakhs a year. The net effect of all these is a reduction of taxation of one crore 77 lakhs a year, and, subtracting that from the three crores 25 lakhs, you get a falling off between the two years of one crore 48 lakhs. But we have not yet finished. Certain adjustments must be made this year to take into account the separation of Burma and

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the further grants to the provinces under the Niemeyer award. Those altogether account for a loss of revenue of three crores 76 lakhs. So, making all the adjustments and comparing like with like, you get as the true basis of the comparison—the difference in the revenue of the two years is two crores 28 lakhs in favour of the later year, and in that I have taken no account of the net loss of the sugar import duty of over three crores. Sir, on the whole, I think I can fairly say that three wise men have not particularly distinguished themselves.

Now, Sir, I come to the innumerable references made to the cost of the bloated bureaucracy, and I take, in particular Mr. Mudaliar's reference, —I copied it down at the time—to salaries to officials mostly foreign. Let me give him the figures relating to his own province for the year 1936-37. The total pay and salary bill for Madras is seven crores 27 lakhs; the non-voted amount in this is 82 lakhs; the pay of other officers is 96 lakhs; and the pay of establishments is five crores 49 lakhs. I think we can assume with sufficient accuracy that the whole of the last two items go to Indians, and I think we can assume,—and I will make a generous assumption in regard to the non-voted amount,—that two-thirds of it go to Europeans. In that case, we are left with 60 lakhs or just over three per cent. of the Madras revenue as the pay of these hordes of foreign officials. And, personally, I believe, Sir, that even this figure is 50 per cent. above the real figure, but I have made generous assumptions in order not to be cavilled at on minor points

Dr. P. N. Banerjee: Our objection is to the pay of Indians also.

The Honourable Sir James Grigg: I am not referring to your objection, I am referring to a statement of fact.

I have quoted these figures for two purposes. The first is to expose a very frequent and a very gross misstatement, and the second is to show to the Honourable Member from Madras how inaccurate are the stories about the enormous field of salaries of foreign officials which are specially safeguarded by the Government of India Act. I thought this might interest Seth Govind Das and Mr. Satyamurti, both of whom I understood to give notice of a cut in Government servants' salaries.

I now come to Sir Muhammad Yamin Khan. I must say that the picture of a Zamindar's heart bleeding for his starving tenants was a most touching one. (Laughter.) In so far as his heart bled on account of the sugar excise, I will come to that later on, but I would like here and now to point a gentle finger of scorn at his picture of hundreds,—that was the word he used,—of his starving villagers being shareholders in the Reserve Bank, and from the figures of income-tax payable on their dividends, I worked out that each of these starving villagers must hold at least five shares which at present quotations is worth about Rs. 650. Really, if the Zamindar wants to make our hearts bleed too, he will have to do better than that. (Laughter.)

Now, I come to my friend Mr. B. Das, who spoke, as he told us, on behalf of the commercial community. I thought he was a member of the Congress Party and represented the masses. He said that prices were not rising. A few days ago, I referred to the Calcutta wholesale price index number, and said this showed clearly that prices were rising. The figure

for February is now available. It is 99. It was 98 in January, 94 in December, 93 in November, while for an earlier month, it was 90 or 89. Evidently, the spokesman of the commercial community does not read commercial publications. (Laughter.)

Perhaps at this stage I might mention Mr. Husenbhai Laljee's picture of his interview with Mussolini. I was a little disappointed with his account, I am bound to say. Instead of Il Duce's views on the future of Europe or on the restoration of the holy Roman Empire or the civilizing mission of Italy in Africa, what did we get? We got an account of Il Duce's earnest enquiries about the marketing of Italian potatoes in India. The Honourable Member from Bombay complained that we were not taking a similar interest, but let him console himself that, in spite of Il Duce's interest in cabbages as well as kings, the trade balance of Italy has continued to be unfavourable, while in this country where we still have a touching—if absurd—faith in the ability of business men to manage their own affairs, our exports and our balance of trade are steadily improving.

Before I come to the few points of major importance which have been raised during the debate, I might mention some of Mr. Satyamurti's smaller points; if I have missed any, I apologise to him in advance. There was in his speech such a flood of rhetoric that I may be forgiven if I found it a little difficult to pick out the solid matter in it, particularly as he addressed nine-tenths of his speech to the benches behind him and turned his back towards the benches on this side. (Laughter.) He started with some pleasant remarks about the fraud of my moving for consideration of the Finance Bill at all. He then did *pūja* on behalf of Congress to the captains of industry, in reward, I think, for their pretending to an interest in the agricultural masses,—of course for the purpose of belabouring the Government of India and the budget proposals. He raised a point about Burma which I have already answered fully twice while he was away last week. Then, he asked about provincial borrowing. I can assure him that we have already thought about the need of the co-ordination of provincial borrowing under the new regime. We have already thought about it, and when he gets to the Madras Secretariat, he will find a circular letter on the subject. (Laughter.) Perhaps I can read out the relevant paragraphs; it is rather in the formal style of Government of India communications, and, therefore, slightly pontifical, but still the sense is clear:

"Incidentally I am to say that the Government of India contemplate that the loan requirements and borrowing operations, both of the centre and of the Provinces, would be discussed at conferences held in about January of each year at which, besides the Government of India, all the Provinces and the Reserve Bank would be represented. *Inter alia* such a conference would be able to arrange provisional priorities for the various loan requirements and possibly even a rough time-table. It would also serve the purpose of enabling the Government of India to satisfy themselves that their consent under section 163 (3) may properly be given without some of the delays necessarily involved in ordinary correspondence."

I hope that this reassures the Honourable Member. We next had from Mr. Satyamurti a disquisition on the principles of taxation and on the budgetary prospects of the Government of India. I got a little confused here which was not surprising, for I thought that the Honourable Member also was a little confused, and that was not unnatural seeing that he was trying to stand both on his head and on his heels at the same time. (Laughter.) So far as I can make out, he quoted Sir Walter Layton and Sir Otto Niemeyer to prove that the rich in India were not taxed heavily

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enough and that the poor were taxed too heavily. Then he switched completely round and gave a pretty whole-hearted assurance to his rich friends by saying: "Oh, yes. You ought to pay more, but we will not tax you until the British have gone." He has given them a pretty long immunity. (Laughter.) Then, the industrialist. He first gives him a jab by saying: "No, I am not in favour of indiscriminate protection, and I shall expect you to do something to preserve your cottage competitor". Then, he goes on to say: "Nevertheless, you need not think I believe in what that fellow Grigg is always preaching, namely, that protection is another form of taxation of the poor,—but taxation not for the benefit of the Treasury, but for the benefit of the industrialist; you need not think that we were going to believe that or seriously disturb your free hand in squeezing the consumer". In so far as I can put these two statements together and make a pattern out of them: "Certainly the rich ought to be taxed more and more, but the Congress is not going to do it; certainly the poor ought not to be taxed so much, but we are going,—we meaning Mr. Satyamurti—we are going to do it more and more though we shall not call it taxation, we shall call it industrialisation". (Laughter.) As regards Mr. Satyamurti's general disquisition, there is no doubt, he is quite right, that the Indian system of taxation is regressive, and I shall not be surprised if, since Sir Walter Layton wrote it, had become more regressive. There has been a great growth of protection since then and the effects of protection which yields no revenue never appear in the *per capita* figures of taxation. There is equally no doubt that it would be a good thing for India if there was a transference of burdens from the poor to the rich. But, apart from the fact, that Mr. Satyamurti says he isn't going to do it, in my view an essential preliminary to any revision of the scheme of taxation is a strengthening of the administrative machine. And for my part I am very grateful to have Mr. Satyamurti's pledge of his support in this matter, though at the moment I am doubtful whether he is speaking for all his Madras friends, particularly those who have some connection with the neighbourhood of Pondicherry and Karaikal.

Mr. S. Satyamurti: No Member has any connection with Pondicherry or Karaikal.

The Honourable Sir James Grigg: I said 'neighbourhood'.

Then, Mr. Satyamurti could not understand how I could assume with a gross deficit of 3½ crores or rather under 3½ crores in the current year and the reserve fund exhausted in order to reduce it to a net figure of about 158 lakhs—how we are going to balance the next year's budget. My answer is this. New taxation proposed this year will, shall I say, would —(Mr. S. Satyamurti: "Say 'will'") would give something like 1,65 lakhs next year too, and I assume that the normal expansion of revenue will yield another two crores. Of course the calculations will be wrong, if there is no normal growth of revenue and the absence of a normal expansion of revenue may arise from two causes, first, internal strife, and second, if we really have reached the stage of diminishing returns in our indirect taxation. On the first possibility, I say nothing; on the second, I do not think it is necessary for me to add anything to what I said in the debate on Mr. James's cut motion last week. I dealt with the subject very fully then. On the whole, Sir, as I said in my budget speech, I do not see why

the Niemeyer programme should not be carried out over a period of years, and if at the same time we can increase the effectiveness of the income-tax machine, then the provinces can look forward to growing sums from the Centre. I hope Mr. Satyamurti is not going to take refuge in the game of what I may colloquially call buck-passing of which we had already a good many examples in this debate.

Mr. S. Satyamurti: What is it?

The Honourable Sir James Grigg: Passing the buck. "It is not worth while to take office, because you, the tyrants, have already taken all there is in the cupboard".

I come to industrialisation. I am sorry that Sir Homi Mody is not here to listen to the reply which I have to give to him. Of course, Sir Homi appears before us as a standing monument of what industrialisation can do. (Laughter.) He will forgive me if I say that I did not find in his speech anything new, not even his pact with Mr. Satyamurti, and if I also say that as usual he ignored two-thirds of the considerations which enter into the question. Very properly—from his point of view—he emphasised the benefit which protection gives to the industrialist who enjoys it. Very wisely—from his point of view—he said nothing about what it does for the consumer or for the exchequer. As regards the consumer, I can understand Sir Homi being unconcerned about him, but I cannot understand Mr. Satyamurti being indifferent about him, still less can I understand why he should be indignant every time the Government of India remember him.

Now, in view of the fact that the mention of the consumer is always like a red rag to a bull with the Congress Party, I will pass from 5 P.M. him to the effects of industrialisation and protection on our revenue. Certainly, and I think this is a fact which nobody can contradict, we are certainly suffering in India from too great a neglect of the effects of protection on revenue. Sir Homi Mody does not seem to care about the effects of protection upon the revenue but personally I think that is very short sighted of him. The Congress Party too, if I may say so, seems not to care either and I think it is short sighted of them too. I think it is short sighted on any other assumption than that they are out to wreck not only the constitution but the country as a whole and I personally do not believe that. But I cannot afford to neglect the revenue considerations attaching to high protection and I have got to take a long view of the revenue; if Honourable Members sometimes think that I am unsympathetic in the matter of industrialisation they ought to remember that I am trying to think of preserving the financial and budgetary stability of the country without which the industrialist cannot exist for more than a very short time. Yesterday, Sir Homi Mody quoted my colleague on my left and was taken aback when I said I agreed with every word of what he said. I should have agreed with it still more if Sir Homi Mody had read the preliminary part of that passage to which the part read was a qualification and perhaps I may be allowed to read the whole passage. Sir Frank Noyce was talking about unemployment on the 12th November, 1936, at the Travancore Economic Conference. He said:

"Rapid industrialisation is offered by many as a panacea for it; but those who believe that it will provide an effective solution are, I am convinced, relying on a broken reed. I would ask them to look at the state of things in the highly industrialised

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countries of the West where the problem is as acute as it is in India. That industrialisation will provide some employment cannot be denied; but I could, if time had permitted, have adduced evidence which would, I am sure, have convinced you that, even if this predominantly agricultural country of India produced all the manufactured goods she imports, there would still be insufficient employment for the class which stands most in need of it today. The Indian Fiscal Commission did not attach 'any overwhelming importance' to the effect of industries in drawing away surplus population from the land. Here is what they said 'Even if the development of industries in the near future is very rapid, the population withdrawn from the land will be but a small proportion'. Let me not be misunderstood. It would ill become the Industries Member of the Government of India who has done what in him lay to promote the industrial development of this country to deny the advantages of industrialisation. But in my view they lie in the main in other directions. As I see them, the real arguments for industrialisation in India are that the consequent diversification will render the economic life of the country less precarious than if it depends on agriculture alone, that the capital of the country will be made more mobile by opportunities of industrial investment, that a higher standard of life in industrial centres will exert some influence in gradually raising the standard of life in the country and breaking down the innate conservatism of Indian labour and lastly that industrial enterprise will have the effect of quickening initiative and practical intelligence and thereby of contributing certain new elements to the national character."

Well, Sir, I will leave it at that. Perhaps here by way of digression, I may refer to a speech of Mr. Aney's. In one of his speeches last week, I think, he complained bitterly that the Government were not sufficiently responsive to the wishes of the Assembly. In the same speech he said that Government had ruined the finances of India. I do not admit, of course, that the finances of India are in ruin. Indeed I have made it clear over and over again that in my view we can with prudent management meet all the obligations which are thrown upon us by the new Constitution, but I am prepared to go this far with Mr. Aney, that we have made the task very much more difficult for ourselves than it need have been, and, having made that admission, I maintain in all seriousness that it has been done not by being insufficiently responsive to the wishes of the Assembly, but by responding where we ought to have resisted. Can anybody doubt that our difficulties are in the main due to high protection and unremunerative capital expenditure. The first has destroyed revenue and the second has increased our expenditure on interest charges. I am clear that the first of these causes, high protection, was due to constant pressure from the Legislature and that some of the decisions were taken with a heavy heart and against the better judgment of our predecessors on these benches. Then, again, the heavy capital outlay from 1926 to 1930. I understand that that was partly due to the urge from particular political interests. You may argue if you like that we ought to have been more responsive. You may argue as Sir Cowasji Jehangir did. I will just quote two sentences. I do not propose to answer them at length here, because, judging from the threats which have been issued from the benches opposite, I shall have another opportunity of arguing that point with him. Here are the quotations:

"The intention of the framers of the Act was that where it was possible to carry out the wishes of the opposition it should be done, provided Government felt that the credit and safety of the country was not at stake."

"This illogical constitution expects you to follow the opinion and desires of this House whenever it is physically possible for you to do."

You may argue if you like that that ought to be the Government attitude, but do not complain against the Government that when the Government do respond, the results are unpleasant and even dangerous. If, as I said at the beginning, this particular reference to Mr. Aney's speech was a digression, its relevance to my immediately preceding remarks on industrialisation are, of course, obvious.

Finally, I come to the question of sugar. We had the usual mutually destructive arguments about the damage to the industry, the blow to the consumer and the disaster to the cultivator. Of course they cannot all be ruined at the same time. As a matter of fact, it looks as if, to start with at any rate, the consumer is going to get off scot-free. So, we need not worry very much about him and we can confine our attention to the factory and the cultivator. Now, Sir, nothing that I have heard in the last three weeks has altered my view that there is a two fold over-production in this industry. Firstly, you have over-production of refined sugar as against the estimated consumption in the country, and, secondly, you have over-production of cane as against the needs of the sugar factories and makers of *gur*, and, if you don't believe my evidence on that, let me quote the Congress President:

"In recent years, the fall in the agricultural prices of most food grains and other articles suddenly led millions of the peasantry, especially in the U. P. and Bihar, to cultivate sugarcane. A tariff on sugar had resulted in sugar factories cropping up like mushrooms, and sugarcane was in great demand. But the supply was soon far in excess of the demand and the factory owners cruelly exploited the peasantry and the price fell."

I ask Mr. Satyamurti to notice that the Congress President does not perform much in the way of *puja* to the captains of industry. Well, Sir, there being, as I say, this two-fold over-production, I maintain that there was bound to be trouble in the industry and I think that in the end it will be found that the action of the Government of India this year has minimised the trouble by discouraging further intrusion into the industry and by making what I may call the shake-out shorter. I know a number of factories are trying to bring pressure upon the Government by passing resolutions that they will close down their factories on the 31st of March and telling the cane-grower that it is all the fault of Government. Of course, this is a good comment on their concern for the cultivator, but I do not take them too seriously and, as justification, I shall quote from two issues of the *Daily Press*. It is the weekly summary of the state of the sugar markets. The first is for the 8th of March,—and this is a report on the sugar industry, not by me, nor by any other Government servant. This is from the report for the 8th of March:

"As usual the budget announcement has been followed by a spate of outcry, comments and criticisms."

Here the phrase "as usual" is rather bitter (Laughter) to me.

"This criticism, in our opinion, cannot be taken too seriously as whereas some complain that the increase in Excise will hit the consumer, others are equally emphatic that it will hit the agriculturist. These two arguments appear one to cancel the other."

Mr. S. Satyamurti: Is Sir James Grigg the editor of this paper? Who is he?

The Honourable Sir James Grigg: It is the weekly memorandum written by a big firm in the sugar industry.

Mr. S. Satyamurti: Who are they?

The Honourable Sir James Grigg: Bird & Co.:

"Events during the past week indicate that prices are likely to fall to pre-budget announcement levels and this naturally means that the consumer will not be affected as regards the price at which he buys his sugar. An outcry on behalf of the agriculturist is equally difficult to support, unless people in ignorance imagine that he is entirely dependent on factories for the sale of his crop. Statistics prove that only about 16 per cent. of India's total cane crop is consumed by sugar factories. Assuming, therefore, that every factory in India closed its doors, the agriculturist would only have to reduce cane plantings by a small percentage. Even before the increase in excise moreover, preliminary reports indicated that a decrease in cane is likely to take place."

Now, I will take the report of the same firm a week later:

"It is difficult to see that the low price at which sugar is being sold is in any way connected with the increase in the excise duty, and we think that very few people can honestly be deluded in this connection.

Various attempts have been made from time to time to bring about some co-operation to prevent the continued fall in prices and definite proposals have been advanced for the formation of some sort of Central Marketing Board. Unfortunately due to lack of co-operation, any resolutions made at meetings have only been kept for a short time, with the result that the position has rapidly gone from bad to worse.

We now read that a meeting held at Gorakhpur has unanimously decided to close certain factories by the end of March as a protest against the Excise duty. Can we honestly believe that this resolution will be kept, especially when manufacturers must fully realize that a close down at a period when recovery is high can only materially increase the all-in-cost of production?"

Mr. S. Satyamurti: Who are these people?

An Honourable Member: The managing agents for a number of sugar factories.

Mr. T. Chapman-Mortimer (Bengal: European): No, Sir, they are the sales agents for local manufacturers.

Mr. S. Satyamurti: What does Mr. Ramsay Scott say to this?

The Honourable Sir James Grigg: Now, Sir, I turn aside at this point to deal with the argument which has always cropped up in this connection; my Honourable friend, Pandit Govind Ballabh Pant, used it, Mr. Huseinbhai Laljee used it, and Seth Haji Abdoola Haroon used it: it is the old economic error of the mercantilist school which has now persisted for over three hundred years. It is the argument that if as a result of sugar protection we spend in India fifteen crores—and I may say here that the fifteen crores is illustrative merely, it has no relation to any particular volume of imports—it is the argument that if as a result of sugar protection, we spend in India fifteen crores per annum which would otherwise be spent in Java, India must be better off to the extent of fifteen crores a year. Of course, to start with, the problem is misstated from the outset. If, instead of buying fifteen crores of sugar in India, we spent fifteen crores buying it in Java, we should be paying to Java five crores only and the other ten crores would be paid to the Indian exchequer. Now, if the sugar is bought in India, none of these

ten crores would go into the exchequer and it would accordingly have to be raised by increasing taxation in other directions to the same extent. In other words, if we ignore the taxation element in both cases, the proposition we have to examine is whether India is benefiting by buying for fifteen crores in India, what could be bought in Java for five crores. (Interruptions.) Stated in this way, the problem looks very different. Clearly, the consumers of sugar have ten crores less to spend on other commodities and the effects on the Indian economy of this reduced demand have clearly got to be taken into account before you strike a balance. To strike this balance precisely, of course, would require a rather complicated piece of analysis when you follow up the secondary effects. But you can get a good first approximation to the result easily enough by employing two arguments of a general character. The two arguments are not additive, they are merely different ways of arriving at the same conclusion. In the first place, it is clear that the volume of sugar consumed in India is not changed by the change in the venue of the sugar industry from Java to India, while the consumption of other commodities must clearly have been reduced and India must therefore on balance be worse off. Secondly, we can propose the question to ourselves in the form whether the contribution to national wealth expressed in terms of commodities or services would not be greater if the extra amount spent on home-made sugar were spent on some other form of consumption-goods. On the basis of comparative costs, the answer to this question must be in the affirmative. If the money was spent on some article or articles (**Mr. S. Satyamurti:** "Like?")—let me finish my argument—which India can produce at least as economically as Java can produce sugar or even if we spent it on articles which India can produce, more economically than she can produce sugar, the net gain would be greater and the advantage to the consumer more widespread. The capital and labour employed on the production of sugar would be employed to a better purpose in producing these other articles. Even if the amount was spent on imported articles, the result would be the same, as ultimately and in the long run, a country pays for its imports by its exports: and these imports are paid for by the export of Indian goods, for which India is *ex hypothesi* better adapted by nature than for the production of sugar. I apologise for taking so much time over this point. As a matter of fact, it ought not to have been necessary at all, because economists of any nation in the world, except possibly India, will take it as axiomatic that diversion of production by means of protection must result in economic loss.

Mr. S. Satyamurti: Tell that story in London! Does England follow this principle?

The Honourable Sir James Grigg: I am afraid in India. Jestling Pilate will have to wait for a long time for answer to his question "what is truth"?

I promised to deal with Sir Muhammad Yamin Khan's arguments about the sugar excise. He said it would not have been so bad if I had raised the import duty by 11 annas instead of the amount which we have proposed to do. He then complained that I had by this means reduced the protection by 8 annas. He then went on to say that the additional 11 annas of import duty would not affect the price. Could there ever be such a completely self-contradictory argument? As a matter of

[Sir James Grigg.]
fact, Indian sugar was, I think, before the excise duty and may even now be selling at Rs. 2 or Rs. 3 a cwt. below Java import parity.

Sir Muhammad Yamin Khan (Agra Division: Muhammadan Rural): I think the Honourable Member is not correctly representing my arguments.

The Honourable Sir James Grigg: I wrote it down at the time he was making his speech. As I said, Indian sugar is at the present moment, I think, selling at Rs. 2 or Rs. 3 a cwt. below Java import parity and there is not the slightest chance of an uncompensated addition of 8 annas to the excise bringing in Java sugar. Incidentally, there are some figures given in the *Pioneer* newspaper dated the 14th March. It says that India ought to be able to compete with Java on the basis of protection of Rs. 2-7-11 per maund. Even after the increase in the excise duty of 11 annas, India is now getting protection of Rs. 5-5-4 a maund or Rs. 2-13-5 a maund more than she needs. So, as I understand it, there is for the average producer an ample margin of profit even after allowing for a good deal of price cutting.

Mr. Ramsay Scott did his famous turn of the cultivator's friend. I would ask him as a cultivator's friend if he has recently worked out the comparative yields to the cultivator of growing sugarcane and growing alternative crops. He made a great point of the fact that when this switch-over to sugar took place, the alternative crops were making very small yields and that it was profitable to the cultivator to switch over to sugarcane. I would ask him to do the same set of calculations over again and see what the result is now. He has also used—quite unintentionally, I hope—a very misleading argument. He referred to what would happen if all the factories went out of production and the whole 4½ million acres had to be switched over to wheat or cotton or other crops. But there, again, he left out of account that five-sixths of the acreage or 3,750,000 acres do not grow cane for factories at all, so that the marginal production which would have to switch over even in the case of the complete devastation which he postulated would be only 7,50,000 acres.

Sir, I have done. I apologise for keeping the House so long. Can any fair-minded person doubt that the budget has emerged unscathed from its argumentative ordeal?

Mr. S. Satyamurti: It always does every year, as long as the Viceroy remains.

The Honourable Sir James Grigg: We must now wait and see whether it will emerge equally unscathed from the other processes which lie before it. (Loud Applause.)

Mr. President (The Honourable Sir Abdur Rahim): The question is: "That the Bill to fix the duty on salt manufactured in, or imported by land into, certain parts of British India, to vary the excise duty on sugar leviable under the Sugar (Excise Duty) Act, 1934, to vary certain duties leviable under the Indian Tariff Act, 1934, to vary the excise duty on silver leviable under the Silver (Excise Duty) Act, 1930, to fix maximum rates of postage under the Indian Post Office Act, 1898, and to fix rates of income-tax and super-tax, be taken into consideration."

The motion was adopted.

The Assembly then adjourned till Eleven of the Clock on Wednesday, the 17th March, 1937.

LEGISLATIVE ASSEMBLY.

Wednesday, 17th March, 1937.

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.

ABOLITION OF IMPORT DUTY ON PIG IRON IN THE UNITED KINGDOM.

687. ***Mr. T. S. Avinashilingam Chettiar:** Will Government state:

- whether it is true that the duty on foreign pig iron has been abolished by the British Government and they have thus deprived India of the preference hitherto enjoyed on pig iron;
- whether the Government of India were consulted in the matter; and
- what step they propose to take in view of this step taken by the British Government?

The Honourable Sir Muhammad Zafrullah Khan: (a), (b) and (c). I would invite the attention of the Honourable Member to the replies given by me to questions on the subject yesterday.

Mr. T. S. Avinashilingam Chettiar: I understood the Honourable Member to say the other day that preference was not given for pig iron under the Ottawa Agreement. Is it not a fact that in the Ottawa discussion great point was made in this Assembly that pig iron was given free entry in England?

The Honourable Sir Muhammad Zafrullah Khan: There is still free entry for pig iron.

Mr. T. S. Avinashilingam Chettiar: If there is no preference, but only free entry, and if there is duty on pig iron from other countries, and whereas that duty has been removed and there is no more preference, is not India put on a par with other countries?

The Honourable Sir Muhammad Zafrullah Khan: Yes, but what I said the other day was that the only thing that the Ottawa Agreement guaranteed was free entry and not preference.

Mr. M. Ananthasayanam Ayyangar: Is it not a fact that the free entry for Indian pig iron into England as opposed to some import duty on foreign pig iron in England was the *quid pro quo* for allowing preference on galvanized sheets from England?

The Honourable Sir Muhammad Zafrullah Khan: I would require notice of that question. Though, of course, if the duty has been abolished on pig iron from other countries, as a matter of fact Indian and other countries have been placed on a par. What I said the other day, and what I tried to emphasize today, is that no part of the agreement has been contravened. The situation has been changed no doubt. I may also inform Honourable Members that on the prices that are still ruling there is a good deal of advantage in favour of India. Although there is no preference in favour of Indian pig iron, exports from India are not being affected.

Mr. M. Ananthasayanam Ayyangar: Is it not a fact that, in the Blue Book published by the Director of Commercial Intelligence regarding the Ottawa Agreement giving facts and figures, he has stated that preference has been shown to Indian pig iron in United Kingdom in consideration of similar preference for galvanized sheets from the United Kingdom?

The Honourable Sir Muhammad Zafrullah Khan: I would require notice to look up the book and inform the Honourable Member.

Mr. Sami Vencatachelam Chetty: To the extent that the duty on foreign pig iron was removed, it did not affect the preference for the Indian pig iron enjoyed so far?

The Honourable Sir Muhammad Zafrullah Khan: I have already answered that.

COMMITTEE OF ENQUIRY INTO THE CAUSES OF DETERIORATION IN ROCK CUT SCULPTURES IN ELEPHANTA CAVES.

688. ***Mr. C. N. Muthuranga Mudaliar:** (a) Is it a fact that a committee was appointed in November last to enquire into the causes of deterioration in rock cut sculptures in Elephanta caves?

(b) Has that Committee submitted its report? If so, will Government place a copy of it on the table of the House?

Sir Girja Shankar Bajpai: (a) Yes.

(b) The Report of the Committee is expected to be completed shortly. Honourable Member's suggestion will be considered when the report is received.

Pandit Lakshmi Kanta Maitra: What are the terms of reference to this Committee?

Sir Girja Shankar Bajpai: The terms of reference are to enquire into the causes of the deterioration of these sculptures.

Pandit Lakshmi Kanta Maitra: Is it not within the purview of this Committee to advise Government as to the ways and means by which these things could be preserved?

Sir Girja Shankar Bajpai: They will enquire and make recommendations for dealing with the situation.

PRESERVATION OF PAINTINGS IN CONJEEVERAM AND OTHER PLACES IN SOUTH INDIA.

689. ***Mr. C. N. Muthuranga Mudaliar:** Are Government aware that a large number of paintings in South India, specially in Conjeeveram and other places, are in the course of decay? Are Government prepared to take steps to preserve them?

Sir Girja Shankar Bajpai: I would invite the Honourable Member's attention to the reply given by me to his starred question No. 258 in this House on the 11th September, 1935. The Tanjore paintings have since been examined by the Archæological Chemist attached to the Madras Museum and his report is under consideration now.

SIKHS IN THE PUNJAB AND NORTH-WEST FRONTIER POSTAL CIRCLE.

690. ***Sardar Sant Singh:** (a) With reference to the reply to starred question No. 436 given on the 16th September, 1936, will Government be pleased to lay on the table a statement showing the figures of the Sikhs in the Punjab and North-West Frontier Postal Circle in various grades and state if the proportion in services is equal to their proportion in population in the Punjab?

(b) Will Government be pleased to state the criterion for judging whether Sikhs get their due share of vacancies?

(c) Will Government be pleased to lay on the table a statement in the following form showing particulars of recruitment made in the Punjab and North-West Frontier Postal Circle during the year ending 31st December, 1936:

Grade	Total number of vacancies filled by direct recruits.	Number of Sikhs recruited ?
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The Honourable Sir Frank Noyce: (a) A statement giving such information as is available is placed on the table of the House. The reply to the latter part of the question is in the negative.

(b) No separate percentages of reservation have been fixed for the Sikh community, and they share with other minorities the reservation of 8½ per cent. in the cadres of Telegraphists, clerks and other non-gazetted, non-clerical, superior staff and 12½ per cent. in all the other cadres, in the Punjab and North-West Frontier Circle.

(c) A statement giving the information asked for by the Honourable Member is placed on the table of the House.

Statements.		Number of Sikhs.
Grades.	(as on 1st January, 1937.)	
I. Clerical Staff		440
II. Cadres of branch postmasters, overseers, reader, sorting, overseer and head postmen, postmen, village postmen and mail guards		127
III. Line Staff		43
IV. Telegraphists and Telegraph Masters		6
V. Miscellaneous Superior Staff (i.e., other non-gazetted, non-clerical, superior staff)		26
VI. Inferior Staff (to whom the communal orders apply)		148

Grade.	Total number of vacancies filled by direct recruits.	Number of Sikhs recruited.
I. Clerical Staff	158	19
II. Cadres of branch postmasters, Overseers, reader, sorting, overseer and head postmen, postmen, village postmen and mail-guards	47	5
III. Line Staff	12	..
IV. Miscellaneous Superior Staff (i.e., other non-gazetted, non-clerical, superior staff)	14	..
V. Inferior Staff (to whom the communal orders apply)	139	9

RESERVATION OF A PERCENTAGE FOR SIKHS FOR APPOINTMENT IN THE PUNJAB AND NORTH-WEST FRONTIER POSTAL CIRCLE.

691. *Sardar Sant Singh: (a) Is it a fact that one set of percentages of reservation for all recruiting units in each circle has been fixed in the Posts and Telegraphs Department?

(b) Is it a fact that $4\frac{1}{6}$ and $8\frac{1}{3}$ per cent. posts have been reserved for Anglo-Indians and "other minorities", respectively, in the cadre of telegraphists, clerks and similar posts, in the Punjab and North-West Frontier Circle?

(c) Is it a fact that the term "other minorities" consists of Sikhs, Anglo-Indians and Domiciled Europeans, Indian Christians and Parsis?

(d) Are Government aware that the percentage reserved for "other minorities", viz., $8\frac{1}{3}$ per cent. is much below the proportion of the population of Sikhs alone?

(e) Are Government aware that the Sikhs who occupy a strong position in the Punjab on various considerations, have been allowed about 20 per cent. representation in the Provincial Legislature?

(f) Are Government aware that as the Sikhs are chiefly in the Punjab, no recruitment of the members of that community is ordinarily expected in circles other than the Punjab and North-West Frontier Circle?

(g) Is it a fact that in certain provinces percentages for the recruitment of Muslims and Anglo-Indians have been fixed even at a higher rate than the proportion of their population?

(h) Are Government prepared to reserve 20 per cent. posts for Sikhs in the Punjab and North-West Frontier Circle (Posts and Telegraphs Department)?

(i) In case the reply to part (h) be in the negative, will Government be pleased to (i) state reasons for according a differential prejudicial treatment to the Sikh community and (ii) state whether they are prepared to increase the present percentage ($8\frac{1}{3}$) reserved for "other communities" in the Punjab and North-West Frontier Circle so that the revised figure should be compatible to the share of all the "other minorities" taken together?

The Honourable Sir Frank Noyce: (a) Yes.

(b) The facts are not as stated by the Honourable Member. In the Punjab and North-West Frontier Circle, Anglo-Indians and "other minorities" are given a reservation of $4\frac{1}{6}$ and $8\frac{1}{3}$ per cent. respectively in the cadre of Telegraphists and $2\frac{1}{12}$ and $8\frac{1}{3}$ per cent. respectively in the cadres of clerks and certain non-clerical, non-gazetted, superior staff recruited locally. In all other cadres, $12\frac{1}{2}$ per cent. is reserved for other minorities including Anglo-Indians and Sikhs.

(c) Yes, but where there is a special reservation for Anglo-Indians and Domiciled Europeans, the term, "other minorities", includes Sikhs, Indian Christians and Parsis only.

(d) Yes, in so far as the cadres of Telegraphists, clerks and certain locally recruited non-clerical, non-gazetted, superior staff in the Punjab and N.-W. F. Circle are concerned. In all other cadres, the "other minorities" are given a reservation of $12\frac{1}{2}$ per cent. in the Punjab and North-West Frontier Circle which is more than the percentage of population of the Sikh community in that Circle.

(e) They have been allotted 32 seats out of 175, which is equal to about 18 per cent.

(f) No. They are recruited in other Circles.

(g) Yes.

(h) No.

(i) Government do not consider the reservations fixed by them to be prejudicial to the interests of Sikhs and are, therefore, not prepared to alter them.

Sardar Sant Singh: May I know what is the percentage of population of Anglo-Indians and what is the percentage of population of the Sikhs in the Punjab and North-West Frontier Province?

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

COMPENSATION TO THE SUFFERERS OF THE QUETTA EARTHQUAKE.

692. *Mr. G. Morgan: (a) Is it a fact that many residents who lost everything in the Quetta earthquake have not as yet received any compensation?

(b) Do Government propose to expedite the settlement of such claims?

Sir Aubrey Metcalfe: (a) Government have been unable to accept against public revenues the liability to grant compensation for private property lost in the Quetta earthquake. Relief, however, has been given from His Excellency the Viceroy's Earthquake Relief Fund, in cases where an applicant had been entirely deprived of the means of livelihood in order to enable him to make a fresh start.

(b) Does not arise.

Pandit Lakshmi Kanta Maitra: Do I understand the Honourable Member to say that no compensation has been given from the Government Exchequer?

Sir Aubrey Metcalfe: No. Government have accepted no liability whatever in the matter.

Pandit Lakshmi Kanta Maitra: I want to know whether, as a matter of fact, no compensation has actually been paid out of the Indian Exchequer by way of compensation to people who suffered?

Sir Aubrey Metcalfe: I want notice. This does not arise out of this question.

Mr. Lalchand Navalrai: May I know if compensation has actually been given to those who have applied for it?

Sir Aubrey Metcalfe: I require notice.

Pandit Lakshmi Kanta Maitra: May I know if there is any agency of the Government which considers the question of giving relief to people who lost everything in the Quetta earthquake? Is there any machinery which receives the applications for claims, and so on and so forth?

Sir Aubrey Metcalfe: There has been such an agency and I think that there is one still in existence in Quetta. It is an agency which still distributes anything that is left in the Viceroy's Earthquake Relief Fund. But that is not Government money.

Mr. Lalchand Navalrai: Does the Advisory Committee, which was appointed just at the time when the earthquake was over, still continue?

Sir Aubrey Metcalfe: It does meet if required. I do not think it has had any meetings recently. At any rate, anything that is being done in this direction is at present being done locally.

UNSTARRED QUESTIONS AND ANSWERS.

GRADES OF POSTS OF CLERKS SANCTIONED FOR THE GOVERNMENT OF INDIA PRESS, NEW DELHI.

82. Mr. C. N. Muthuranga Mudaliar: Is it a fact that all the posts of clerks sanctioned for the Government of India Press, New Delhi, in the years 1933 and 1934 were in the grade of Rs. 60—3—105 but the additional posts of clerks sanctioned at present are in the two different grades, i.e., Rs. 60—3—105 and Rs. 40—95? If so, what is its cause?

The Honourable Sir Frank Noyce: No. There are two scales of pay, Rs. 60—3—105 and Rs. 35—2½—80, which are applicable to those clerks who were in Government service before the 16th July, 1931. For those who entered Government service on or after that date, one scale of Rs. 40—40—5/2—80—3—95 has been fixed. The applicability of the old and new scales does not depend on the date of sanction, but on the date of entry of the incumbent into Government service.

HOLIDAYS, LEAVE, ETC., GRANTED TO THE CLERICAL STAFF OF THE GOVERNMENT OF INDIA PRESS, NEW DELHI.

83. Mr. C. N. Muthuranga Mudaliar: Will Government be pleased to state whether it is a fact that the clerical staff of the Manager, Government of India Press, New Delhi, is not treated like that of the staff of the Manager of Publications in respect of holidays, hours of attendance and leave, etc., while both local offices are subordinate to the Office of the Controller of Printing and Stationery, New Delhi? If so, why?

The Honourable Sir Frank Noyce: The clerical staff of the New Delhi Press and of the Central Publication Branch are treated alike in respect of leave, but not in respect of holidays and hours of attendance which are regulated in accordance with the requirements of work in the respective offices.

DUTY ALLOWANCES OF THE BAUDOT SUPERVISOR-OPERATORS.

84. Sardar Sant Singh: (a) Will Government be pleased to state if it is a fact that the Telegraph Establishment Enquiry Committee, known as "Varma Committee" fixed the "duty allowance" or "special pay" of Baudot supervisor-operators at Rs. 20 per month, when they recommended the creation of the said cadre of supervisors?

(b) Is it also a fact that the strength of the existing Baudot supervisors will have to be increased by about cent. per cent. in order to give effect to the said recommendation namely "Supervisor-operator" scheme which has been accepted by Government?

(c) Is it also a fact that with the introduction of the Supervisor-operator scheme experimentally about two years ago, the services of a good many qualified operators had to be requisitioned as the number of existing supervisors who passed the requisite departmental examination was found to be inadequate to meet requirements?

(d) Is it also a fact that the departmental examination in question, referred to above, had been postponed indefinitely since the year 1932, and repeated requests from different service organisations to reopen the same were of no avail?

(e) Is it also a fact that by a recent order of the Governor General in Council the "duty allowance" of Rs. 20 per month has been reduced to Rs. 10 with retrospective effect in the case of men who have not passed the departmental examination?

(f) If the replies to parts (a), (b), (c), (d) and (e) above be in the affirmative, will Government be pleased to state whether they are prepared to restore the duty allowance to Rs. 20, as recommended by the Committee, or to suspend the experiment till sufficient passed men are available, and reopen the departmental examination forthwith for the purpose or to allow the men affected the option to remain in their own substantive appointments if they so desire? If not, why not?

The Honourable Sir Frank Noyce: (a) The fact is not exactly as stated by the Honourable Member. His attention is invited to paragraph 87 of the Telegraph Establishment Enquiry Committee's report, a copy of which is in the Library of the House.

(b) No.

(c) Yes.

(d) The reply to the first part is in the affirmative. As regards the latter part, since a large number of telegraphists who are qualified under the former examination are awaiting promotion, no useful purpose is likely to be served by holding a fresh examination.

(e) The fact is not as stated by the Honourable Member. The unpassed but locally trained men who are not ordinarily entitled to any special pay have, as a special case and purely as a temporary measure, been granted a special pay of Rs. 10 per mensem.

(f) Does not arise.

GAZETTED OFFICERS IN THE TELEGRAPH TRAFFIC BRANCH.

85. **Sardar Sant Singh:** (a) Are Government aware of the fact that the Telegraph Establishment Enquiry Committee in their report under paragraph 173, expressed difficulties in selection of gazetted officers from amongst the telegraphists, who entered the service as boys and before they had time to acquire high educational qualifications or a knowledge of affairs?

(b) Will Government be pleased to state the number of existing gazetted officers in the Telegraph Traffic Branch of the Posts and Telegraphs Department, who have not received high education?

The Honourable Sir Frank Noyce: (a) Yes.

(b) It is not understood what the Honourable Member means exactly by "high education". In the circumstances I am unable to give him the information required.

GRANT OF HOUSE RENT TO LINE INSPECTORS OF THE POSTS AND TELEGRAPHS DEPARTMENT.

86. **Sardar Sant Singh:** (a) Is it a fact that all employees doing out-door duties in the Engineering Branch of the Posts and Telegraphs Department are granted house rent allowance?

(b) Is it a fact that Line Inspectors of that Department are not paid house rent allowance?

(c) Will Government be pleased to state the reason for non-grant of the house rent allowance to Line Inspectors?

(d) Are Government prepared to review their case and grant a suitable house rent allowance to Line Inspectors, or provide them with rent-free quarters?

The Honourable Sir Frank Noyce: (a) No.

(b) Yes.

(c) Line Inspectors draw a high rate of pay and Government do not consider that the grant of a house rent allowance is justified.

(d) No.

EMPLOYMENT OF THE SONS AND RELATIVES OF LINEMEN IN THE TELEGRAPH DEPARTMENT IN THE BENGAL AND ASSAM CIRCLE.

87. **Sardar Sant Singh:** (a) Is it a fact that the majority of linemen of the Engineering Branch of the Posts and Telegraphs Department now working in the Bengal and Assam Circle, hail from other provinces of India?

(b) Is it a fact that most of those linemen have lived for years and are practically settled in the Bengal and Assam Circle?

(c) If the reply to part (b) above be in the affirmative, are Government prepared to provide their sons and relatives in the Telegraph Department in the Bengal and Assam Circle? If not, why not?

The Honourable Sir Frank Noyce: (a) and (b). Government have no information and do not propose to collect it, as an undue amount of time and labour would be involved in doing so.

(c) The recruitment of linemen in a Circle is confined to the candidates who belong to or have their domicile in that Circle. The sons and relatives of only those departmental employees who have their domicile in the Bengal and Assam Circle are, therefore, eligible for recruitment in that Circle. Government see no reason to depart from the general orders regulating admission to the subordinate services in the Posts and Telegraphs Department.

GRANT OF INCREASED HOUSE RENT TO LINEMEN OF THE POSTS AND TELEGRAPHS DEPARTMENT IN CALCUTTA.

88. **Sardar Sant Singh:** (a) Is it a fact that linemen of the Engineering Branch of the Posts and Telegraphs Department are granted a house rent allowance of Rs. 5 only per month in Calcutta?

(b) Is it a fact that these linemen are entrusted with Government tools and are liable to compensate for the loss of those tools?

(c) Are Government prepared to consider the hardship of the linemen in respect of their house rent allowance and grant them an increased rate of allowance? If not, why not?

The Honourable Sir Frank Noyce: (a) and (b). Yes.

(c) No, because Government do not consider that the existing house rent allowance which is not in lieu of free quarters of Rs. 5 is inadequate.

GRANT OF DAILY ALLOWANCE TO LINEMEN OF THE POSTS AND TELEGRAPHS DEPARTMENT.

89. **Sardar Sant Singh:** (a) Is it a fact that Sub-Inspectors, Line Inspectors, Telephone Inspectors, Engineering Supervisors and other officers of the Engineering Branch of the Posts and Telegraphs Department are in receipt of daily allowance?

(b) Is it a fact that linemen of that Department have to do out-door duties at all hours of the day and night and have to go out of their headquarters for duty and remain outside for days together?

(c) Is it a fact that those linemen are not granted daily allowance during the period of their stay on duty outside headquarters?

(d) If the replies to parts (a), (b) and (c) be in the affirmative are Government prepared to consider their hardship and grant a suitable daily allowance to linemen? If not, why not?

The Honourable Sir Frank Noyce: (a) Yes, when on tour out of their headquarters.

(b) Yes, should necessity arise.

(c) Yes.

(d) No, there is no hardship, as their pay has been so fixed as to compensate them for the cost of ordinary journeys within their jurisdiction.

GRANT OF HIGHER HOUSE RENT TO SUB-INSPECTORS AND LINEMEN OF THE POSTS AND TELEGRAPHS DEPARTMENT.

90. Sardar Sant Singh: (a) Is it a fact that Sub-Inspectors and linemen of the Engineering Branch of the Indian Posts and Telegraphs Department are granted house rent at the rate of Rs. 2 only per month in *moffusil* stations?

(b) Is it a fact that those officials are required to attend duty at all hours of the day and night and have to live with their families and keep Government tools in their safe custody?

(c) Will Government be pleased to state if they have received any representation on behalf of these officials praying for increased rate of house-rent?

(d) If the reply to part (c) be in the affirmative, will Government be pleased to state the nature of the reply they have given to that representation?

(e) Are Government prepared to grant a higher rate of house-rent to those officials enabling them to hire suitable quarters for family accommodation and also for keeping Government tools in safety?

The Honourable Sir Frank Noyce: (a) No, the rate varies at different stations.

(b) Yes, except that Government do not compel them to live with their families.

(c) Yes, in July 1936, from the All-India Telegraph Union.

(d) A reply was given expressing the Director General's inability to accept any of the prayers contained in that representation.

(e) No. Government do not consider any increase in the existing rates of house rent allowance justified.

REPLACEMENT OF TELEGRAPH MASTERS BY SELECTION GRADE CLERKS.

91. Sardar Sant Singh: (a) Is it a fact that Government accepted the recommendation of the Varma Committee and issued orders for replacement of Telegraph Masters supervising the work of signal room clerks of Telegraph Offices by selection grade clerks in 1934?

(b) Is it a fact that the Government order referred to in part (a) clearly directed that the replacement should be effected when vacancies occurred and as suitable clerks became available?

(c) Is it a fact that vacancies occurred in the grade of Telegraph Masters at Bombay, Rangoon, Karachi, New Delhi and Simla Telegraph Offices during the last two years and they were filled in by telegraphists?

(d) If the replies to parts (a), (b) and (c) be in the affirmative, are Government prepared to make necessary enquiry and issue orders for early replacement of Telegraph Masters by selection grade clerks in those offices?

(e) Is it a fact that there are still supernumeraries in the grade of Telegraph Masters? If so, how many?

(f) Will Government be pleased to state when the replacement of Telegraph Masters by selection grade clerks can be expected?

The Honourable Sir Frank Noyce: (a) and (b). Yes.

(c) and (d): Government have no information. The matter referred to is one with which the Director General is fully competent to deal, and a copy of the question is being sent to him for such action as he may consider suitable.

(e) The fact is not as stated. The latter part of the question does not arise.

(f) Government are unable to say.

APPOINTMENT OF A PROTECTOR OF IMMIGRANTS IN ASSAM.

92. Mr. V. V. Giri: Have Government appointed any protector of immigrants in Assam and elsewhere to look after the interests of immigrants there and elsewhere, as recommended by the Whitley Commission (vide page 374)?

The Honourable Sir Frank Noyce: The Royal Commission on Labour recommended the appointment of a Protector of Immigrants in Assam to look after the interests of emigrants from other provinces who have not settled in Assam. That recommendation has been implemented. The officer appointed is designated Controller of Emigrant Labour.

STATUTORY PROVISION TO HAVE ACCESS TO WORKERS' HOUSES IN ASSAM.

93. Mr. V. V. Giri: Have Government made any statutory provision to have access to workers' houses without any let or hindrance from managers of tea plantations in Assam as recommended by the Whitley Commission?

The Honourable Sir Frank Noyce: No. The attention of the Honourable Member is invited to the remarks against Recommendation 291 in Part IV of the Fourth Report showing the action taken by the Central and Provincial Governments on the recommendations made by the Royal Commission on Labour in India, copies of which are in the Library of the House.

CONSTITUTION OF BOARDS OF HEALTH AND WELFARE FOR WORKERS IN THE TEA PLANTATIONS.

94. Mr. V. V. Giri: Have Government constituted any Boards of Health and Welfare for workers in the tea plantations as suggested in the Whitley Commission?

The Honourable Sir Frank Noyce: No: this is not a matter for the Government of India.

POWERS GIVEN TO OFFICERS IN THE TELEGRAPH TRAFFIC BRANCH FOR PUNISHMENT OF SUBORDINATES.

95. **Sardar Sant Singh:** (a) Is it a fact that under the existing rules of punishment the officers in the Telegraph Traffic Branch of the Posts and Telegraphs Department have been given extensive powers over their subordinates?

(b) Will Government be pleased to state if these officers have been authorised to try cases of offences under the Indian Telegraph Act and the Official Secrets Act?

(c) Is it a fact that the Chief Superintendent, Central Telegraph Office, Calcutta, punished two officials under the Indian Telegraph Act and the Official Secrets Act and, in so doing, privileges under provisions laid down in Rule 55 of the Civil Services (Classification, Control and Appeal) Rules were denied to the officials punished?

(d) Will Government be pleased to state the rules, if any, on the relations between controlling officers and their subordinates, whether in gazetted or non-gazetted ranks?

The Honourable Sir Frank Noyce: (a) I do not know what the Honourable Member means by extensive powers; the powers of punishment are laid down by definite Government orders.

(b) No; such cases are tried in a Court of law but in cases in which Government servants are involved, departmental proceedings are instituted simultaneously by competent officers.

(c) Government have no information. It is open to the officials concerned to appeal to the proper authority.

(d) The attention of the Honourable Member is drawn to the Government Servants' Conduct Rules.

THE INDIAN FINANCE BILL—contd.

Mr. President (The Honourable Sir Abdur Rahim): The House will now take up the consideration of the Indian Finance Bill, clause by clause. The question is:

"That clause 2 stand part of the Bill."

Mr. M. Ananthasayanam Ayyangar (Madras ceded Districts and Chittoor Non-Muhammadan Rural): Sir, I beg to move:

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

This amendment relates to the imposition of salt duty of Rs. 1-4-0 per maund. This has become a hardy annual, but it is not a mere matter of sentiment, but one of growing conviction in us. Sir, next to air and water salt is the one article of food of universal consumption. There is another point on account of which we believe that this salt tax, sooner or later, must be entirely abolished, for this reason that the incidence falls more on the poor than on the rich. On these two grounds, if left to myself, I would certainly prefer to move for the abolition of this duty altogether. In addition to the Rs. 1-4-0 per maund that is imposed under this Act, there is already a surcharge under the Surcharge Duties Act of 25 per cent. In all the poor consumer pays Rs. 1-9-0 per maund on every maund of salt.

Sir, by moving this amendment, I am giving an opportunity to the Finance Member to give full proof of his concern for the poor consumer of whom he has been talking in season and out of season, whenever we spoke of some protection for some industry or other. No doubt the only justification for the imposition of this tax or the excise duty is that it sits lightly upon the consumer, and it is an article of universal consumption. That is the principle on which this excise duty has been allowed in the report of the Taxation Inquiry Committee that was published in 1926. I would say that the principle on which they proceeded is entirely wrong, and anyhow circumstances have completely altered. For one thing, if it is an article of consumption and the incidence of taxation sits lightly upon the poor, inasmuch as it is distributed over a large extent of population,—nearly 37 crores of people here,—I would say that you must judge from the results as to whether in spite of the imposition of this excise duty the consumption has been growing and is sufficiently adequate for the needs of society.

An ordinary human being,—let alone agriculture and cattle,—requires according to the best standards at least 40 pounds of salt per head per year. That is the consumption rate in England where there is absolutely no excise duty on salt. In Portugal, we find that 35 pounds of salt are consumed per year on an average by an individual. In countries where salt is taxed, as in France and Italy, we find the per head consumption is 20 pounds and 18 pounds respectively. But the average in this country is not more than 12 pounds per year per head. I would say that considering the largest coastal extent that this country possesses and the need for the consumption of salt in this country which is a tropical country, much more than any other country on the face of the globe, the consumption per head is absolutely inadequate. It is much lower than is necessary for ordinary human existence. In the jails of the Madras Presidency, the amount of salt that is given is 17 pounds per head. I have found that in provinces like Madras and Bengal where rice is consumed as the staple food product, it is 17 pounds per head that is allowed in jails as the jail diet. In other provinces like the Punjab and the North West Frontier Province where not rice but wheat is the main article of food, the quantity allowed is 12 pounds per head. Therefore, it is clear that having regard to the nature of rice consumption in this country, the large tracts of area where rice is the staple food product, salt is required in abundance. There is, therefore, no gainsaying the fact that in so far as it goes India is absolutely underfed in salt. The output of salt per year in this country is 530 lakhs of maunds which yields an income of nearly 8 crores of rupees, and that includes imports from foreign countries also. Recently on account of the Gandhi-Irwin agreement, some few maunds, here and there, have been allowed to be manufactured by individuals for domestic consumption; but on account of the rigorous manner in which these rules have been worked, even the small quantity that the poor consumer could manufacture has been denied to him.

I would, therefore, say that on account of the imposition of this duty an essential article of food has not been allowed to be consumed in the proper proportion in which it is consumed in other parts of the world where it is not taxed. That is the main reason why I oppose this salt tax. It is not as if it sits lightly upon the poor consumer. If in spite of the incidence the consumer were able to consume the quantity which is necessary for human existence, there would be no complaint. But that is not so. He is unable on account of this tax to purchase the necessary quantity

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for himself. That is the state of things with respect to the human beings in this country, 37 crores of whom are not able to provide themselves with the necessary quantity of salt. What about cattle? Their number is growing almost every day. Even for cattle, salt is necessary. Without the necessary quantities of salt mixed properly in food, even cattle cannot exist.

Mr. N. M. Joshi (Nominated Non-Official): Only stud-bulls can have salt now.

Mr. M. Ananthasayanam Ayyangar: Yes, if they are provided by the munificence of His Excellency the Viceroy. But I have seen many stud-bulls roaming about in the City of Delhi which do not get even drinking water, not to speak of salt. That is the unfortunate position, though no doubt there is now a tendency to let them loose on society indiscriminately. Sir, I would say that with respect to cattle it is the same tale of woe. Even the small pinch of salt that the poor consumer by his labour is able to earn is denied to the cattle, because there is a race between the animal and the poor agriculturist for whom so much is talked about by His Excellency the Viceroy and by my Honourable friend, the Finance Member, who talks every minute about the poor consumer. There is every day this competition or race between the poor agriculturist and his buffalo or cow or bullock for this necessary food material. For coconut cultivation, salt is necessary. For industries also salt is necessary. No doubt a regulation is made whereby some salt is given free for curing or preserving fish. That is the only boon, that has been provided. With respect to the others, I am sure the House will agree with me that, in this country, both human beings and cattle are being grossly starved in the matter of salt. That is the one complaint that I have to make with regard to this excise duty on salt. Excise duties certainly can be imposed on local production, on even articles of consumption if it is intended that a restriction is to be imposed on the consumption of those articles, as in the case of spirituous liquors and other articles of luxury, where an excise duty can certainly be imposed in order to put down the consumption. But with respect to a necessary article of food, I would say that if the tax injuriously affects the people and they are not sufficiently rich to provide themselves with this essential article of food, it is an improper tax. Government may not get revenue out of it, but they must find other sources of revenue to fill their coffers and not impose a tax on the poor man's salt. That is why I raise my voice of protest against this.

There is another reason why this excise duty ought not to be imposed. I have gathered statistics to show that since the imposition of this excise duty, as the incidence, has risen the quantity of consumption, has gone down. That must be an eye-opener to Members on the Treasury Benches who have brought forward this Bill today for the reimposition of the salt duty. The figures are given in the Taxation Enquiry Committee's report at pages 134-135. I shall go back to 1878-79 when the duty on a maund of salt was Rs. 2-14-0: the consumption rate was then 8-9 pounds per head. Taking that as the starting point, let us see the subsequent figures. In the year 1882-83, the rate was reduced—to somewhere between Rs. 2 and Rs. 2-8-0 a maund—the index figure then went up to 116 from 109. Coming again to 1904 to 1907 when the rate was one rupee a maund, it rose to 136. Then in 1922-23 when the rate was Rs. 1-4-0, there was an increase and it went up to 175. In 1923-24 when the duty was increased

from 1-4-0 to 2-8-0 or almost doubled there was a sharp decline from 175 to 153; and the rate came back to 1-4-0 in 1924 and ever since it has been stable. Twelve years have passed since then, but what is the quantity of consumption of salt? It has not progressed from 510 lakhs of maunds during the whole course of these twelve years. From the above figures we find that the consumption of salt has increased by nearly 50 per cent. when the salt duty was reduced from 2-14 to 1-4 a maund. I say even a blind man can read the inference from these figures: they show that if the duty goes up, the consumption goes down; and if the duty goes down, the consumption goes up. Today the consumption is not what it ought to be: we are underfed in salt after the imposition of this salt duty at 1-4-0. It may be a *tamasha* for the Treasury Benches: they may say it is a matter of sentiment with us—the Dandi march and so on—and, therefore, we are saying all this. But I say it is not a matter of mere sentiment: it is a matter of entire conviction, and it is growing in our minds that the poor man ought not to be taxed for this small necessity of life: I have seen various households where it is even a luxury for the poor man to get a pinch of salt for his gruel or *conjee*; though it does not cost him more than one pice a day, a pinch of salt is a luxury for him. From the figures I have cited, it is necessary in the interests of the consumer, for whom the Honourable the Finance Member and His Excellency the Viceroy are shedding tears every day, that they must take this duty away, if they are really sincere and *bona fide*, let them fall back upon other resources. Unfortunately, Sir, the Taxation Inquiry Committee came to a wrong conclusion after weighing the *pros* and *cons*. At page 133, in para. 164, they say:

"The chief of the excises levied in India is that on salt. The objections to this tax are well known: it falls on a necessary of life, and to the extent that salt is essential for physical existence, it is in the nature of a poll tax. The bulk of it is paid by those who are least able to contribute anything towards the State expenditure".

In the next paragraph, they justify the levy of this duty on the ground, quoting an extract from the writings of an American writer who says that on an article which is universally consumed, and the incidence of tax on which might not sit heavily on the poor consumer, excise duty might be imposed and Rs. 8 crores distributed over 37 crores of people might not be a heavy incidence, and, therefore, they accept this and say it might be allowed to stand. But I say with very great respect that that argument does not hold good for this reason, that at the time they made this report, they had ignored many other factors. They evidently thought the poor man uses only salt and that his other necessities of life are not taxed. I need not say that almost every necessity of life is taxed—food, clothes, etc.—and, therefore, the poor man is indirectly taxed in many ways. His cloth is taxed; his kerosene is taxed; his sugar is taxed; even his matches are taxed. It may be that the Honourable the Finance Member will say that it was at our request that rice was taxed and an import duty was put on rice. We wanted a protective duty—I am not clamouring against the imposition of a rice import duty, nor do I say that the wheat import duty should be abolished. They are very necessary in the interests of the producer. But that does not mean that you should have an excise duty on the production of the necessities of life, like salt, food or clothing.

Therefore, I say that the argument advanced by the Taxation Inquiry Committee no longer holds good. They unfortunately failed to see that

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it is not only the poor man's salt that is taxed, but many other things without which existence would be impossible are also taxed. It is time, therefore, that the Honourable the Finance Member re-reads or at any rate goes over those principles which were debated sometime ago. I have shown that in respect of this article as taxation increases, consumption decreases and as taxation decreases, consumption increases. From these facts, it is clear that this excise duty ought to be removed altogether.

The next point is that this excise duty sits more heavily on the poor than upon the rich. No authority is required to prove that the poor use salt much more than the rich: the rich do not go in directly for salt: they take vegetables and various other things which contain salt as one of their ingredients naturally. The richer classes go in largely for other things,—tea, coffee, etc., which contain sugar, in preference to salt. Thus, it is the poor man who pays much more of this salt duty, and it is more burdensome to him than to the rich man. The two principles laid down in the Taxation Inquiry Committee's Report as a justification for the imposition of an excise duty on an article of consumption are that it must be light and it must not restrict consumption, and it ought not to sit heavily on the poor man. I would say in all humility that neither of these criteria is satisfied by the imposition of this salt tax. It restricts consumption on the one hand and on the other it sits heavily on the poor man who has to bear many other burdens as it is. On these grounds the tax should be removed. The circumstances prevailing in other countries like France, Italy and others are quite different. There salt is not required in such large quantities as in this country. In those countries the purchasing power of the individual and the average income are much more. Moreover there the indirect taxes are much lighter. That was brought forward as an argument by the Honourable the Finance Member for reducing the import duties on various articles. It is only the other day that he suggested that the import duties were regressive; he also said the law of diminishing returns had begun to work. I would ask the Honourable the Finance Member to apply the same principle here and see whether the law of diminishing returns has not come into operation in this matter also, in that for over 12 years, the 510 lakhs of maunds of salt has not increased, though this year it is 530 lakhs of maunds which has been consumed, for which the Finance Member has already given an explanation. I need not grope about for finding an explanation as to how this year salt has increased to 530 lakhs of maunds. He has said that on account of the lighthearted representations or promises that were made by Members of the party to which I have the honour to belong the merchants did not go in for purchase of salt under the expectation that salt would be taxed more lightly, and that is why people or merchants did not stock salt as they had done last year, and that is why you find there is a larger purchase of salt, *i.e.*, 530 lakhs of maunds, a portion of which should have been shared with the previous year. At page 22 of the Explanatory Memorandum by the Financial Secretary, he gives the figures of salt consumption for the last five years. This is what he has given:

	In lakhs of maunds.
1931-32	5,39
1932-33	5,15
1933-34	5,37
1934-35	5,03
1935-36	5,25
1936-37	5,30
1937-38 excluding Burma	5,10

Now, Sir, if these are the figures on which the consumption has moved up and down during the last 12 years, I would say that the law of diminishing returns has certainly begun to work. I am certain that if tomorrow the salt duty were abolished, four times the quantity, that is nearly 2,500 lakhs of maunds of salt would be consumed in this country by the 37 crores of people, and an equal quantity of salt will be necessary for cattle; and for agricultural and industrial operations, a like quantity would be necessary. Therefore, I say that if tomorrow the duty on salt were abolished, the figures of consumption would swell enormously in the next year. We may not have to wait too long in this direction. If instead of abolishing the duty altogether there is even an appreciable reduction in the excise duty, I am confident the figures would swell enormously. What is lost by a reduction in the excise duty would certainly be made up by the larger quantity of salt consumed in the country by human beings and by cattle. Therefore, I say that a bold attempt may be made in that direction and the figures of consumption will go up very rapidly. The Honourable the Finance Member has expressed so much anxiety for the poor consumer, but let him translate his anxiety for the poor into action by abolishing the salt duty if not at once, at least in progressive stages within a period of, say ten years.

Then, Sir, apart from the revenue duty and the principles on which this taxation is imposed, having regard to the manner in which the Department of Education, Health and Lands has been trying to find the nutritive values of various articles of food in this country, I would make an appeal to my Honourable friend, Sir Girja Shankar Bajpai. Has he discovered that, after all, salt is not a necessary ingredient in the food of the poor man? Has he found that salt has no nutritive value? If he has done that, then I am prepared to accept his analysis of the nutritive values of various articles. I am sure he will not go to such lengths, even though he may justify the tax on other grounds, as to say that salt is not a necessary ingredient in the poor man's food or that it has no nutritive value; on the other hand, I am sure he will agree with me that salt is absolutely essential for the poor man. Then what should be his duty? Instead of asking us to drink more milk, a thing which is not so readily available for the poor man, he should try and enable the poor man to have one more pinch of salt by having it distributed more freely, not entirely free of charge, but at cost price, in various parts of this country. Sir, the cost price of salt is only three annas, and this I have found by a personal examination. I find that from the report of the Salt Survey Committee who have gone into this question in detail, that the cost price per maund of salt, making all allowances for all kinds of excess expenditure, and allowing a decent margin, is only Rs. 0-5-3 per maund. If that is so today, let us go to the bazar and see at what rate a bag of salt sells. It sells at Rs. 4-10-0, because the excise duty is Rs. 1-4-0, the surcharge is Rs. 0-5-0, which comes to Rs. 1-9-0 on a maund and to this you should add the middleman's profit and the freight charges up and down, and all these have to be borne by the poor consumer. Sir, I would repeat a thousand times that the Finance Member should translate his concern for the poor consumer into action. Let him, therefore, supply this necessary article of food at cost price, namely, Rs. 0-5-3, if he has really the interests of the poor at heart.

Sir, by this amendment, I am not seeking for the absolute removal of the excise duty of Rs. 1-4-0 altogether. My amendment is a moderate

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one, because now we have to carry the other Members of this House with us. Even the Honourable Member in charge should accept my amendment most unhesitatingly and with a clean conscience, and I would ask Members belonging to all parties in this House to vote for my amendment. Sir, today the excise duty remains and with it the surcharge. Is it not right that before all other surcharges are removed, the surcharge on salt should be removed? Was it necessary for the Government to restore the cut before the surcharge on salt was removed? Whatever emergency or additional taxation was brought into existence in 1931-32, did not the Finance Member say that they were adopted for emergency purposes and they would be removed as soon as the emergency was over? Did he not say that on account of the pledges given by his predecessors that as soon as the emergency disappeared, the emergency measures would be removed, and that the cuts in salary would be restored, and was it not in accordance with such pledges that the salary cuts were restored? Sir, we moved an amendment that salary cuts should not be restored with reference to salaries below Rs. 200. I believe there would have been no inconvenience caused to anybody getting Rs. 200 and above if his cut had not been restored. A Governor who receives Rs. 10,000 or the Viceroy who receives Rs. 21,000 per month would not have died if his salary cut had not been restored. I say, Sir, these people would live long, they would prosper much better, by the blessings of the 37 crores of hungry mouths. Where is the pledge? If there is that pledge with respect to the rich man regarding his salary cut given by the Finance Member's predecessor and his successor is in duty bound to carry out that pledge, though when carrying out that pledge he told that the country had not recovered completely from the depression, what about the poor consumer, for whom our friend, the Finance Member, expresses so great an anxiety? Whatever the position may be, Sir, I strongly hold that the surcharge on salt ought to be removed at once. I would appeal to my friends of the European group also to assist us in our demand because last year they were anxious that the surcharge imposed on all articles imported into this country and other surcharges whether produced or imported into this country, should be removed. When they are so anxious about the removal of all surcharges, they must agree with us that at least with respect to the salt tax, the surcharge should be removed. It is not a new matter. This is a matter upon which all sections of the House have been anxiously bestowing attention in order to give relief to the poor in some manner or other. I, therefore, appeal to all sections of the House to support this amendment, which is, after all, a modest one. It is not such a dangerous amendment as would bring down the finances of the Government so as to need the certification of the Viceroy. By this reduction, you will simply be indirectly removing the surcharge on the salt duty. Sir, I move. (Applause.)

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

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

Mr. Lalchand Navalrai (Sind: Non-Muhammadan Rural): Sir, a similar amendment stands in my name, and I whole-heartedly support the amendment now moved by my Honourable friend, Mr. Ayyangar. This item of salt is one over which the bureaucracy has been persistently defying public

opinion from time to time. The public opinion is that salt, which is a necessity much more for the poor than for the rich, should be free of any tax. A question is asked, how is it more necessary for the poor than for the rich? My reply to it is that the poor man uses salt much more than the rich man does. It must have been observed that in places, poor men instead of using sugar, use salt with tea. Therefore, the necessity of salt for the poor man is one which cannot be denied. This House has asked several times that this salt tax should be removed altogether and has even succeeded in carrying amendments, but the tax has been restored under certification. I submit that the opinion with regard to this tax being condemnable and reprehensible is even held by statesmen in England. The Secretary of State once considered this to be a very wrong tax which affects the poor people. Mr. Macdonald also considered it as a blemish on Indian administration, but the mentality, the attitude of the die-hards here can never change.

The Honourable Sir James Grigg (Finance Member): Hurrah!

Mr. Lalchand Navalrai: It is hurrah to you, but great distress to us. We want your sympathy. Nobody can say that the present amendment is an unreasonable one. It is not being asked that the whole tax should be removed; it is not being asked that it should be considerably reduced. It is only four annas that is being asked to be removed from the tax; instead of Rs. 1-4-0, the amendment says that it should be reduced to one rupee. What will be the loss by this amendment if carried? Mr. Lloyd always says that we shall incur a loss, and, therefore, we cannot afford to reduce this tax. There is loss whenever a tax is reduced or removed, but where there is a will, there is a way. There are so many ways suggested during the budget time to make up the loss, and even now there are many ways for the Government to make up that loss in respect of the necessity of the poor man. We were told last time that the loss on this account would be about 1½ crores of rupees when a similar amendment came up before the House for discussion last year, it was suggested by the Treasury Benches that the loss would be 1,62 lakhs of rupees. If only ten per cent. of the salaries at the top is cut, it would be more than two crores,—and is that difficult to do? Therefore, I submit that this amendment is reasonable. This country produces salt in abundance. The country has got sea coasts where you can get any amount of salt, but, apart from that, in the country itself there are colour-lands where salt is got in large quantities, and if there be no restriction, every man, every villager can get his salt without any difficulty from those lands. Colour salt used to be consumed in India, and it has been stopped only after this salt tax has come in. It is absurd in such circumstances that any man should be handicapped with regard to his salt. This question of reduction of salt duty has been going on for a very long time. Mr. Gokhale tried his best to have this salt tax removed. Mahatma Gandhi also is of the same opinion; he went even so far as to have a campaign for the making of salt and Government know how difficult it was for them to deal with it and what disturbance took place in the country. But Sir, Government have not profited by that too. Then, what has happened in this House itself? Last year, there was an amendment to reduce the salt tax and it was carried, but the salt tax was restored by His Excellency the Viceroy. In 1935, there was an amendment to reduce it to twelve annas and the House succeeded in carrying that amendment. Therefore, it will be adding insult to injury if this persistence on the part

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of the Treasury Benches should continue and this very reasonable amendment is not accepted. I hope the House will not care for the certification of the Viceroy for the restoration of the tax. The House must exercise its own opinion and show that the popular demand is that this salt tax should not exist at all, and if it could not go at once, it should go, first of all, by reducing it to one rupee, and then again by more, and so on. Experience has shown that whenever the salt tax has been reduced, the consumption has increased. For that there are figures which would convince the House. In 1902, when the tax was Rs. 2-8-0, the consumption was 3.2 crores of maunds. In the succeeding years, it was as follows:

Year.	Rate. Rs.	Consumption in crores of maunds.
1903		3.82
1906	1/8	4.11
1907	1	4.27
1915	1	5.22
1916	1/4	The consumption went down.

Therefore, I submit that, even from that point of view, the consumption will rise, if the tax is less. On a matter of this sort, we should waste no more time. If the Government have got the will, they will accept the opinion of the House and reduce this tax and accept this amendment.

Pandit Nilakantha Das (Orissa Division: Non-Muhammadan): I wish to explain the amendment as I understand it. This is not to reduce the salt tax at all. The salt tax today is not 1-4-0. It is 1-9-0. There is a 25 per cent. surcharge on salt by some other emergency Act. So now we propose to reduce it really to 1-4-0. We have no other way within the limits of the Bill to propose for the abolition of the surcharge on salt. Though we are the Opposition and we represent public opinion, it is evident that we have nothing to do in shaping the Finance Bill. So we cannot say that in the 1932 Act such and such a clause be omitted or repealed. The Honourable the Finance Member must be aware that this surcharge is not an ordinary tax, and already he has been very kind to certain sections of the people of this country for whom he has always a soft corner in his heart as every one knows and he will admit that he has already reduced this emergency surcharge to its entire extent in their case. I mean the income-tax and super-tax surcharge. Though the poor man's representatives suggested that the direct taxation of the rich man should first be thought of in all emergencies, the Finance Member has been very unkind to the poor man and he has never thought of even reducing this surcharge. So, the import of the amendment is not to reduce the salt-duty. It is only intended to take away the surcharge and this is the way we can do it today. Now, in this reduction five annas will go and 1-4-0 will remain.

I would have proposed the entire abolition of the salt tax and in fact I have been always tabling this amendment for the entire abolition of the

salt tax and it has been carried very often but this year we like to appear to be reasonable even to my Honourable friend opposite. If we find a response, he will find that we can work together for the benefit of the country, though we do not believe yet that he will work for it at all. During the last two speeches he appears to have mellowed into a new kind of mentality and it may be expected that this would open a new chapter in his life and will afford him an occasion to give reasonable consideration to the public opinion of this country or at least the opinion as represented in this House by the Opposition. So let us expect that he will not grudge this abolition of the surcharge on the poor man's salt. He appeared also in yesterday's speech to have given some encouragement when he spoke about the regressive taxation in this country. At least, so far as his words go to that extent, I was myself a bit encouraged to propose this amendment to him. He does not like this way of putting indirect taxation on the poor man. It is always the consumer who pays. He wants to diversify industry by means of taxation. This reduction will undoubtedly be effective that way.

He also knows perfectly well that this salt tax is not only an indirect tax but it is something more. It has got something about it of the primitive savage instinct of the Government. It is a poll tax. Whatever be the difference between the rich man and the poor man in the use of salt, the average cannot be much this way or that so far as the salt duty is concerned. It may be a little more in the case of the rice eating man and it may be a little less in the case of the wheat eating man but it is a poll tax nevertheless and here it is again that the Finance Member can expect sure and convenient income even if the poor man had been even blind perfectly white. For if he cannot pay any other tax; so long as he has life in him, he must pay this tax if the Honourable the Finance Member compels him to pay it. So this is a safe corner up his sleeves where he may exactly calculate the money that he will get. He may not be sure of getting a bigger income from this import duty or that import duty or he may be getting a lesser income from excise on sugar. But here the income is fixed. Sir, this, however, is not what the Finance Member of a State ought to do. He must think, as he has called it, of the recuperative capacity or the prospects of the nation, and if he can, he will calculate upon that, but to calculate upon a source of income like salt tax a Finance Member is not necessary. Any man can easily balance the budget if, for instance, tomorrow he comes forward and says that every man that is born in India should pay five rupees each. That is a very good theory of taxation, but it is primitive, and it requires no Finance Member from overseas to tell us that in this way the Budget should be balanced. It is very easy to balance the Budget in that way. Whenever you want two crores of rupees or a little more than one and a half crores, you put five annas more on salt! Sir, so, I say, as I have said, the savage instinct of the State is still lingering in the Indian Finance Department, and of this our Finance Member, willingly or unwillingly I do not know, makes himself the exponent. (An Honourable Member: "Both ways".) Sir, I am sorry for him.

This salt tax has a history behind it. It has a long and painful history as every one perhaps by this time knows. Sir, I have been in the House before and on several occasions I have put the amendment of the abolition of the salt tax, and in 1929 even before Mr. M. P. Gandhi's monograph was

[Pandit Nilakantha Das.]

published I tried to give a full history of this tax during the course of a day that I took in this House on this subject. Still it was not complete. Now it is not necessary to repeat things, for the whole history has been common property after the publication of many monographs and brochures. But everyone knows that it is in the interests of Liverpool that this tax was first levied. Salt was to be introduced into this country as ballast; and therefore the salt producers in England used their power and compelled the then Prime Ministers time after time to put this tax so that English salt could be introduced into this country. That is the history behind it. Then, again, in this country there were the predecessors of our civil servants before Lord Cornwallis. In those days the civil service was not organized. I have not the heart to tell you in this House how this industry was used for making money outside the pay of the office by our old civil servants. Sir, those are the two factors which may be still fresh in the memory of those who are taxed in the villages.

Sir, my poor Province of Orissa is a coastal province and Mr. Stirling and other people in those days have said that the best salt in India was produced in those days in that land which has been made poor to-day and the largest income of that province was derived from salt. Sir, if you go into the aspect of the industry which you want to diversify by regulating your taxation, what are you doing to those poor people on the coasts? If you care to come with me, I shall take you to those villages; I shall show you those hamlets—oh, there are no hamlets now, they have collapsed long ago, the coast has been deserted, the people have fled to different places and they have fled, many of them, to Rangoon and to the tea gardens of Assam and other places; and it is rather a piece of ironical joke when you tell us, “go to your provinces, handle your finances, find employment for your people, and give them all sorts of comfort and service, you have got autonomy.” Sir, is this not one of the main items by which you can give the ministers in many of the Provinces, especially in Provinces like Orissa, Madras, Bombay and Sind some handle, some lever by which they can give some relief even at this stage to the unemployed in their coasts?

Salt is free for fish-curing. It is again a make-belief. By industry some people, specially Government people, understand an organised something like the tea or coffee plantation or organised factory. Our fish-curing is not like that. The poor fish-curer does not know of the advantage given to him in spite of rules and regulations and their publication in the Gazette. Had he known all this, it would not be possible for him to take advantage of it.

Now, just take up other coastal industries. Do you know that in our coastal districts coconut is a big industry which is today collapsing on account of competition from outside? Do you know, Sir, that this coconut industry in Orissa is collapsing and languishing due to competition from other areas

Mr. President (The Honourable Sir Abdur Rahim): What has coconut got to do with salt?

Pandit Nilakantha Das: Sir, it requires salt.

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member must confine himself to the question of salt duty.

Pandit Nilakantha Das: I am going to say that salt is required by our plants and by our cattle. You come to my part of the country and you will find that the coconut trees are simply dying because of some pests, probably due to want of nourishment. We have got our Agricultural Department, and once I sent to that Department some of the insects or caterpillars which are eating away our coconut trees, and after three years I got the reply asking me to inundate the plants with solution of potassium permanganate. Sir, salt is the food for coconut. It is said that if you get up on a coconut tree and from the top you cannot see the sea, then it will not grow nor produce fruit. That is the general impression. Salt is the main food for a coconut tree. Even in Upper India, if a coconut tree does not grow fruit, you put some salt underneath it, and at least you will get a dozen fruits that year. Sir, this Government are giving salt for fish cure, but not for coconut trees in which case people could take easier advantage.

You know the condition of cattle in India. Perhaps my friends opposite do not know that cattle require salt. Their stud bulls perhaps live on the Liverpool salt. I do not know whether the Indian salt is wholesome for those stud bulls or not. But I know this that salt was very wholesome in my father's time to our own cattle. Now, I have no salt to give them and the poor men some time do not get even a pinch of salt for their rice, or *conji* or rice water as my friend Mr. Ananthasavanam Ayyangar said. That being the case, how can they give salt to their cattle?

My friend, the Finance Member, is quite aware that this salt is the article and this tax is the subject on which the Congress has very strong views and on the 12th of February, 1930, when Gandhi march was organised in Gujrat, I was moving the abolition of salt tax in this House. I was telling them that Mahatma Gandhi was marching to lay down his life for a pinch of salt which you are taxing. I appealed to them with plaintive voice and because that appeal was not accepted I had to resign. So, my friend, the Finance Member must know that salt is the article which is needed by the common masses of the people and the Congress stands by it. If my friend really means what he appears to be—as I have said before, he appears to have mellowed—, he should now have some imagination and let us hope against hope that he will agree to this amendment. He should agree to this amendment and he should show that he has at least begun to be responsive to Indian public opinion, which is now mainly represented by the Congress. He will say that he will lose one and a half crore or more, but that does not matter. He lost much more than that last year in spite of his calculation. Did he not? He can find money, as he has done by invading the revenue reserve fund, and he has so many other sources. He told us even yesterday that he expects more expansion of trade and he expects to build another revenue reserve fund. Perhaps that was what he meant, if I understood him aright. He is very optimistic, not light-hearted, though it is, according to him, a synonym. He may even think of salary cut, which he never desires to do yet. But why should he not think of making a gesture of responsiveness today after what he has said to show to the public in India that he means what he says? Let him make a gesture today. Let him give up this little amount of money and he may depend upon his expansion of trade and his optimistic expectations of balancing the budget. It was rather pathetic when I read in his budget speech that in spite of putting a preferential duty of five per cent. more on British cloth he could not get more money. Why did he not get it? Because people don't buy British cloth. You should at least make a gesture

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to be responsive to Indian public opinion and here is an occasion for you. Let us all hope that even in case of English cloth he will get some prospect of expansion of trade, otherwise the door is banned. India knows its heart and India knows its bureaucrats. Let those bureaucrats begin to be responsible by accepting this amendment which means practically nothing and which only seeks to abolish in the case of the poor man that which they have abolished during the last two or three years in the case of the rich man. It is an emergency tax of five annas and they ought not to expect it from the poor man as a poll tax. Though I am not in the habit of appealing, today I appeal to my friend over there to see the drift of the public opinion in India and to become responsive as I have asked him. Then he will get much more revenue than he expects by his calculations in his budget speech.

On this subject there was a little gesture some six years ago which is known as the Gandhi-Irwin pact. What happened to that? I myself am most affected in my own district. In proof of that, let me tell the House that I propose to move an amendment. But I may tell the Honourable Member in advance that I will not move it if I get a satisfactory explanation from the Government. That amendment read thus:

"That to clause 2 of the Bill, the following provisos and *Explanation* be added:

'Provided that the said provisions shall, in so far as they enable the Governor General in Council to remit

Mr. President (The Honourable Sir Abdur Rahim): The House is not dealing with that amendment now.

Pandit Nilakantha Das: What I mean to tell him is that this must be taken as a note. If I get a satisfactory reply on this point, I shall not move it.

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member cannot ask the Finance Member to deal with that now.

Pandit Nilakantha Das: I shall then mention it simply. I will say at the outset that formerly people were allowed to make their own salt for their private domestic consumption. The privilege under that agreement has not been withdrawn from that area. I have been told so on the floor of this House the year before last, and also in my province the executive say so. But what happens there? First there was a cordon five miles beyond the coast. No man could consume salt produced in that area. Then gradually after two months, the cordon was put around a four mile limit.

Mr. President (The Honourable Sir Abdur Rahim): Again that amendment has nothing to do with this amendment.

Pandit Nilakantha Das: No, I am not speaking on that amendment. I hope it is relevant.

Mr. President (The Honourable Sir Abdur Rahim): That is not relevant.

Pandit Nilakantha Das: Am I to understand that what I am saying is not relevant?

Mr. President (The Honourable Sir Abdur Rahim): The present amendment only relates to the question of reducing the salt duty.

Pandit Nilakantha Das: Well, Sir, this reduction means not much relief at present, as much as we desire to the poor man. He will still be taxed. But if there is reduction by four annas, it will be a gesture. I have already told him that this will be beginning of a very good undertaking given by the Government. I do not say there will be no relief. The relief so far as money is concerned will not be much, it will be only three coppers in the year probably and that is enough to the poor man. Still the poor man in the villages will be heartened and he will visualise a future when he will get free salt in at least two or three years or in a limited period of time. That will be much for the Government as well as the poor man. So, I support this amendment.

Sir Muhammad Yakub (Rohilkund and Kumaon Divisions: Muhammadan Rural): I agree with the Mover of the cut motion when he says that this motion has become a hardy annual.

An Honourable Member: How are you going to vote on this motion?

Sir Muhammad Yakub: Against you. But I am unable to agree with him when he says that the cut motion on this tax is not based on sentiment. I think this cut on salt tax is based totally and wholly on sentiments, and it means nothing but misleading the poor man. Sir, the motion before the House is that the duty on salt should be reduced from Rs. 1-4-0 per maund to one rupee a maund which means a reduction of four annas, namely, a reduction of 2½ pies per seer. How much salt is consumed by a poor man every day. Probably he spends salt worth two pice in a week or in three or four days. If we calculate the amount that will be saved by reducing the duty to one rupee, there will be a saving of two or three cowries to the poor man. But in fact, the amount which will be saved by reducing this tax will not go to the pocket of the poor man or the poor consumer, for the sake of whom my Honourable friends allege they move this amendment. All this money will go into the pocket of the middleman and the broker. I am sure that in the name of the poor man, the rich men, namely, the brokers and the middle men's cause is being advocated in this House, and the poor man is being deceived into thinking that my Honourable friends have very much sympathy for the poor man, and they want to reduce the tax on him.

Pandit Nilakantha Das: What about the surcharge? It is only that we want to abolish.

Sir Muhammad Yakub: Even if it were a tax on the poor man, I submit that if there can be no taxation without representation, the converse of it must also be true, that is there can be no representation without taxation. Now, Sir, when the franchise has been so much widened and when a very large number of poor men have been given vote and franchise, there is no reason why the poor man should not pay his quota of a small tax for meeting the expenditure of the country. When I came to the House this morning, I thought there was the dawn of a new era, because my Honourable friends, on the Congress side, have resolved last evening, to shoulder the burden of administration of the

NOES—53.

Abdoola Haroon, Seth Haji.
 Abdul Hamid, Khan Bahadur Sir.
 Abdullah, Mr. H. M.
 Ahmad Nawaz Khan, Major Nawab Sir.
 Aikman, Mr. A.
 Bajoria, Babu Baijnath.
 Bajpai, Sir Girja Shankar.
 Bansidhar, Rai Sahib.
 Bewoor, Mr. G. V.
 Bhagchand Soni, Rai Bahadur Seth.
 Blide, Mr. V. S.
 Buss, Mr. L. C.
 Chanda, Mr. A. K.
 Chapman-Mortimer, Mr. T.
 Craik, The Honourable Sir Henry.
 Dalal, Dr. R. D.
 DeSouza, Dr. F. X.
 Fazli-Haq Piracha, Khan Bahadur Shaikh.
 Griffiths, Mr. P. J.
 Grigg, The Honourable Sir James.
 Hudson, Sir Leslie.
 James, Mr. F. E.
 Jawahar Singh, Sardar Bahadur Sardar Sir.
 Lal Chand, Captain Rao Bahadur Chaudhri.
 Lalit Chand, Thakur.
 Lloyd, Mr. A. H.
 Mackeown, Mr. J. A.

Mehr Shah, Nawab Sahibzada Sir Sayad Muhammad.
 Mehta, Mr. S. L.
 Menon, Mr. K. R.
 Metcalfe, Sir Aubrey.
 Morgan, Mr. G.
 Mukherjee, Rai Bahadur Sir Satya Charan.
 Nagarkar, Mr. C. B.
 Nauman, Mr. Muhammad.
 Naidu, Diwan Bahadur B. V. Sri Hari Rao.
 Noyce, The Honourable Sir Frank.
 Rajah, Raja Sir Vasudeva.
 Rau, Sir Raghavendra.
 Roughton, Mr. N. J.
 Row, Mr. K. Sanjiva.
 Sale, Mr. J. F.
 Sarma, Sir Srinivasa.
 Scott, Mr. J. Ramsay.
 Sher Muhammad Khan, Captain Sardar Sir.
 Spence, Mr. G. H.
 Thorne, Mr. J. A.
 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.

The motion was negatived.

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

"That clause 2 stand part of the Bill."

The motion was adopted.

Clause 2 was added to the Bill.

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

"That clause 3 stand part of the Bill."

Qazi Muhammad Ahmad Kazmi (Meerut Division: Muhammadan Rural): Sir, I beg to move:

"That clause 3 of the Bill be omitted."

In moving this amendment, I submit that the present Bill proposes to increase the excise duty on mill manufactured sugar from Rs. 1-5-0 to Rs. 2, and on *khandsari* sugar from As. 10 to Rs. 1-5-0, which means an increase of about 52 per cent. in the case of manufactured sugar and 110 per cent. in the case of *khandsari* sugar. This Government which claim to be very solicitous about the good of industry and of labour make an increase of 52 per cent. in one case, and, in the case of an indigenous industry, the increase is still greater, that is, it comes to 110 per cent. The question is as to how at present the sugar factories have come into existence in such large numbers, for reducing the number of which this duty has become necessary? It is on account of the protection given to the manufacture of sugar that so many factories developed in a comparatively very short time. A large amount of capital has been invested by the public on those factories in the hope that this protection will continue for some time and that they will be able to stand on their legs as the time passes. But what is the period of protection that is allowed to those

factories? The factories are just in the process of development. The sugarcane growers have been increasing the cultivation of sugarcane. The acreage has increased, it has not yet reached any extreme limit, or the extreme amount of development that is possible in India. But, instead of helping the industry, not only to stand on its own legs, but to compete with foreign countries, the Government come in and want to levy an excise duty. That is, they give protection with one hand and take it away with the other. They are breaking their promises by acting against them and are endangering the investment of capital and also the increase in the acreage of cultivation of sugarcane. The acreage has increased so very considerably that the present number of sugar factories are insufficient to absorb the crop. We cannot say that there is over-production, because India, up to-day, is importing some sugar. We cannot say it is over-production in the sense that it is not needed by this country, though even over-production in itself is never a bad thing. It will only be after over-production that we would be able to export our sugar outside. It appears that according to Government it is all right for Java to over-produce sugar; it is all right for Mauritius to over-produce sugar, but it is criminal for India to over-produce—not only to over-produce, but even to produce to an extent as to stop import of sufficient quantity of sugar from outside. I maintain that this is an absolutely unjustifiable position which the Government are taking up. They say that the result of this imposition of excise duty will be that inefficient and weak factories will be eliminated and only the strong factories will remain in the field, but what is actually going to happen? Weak factories will, of course, go out of the field, but the strong ones will become weak and inefficient, and in this way this further imposition of duty will gradually sweep off all the factories that have come into existence.

I am sorry to say that the Government do not cherish the idea of the development of this industry. This, however, is apparently their attitude towards it, as the first time they are getting an excuse or opportunity, they are laying their hands on this infant industry and are trying to strangle it. Could they not have taxed the Government servants and cut down their rates of pay for making up the deficit of the budget? Would any harm have been done if their pay had been reduced? If the Lee concessions had been withdrawn, would the I.C.S. or the higher services have famished? Nothing of the kind. But they do not think of reducing their expenditure. At the first opportunity they get, they lay their hands upon a nascent industry and they want to eliminate the weak factories, and by so doing they want to reduce the power of, and ultimately eliminate, the stronger ones also. This is a matter which affects not only the industry of this country, but also the agriculture. If you would only just pay a visit to the places where these sugarcane mills are working, you will find that the acreage of sugarcane has multiplied immensely. The cane produced is more than can be absorbed by the mills, with the result that, in spite of the rates that have been fixed by the Government for the purchase of sugarcane, the sugarcane growers do not find a proper price for want of an outlet and have got sometimes to undersell their produce to the factories and even at these low rates the sugarcane factories are not in a position to purchase all the sugarcane.

Now, the poor cultivator is in a fix. He has not got sufficient number of bullocks or cattle to press that sugarcane and turn it into *gur*, with the result that the sugarcane is left uncared for and sometimes has got to be destroyed. Government can very well say "That is a very good

[Qazi Muhammad Ahmad Kazmi.]

reason for reducing the number of mills". What I say is that it is necessary to give some sort of help to the development to these sugarcane mills, so that they may be in a position to absorb all the production in India. They can regulate production in India afterwards, when the production is sufficient to meet the needs of India, but before that stage is reached, Government have absolutely no right to curtail the limits of an industry—which is a necessary industry for India.

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.

Qazi Muhammad Ahmad Kazmi: Mr. Deputy President, when I was speaking last, I was submitting that the present number of mills is not sufficient to absorb the production of the cane in India. This fact can further be proved by figures. Before 1920, the amount of *gur* prepared in India was estimated at about three million tons, and now it is about six million tons. The price of *gur* was admittedly high before 1920, and it is much lower at the present time. The question is as to how the quantity of *gur* has increased in spite of reduced price. The reason accounting for the increase of *gur* is two-fold. Firstly, the main crop in India, wheat, which was very profitable in old days, has become almost a losing concern at present on account of the competition from foreign wheat as well as the negligence of the Government in improving the indigenous wheat and helping the cultivator in lowering down its cost of production. The only thing that remains with the cultivator in these days is to take to the sugarcane crop. The second factor responsible for the increase in the amount of *gur* lies in the hope of the cultivator that he will be able to dispose of the sugarcane crop by selling it to the mills. All these sugarcane mills have extended the area of cultivation immensely, but they are incapable of absorbing the sugarcane and so the cultivator is forced to resort to other methods of disposing of the sugarcane and has to make *gur* out of it. So this is one of the reasons why the increase in the quantity of *gur* has taken place from three million tons to six million tons. My idea is that at the present moment when there is already a dearth of sugarcane mills, it is very unjust on the part of Government to impose a duty and reduce the number of mills thereby, and further to impose a duty on the sugar which is prepared by the indigenous methods. People resort to the indigenous and old method of preparing sugar only because they are not in a position to dispose of their extra crop. People with scanty cattle have got to carry on their ploughing, and they can hardly press sugarcane, but have to do it only because they have got no other method of disposing of the produce. So merely the increase in the production of *gur* by the old method would not mean that there is any extra profit in that business and that the Government can suitably levy an excise duty on it. As a matter of fact, the increase has come in, because they have got no other outlet for the extra crop and so they have got to resort to this method. To impose a duty of 110 per cent. on sugar prepared by the indigenous method is wholly unjust, and it is bound to cripple the industry on the one side and to finish the cultivator on the other. Sir, the Honourable Sir Frank Noyce, who seems to be very much interested in the development

of the sugarcane industry—as I read it in the papers, also does not seem to favour the idea of this imposition of duty. In a speech before the Imperial Institute of Sugar Technology, he said:

"Whether, if the Bill becomes law, the industry will be able to pass on the additional duty to the consumer remains to be seen. But one thing is certain, and that is that whether the additional duty falls on the consumer or the producer or is shared by both, it should prove an incentive to the factories to reduce their costs of production in order to keep the price of sugar as low as possible and so to stimulate the demand for it."

Sir, placed as he is, however interested he may be in the sugar industry, he could not but defend the policy of the Government. According to him, the incentive for the factories to lower the cost of production would come from the additional excise duty, but in our experience we see that this cannot turn out to be true. If the Honourable Sir Frank Noyce were to advise the Honourable the Finance Member to see that every deficit in the budget should prove an incentive to him to reduce the cost of this administration and make it more popular with the Indians, I do not think his advice would be seriously taken by the Finance Member. Sir, merely increasing the expenses of the industry cannot force a factory-man to reduce his expenses in other directions. If he could reduce the expenses, he would reduce them in the interest of his own profits. So, such advice can be of no avail.

Now, what are the circumstances in which the Government of India have imposed this duty? They may say that "it is we who are interested in the safety of Indian industry, we gave protection, and we are watching it, and we are the best persons to judge whether that protection should continue or not"; but I may say, Sir, that the parents may be responsible for producing a child, but if they were to strangle it, they would be held guilty, in all circumstances, of culpable homicide before any Court of law, whatever their method may be. Government might have started and given this stimulus to the sugar industry by the protection, but if they are going to strangle the child, they would be responsible morally, politically and economically before any impartial court of justice.

Before I close, I also want to press one further point, and it is that there was no necessity for the Government of India to proceed to this imposition of duty before the inquiry by the Tariff Board. What is the use of handing over the matter to a Tariff Board for making an inquiry if you do not wait for their recommendations. Before any result comes out of the expenditure that has to be incurred in the Tariff Board enquiry, the Government of India hastily impose this duty. It seems to us that this handing over of the matter to the Tariff Board and other bodies for consideration is only a farce. Whatever the Government in their own interests—according to their own contemplation—think proper, they do it hastily. They do not care for the opinion of anybody and they take the step at once. It is for these reasons that we cannot support the further excise duty proposed to be levied on the sugar manufactured in factories and on *khandsari* sugar. Sir, I move the amendment.

Mr. Deputy President (Mr. Akhil Chandra Datta): Amendment moved:

"That clause 3 of the Bill be omitted."

Mr. Mathuradas Vissanji (Indian Merchants' Chamber and Bureau: Indian Commerce): Mr. Deputy President, much has been said during the debate on the Finance Bill on this subject, and so there is very little left to contribute towards this in any material form. Still, I have got to say something about it. It has been generally mentioned that capital in India has always been shy for any industrial investment. That was so some time back, when capital used to feel conservative; and, unless it is satisfied of adequate return—not too much—and also of safety, capital used to feel shy of investing itself into any new venture. At the instance of the Advisory Committee, and on the inception of the protection for the imported sugar, capital felt that it was time to get into this industry, because it was assured of its position for some years to come. The result was that whereas before protection was given, only a very few factories had existed in India, after the protection, they multiplied three-fold or four-fold. As is usually the case in such circumstances, people lost sight of some precautions. Still, nobody can be blamed for that. Immediately afterwards, it was realised that the raising of the protection duty may reduce the revenue of Government. So, it was thought that the same article should be made to pay for this reduction, and so the Excise duty was brought in. This was wrong in principle. The protection that was given was, really speaking, meant to make India self-sufficient for the supply of sugar. If that was the aim, one cannot understand why Excise was brought in when the Industry was in its early stage, even in its infancy. Of course, Government mentioned that very high dividends were paid, and enormous profits were made, and, therefore, they should be taxed, and that Government should have a part of that revenue. But those high profits were made by the factories which were existing before protection was given, and that was the natural outcome of that position.

The position of the new factories that were brought about was never given the slightest consideration. If that fact had been given the proper consideration, this position would not have arisen. The springing up of so many factories brought about the position that the import practically got to the zero point. If it has not reached that zero point, it will reach in the near future. But if this excise duty is going to work, then the protection given would not be sufficient and imports of sugar will again be started. This is a wrong method adopted by the Government. You cannot expect the infant industry to cope with and compete with a stout and robust industry like that of Java, which has been existing for the last 50 years. In its own proper time, it could build up itself, and it could make experiments and bring up to the highest level of production at the lowest cost possible. You can never expect that to be done by the Indian industry which is in its infantile stage. It is only about two years that these new factories have been working. They have not even gathered strength to make some experiments in their mills in order to bring about the best extraction that could be made. Unless they have got enough funds at their disposal, they can ill-afford to do that. At least Government ought to have seen that they should be placed in that position before introducing this sort of Excise duty.

It is invariably the case that competition grows like wild forest. The springing up of so many factories and the keen competition that has been created thereby have reduced the margin of profits to every mill. So, naturally the consumer is not being affected by the high prices or the profits that were to be seen at the initial stage. If the profits would have

been allowed to the mills for some time, they would have been able to stand on their own legs. They would have got stronger within a few years and would have been able to compete with any foreign concern, even that of Java, within about five or ten years. I do not know why this was neglected. I do not know what was at the back of the mind of the Government which brought about, firstly, the excise duty and then again its enhancement this year. Either it would absolutely not allow it to expand or perhaps will let it die. That would be the only ultimate result of this excise duty. You would question me, Sir, how it would come. I would just give you some figures. The cost of the cane is something about Rs. 3-8-0 and added to it the excise duty as it is today, namely, Rs. 1-7-6, that would mean about nearly Rs. 5. The present prevailing price is Rs. 6. What is left is merely one rupee, which is the only sum left to make good the cost as well as the profit, if there be any at all. Can you expect the cost as well as the profit to be covered in one rupee? It is impossible as far as my experience goes. Much less can you have a surplus to put aside for experimental purposes or even for development purposes. I am not quoting the figure of expenditure. I am giving the House what would be left, that is one rupee, and nothing more for meeting the expenses of the factory and the profits if any to be made.

I will now come to the extraction side of it. Even the best extraction that could be done in the factories in India is not more than an average of ten per cent. Some are giving about six or seven per cent, varying up to 11 per cent. Java maintains an average of 11 per cent, always. You cannot expect an infant industry to reach that stage of perfection when you could get a uniform percentage of extraction. Surely you must give some time to build this industry so as to make experiments and come up to the stage of best production and at lower cost. Sir, I have got nothing more to add. I, therefore, feel that this excise duty is absolutely inopportune, and I support the amendment moved by my Honourable friend today.

Mr. Umar Aly Shah (North Madras: Muhammadan): Sir, I rise to support the motion for reduction of sugar excise duty. In this connection, I wish to say a few words on the Finance Bill which has been introduced by the Honourable the Finance Member the other day. May I ask him where is the finance in India? Is there real wealth in the country? When paper money was introduced in India, all the wealth of this country has been taken away, all the precious metals have been taken away and only paper money has been left. When the Hindu *rajas* ruled over this country, they introduced cows, elephants, precious stones, gold and other precious metals which served as the currency of the country. We find in *Sukra nithi*, Manu, Parasara and Yajur Veda, what were the things which were used in place of coins. When a discussion took place in the presence of King Janaka, Yagnyalkya also said what could be used as currency. After the period of the Vedas, foreign Arabic coins were introduced in the form of *dinara*, *tanka*, etc., and about all these we find mention made by Panini in his Grammar. After that, the Buddha period came and the Buddhist Kings introduced many coins such as *nishka*. We find elaborate mention made about the kinds of currency that should prevail in the book written by Chanakya on Artha Shastra. He gives a long list of the kinds of coins.

Mr. Deputy President (Mr. Akhil Chandra Datta): The amendment before the House is the reduction of excise duty on sugar.

Mr. Umar Aly Shah: What I am aiming to show is that because Government have to defray a large amount of expenditure on army and other departments, they are forced to put excise duty on sugar and raise taxes in various other ways. I submit this tax on sugar is got from the poor people who have to pay for the sugar out of their hard earned money, and the Government are spending these taxes like Jumna water on so many useless things, detailed mention of which will be found in the budget. More than half the amount realised in revenues is spent on the army. I think it is nearly 65 per cent. Everybody knows of what use a huge army is in the face of modern scientific warfare. Science has progressed so much in the matter of warfare that the present day distinctions between martial and non-martial races, between trained and untrained army are of no use hereafter. When there is world war, the whole humanity will be wiped out. This only means that man has descended to the level of the brute and wants to kill other men. This is the modern so-called scientific school of thought. When this principle is advocated, there is no salvation for human race. With such huge taxes, Government are doing things in their own way without caring for the good of the people from whom the taxes are derived. I submit that all the money collected in the shape of taxes should be spent for the uplift of the rural population, so that they may live in peace and comfort. There is no use of having a big army, when the rural population are starving for their daily food. If a good deal of fund is given for rural uplift peace will be maintained by the saints and leaders in the country better than by the army and the police.

I would request Government to give more to this rural development fund than they are doing. These sugar duties and so many other things the poor labourers and peasants cannot bear. Sir, I support this motion.

Bhai Parma Nand (West Punjab: Non-Muhammadan): Sir, I rise to support the motion. I will first refer to the speech of an official Member from Bengal. He said that when the first excise duty was levied on sugar, there was much opposition to it. It was predicted that the duty would prove the ruin of the sugar industry. But nothing of the kind happened. The sugar factories have flourished, they have been making large profits and their dividends have also increased. He quoted the prices of shares of some four or five factories, and from that he came to the definite conclusion that all those prophets were wrong and that their predictions have been proved to be unfounded. He forgets that some of the factories, whose dividends he has quoted, were working even before this protection was given. If, according to him, they gave 25 per cent. in dividends, I would tell him that before protection, they were making 30 per cent. and even more. Therefore, the factories which, according to him, gave higher dividends are under no obligation to the protection policy of Government and the Government cannot be said to have done them any favour. If there were no protection, they would have had no excise duty and probably would have given more dividends. The Government have thus no right to levy any excise duty on these factories. It was a blow in this sense that a heavy tax was imposed on the industry after it has not enjoyed protection for a year. I admit that even in the first year, a good many of the sugar factories made profits, but some of them had not even begun to work. They were just in the process of start. The factories that made profits became a sort of an eyesore to the Finance Member of

that day, and he concluded that these factories had made enormous profits, and, therefore, an excise duty should be levied to make up the loss of revenue to Government. It is easy to see that if some factories did make profits, no one can say that all the factories, which were established or were going to be established, would be in a position to make large profits out of this new industry. I know it as a fact that in the very next year following the excise, a good many of the factories suffered losses and some of them had to raise loans and went so far as to mortgage themselves in order to carry on the work for the next year. One factory raised a loan of about ten lakhs from a bank and mortgaged the whole factory and all their assets in order to carry on the work. I am talking of one factory which was started by very rich people who could borrow such a large sum, while there were numerous other factories which had to suffer losses and keep on.

My Honourable friend, Dr. Ziauddin, wanted to support excise duty and quoted the case of a factory which made large profits. But I will remind him that just as one swallow does not make a summer, so the profits of one factory do not mean that all the 146 factories are making profits. Some of them were running at a loss. Again, it is a simple economic law that the price of produce is regulated by the land on the margin of cultivation. That law applies to agriculture and also to industries. If there are 100 or 150 factories, some of which, being more efficient, industrious and honest will naturally make profit on account of their economy, honesty and industry, there will be others who are not so fortunate; they may be situated at a great distance from the cane producing area, or have to work under other disadvantages, naturally they have to work under a loss. The prices or the profits are not to be deduced from the results of the most efficient factory, but rather from those of the factory which produces at the greatest disadvantage. There is no doubt that the factories which work at an advantage make profits and make higher dividends than others. It is absurd to take five factories and say that all the factories are making large profits and exploiting the consumers.

Then, Sir, I come to another point that was made by the Honourable the Finance Member. When he was charged with lack of sympathy towards the industries of this country, he replied and he always gives the reply that he is more careful for the budgetary stability of the country, and, therefore, has to look to the revenue of Government more than to the industries of the country. That is his plea for levying this fresh excise duty. He gave us an illustration. He said that when we were importing sugar from Java, the Java people could sell their sugar worth only five crores. It was not 14 or 15 crores that went out from here to Java, but only five crores; the other ten crores went to Government to make up their revenue. If the Java manufacturers could sell sugar worth five crores here at the rate at which they were selling and yet they were in a position to pay ten crores to Government in revenue, from where did these ten crores come? It does not require to see that these ten crores ultimately came out of the pockets of the consumers to Government in revenue. Now, the position is somewhat changed. It is the Indian factories that are producing sugar and the revenue from the excise duty is only, say, about two crores. But we have to consider one point. The Java people who at that time paid ten crores to the Government in revenue were selling their sugar at Rs. 10 a maund: now the price of

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sugar is Rs. 6 a maund. The difference has gone into the pockets of the consumers who pay Rs. 6 instead of Rs. 10 as before. Of course the money that goes now to the Government is much less. But the main question we have to consider is whether we should industrialise the country or not. Sir Homi Mody made an excellent speech on the subject. But our Finance Member rejected his view point as of no importance. His idea is that industrialisation is no good as industrialisation means protection of industries, and protection means high cost of products for the consumers. Thus, ultimately, this protection really goes against the consumers and raises the prices of articles produced in India. That is his argument. I would ask him, if we give up industries, what then is the remedy for the poverty and starvation of the country? If you do not want industries, if you do not care whether the country should be industrialised or not, how are you going to solve the problem of unemployment? His chief care, he says, is to get revenue, so that the budget may be balanced. If Government revenue alone is his anxiety, I would ask him, does he simply want that the old methods of taxation should continue as they are and he need not exert any brain power in order to find out new sources of income for the Government? If industrialisation of the country by means of protection is the only remedy for the unemployment and poverty of the people, then his duty as Finance Member is not to follow blindly the old ways of taxation, but to find out new ways of getting revenue and balancing his budget. My point is that by one industry alone we can save 15 crores for our country—it is not a fact as Dr. Ziauddin said, that the whole of it goes to the manufacturer—the manufacturers have to pay the excise duty, they have to pay thousands of workers inside and outside the factory, they have to pay the cultivators; and, as I once said, if Dr. Ziauddin goes and sees any sugar factory, he will find how cart loads are waiting miles long to get their turn for being sold to the factories: it is not the fault of the factory owners, because they cannot consume all of it in one day, and so these people have to wait for their turn

Dr. Ziauddin Ahmad (United Provinces Southern Divisions: Muhammadan Rural): And by this time the juice is all dried up!

Bhai Parma Nand: How can the factory help it? The factory can take only a certain tonnage every day: if more cane is brought, the factory cannot do twice or three or eight times more work in order to consume the sugarcane. My idea is this: industrialisation can only come about by protection of industries. As my Honourable friend, Mr. Mathuradas Vissanji, said, it is not possible for infant industries to spring up in our country and fight the old established capitalised industries of other countries; and, therefore, just as other countries like Japan are giving subsidies and free freight in their ships in order to sell things over here, we could compete with those countries if the Government of India would give us protection. That the Government suffers a loss in revenue it is not our business to see, it is the business of the Finance Member to find out ways and means of getting him money from the people who, according to him, pocketed the ten or eight crores. Of course, a share goes to the manufacturers; but the greater share goes to so many other people who are employed—the workers and their families and the cultivators who get a living. I do not

believe that making *gur* out of this cane will be of any advantage to the cultivator. These people never get much out of *gur*, while here they get their fixed wages and can easily pay rent, as my Honourable friend, Sir Muhammad Yamin Khan, told us, the zemindars got their rents alright. The cultivators cannot go on making *gur* and giving it to their children to eat; that is not possible. Nobody wants *gur* in these days. Probably if Mahatma Gandhi's movement succeeds and people make more use of *gur*, there may come some change, but it is a distant matter which we cannot consider at present.

I said, Sir, is the Finance Member prepared to give us any other remedy for unemployment, if he rejects industrialisation.—because we cannot have industrialisation without protection. That is one way of looking at the question. Sir James Grigg quoted Pandit Jawaharlal Nehru in his favour. The fact, however, is that Pandit Jawaharlal Nehru's fear was that as the protective duty is increased and a mushroom of sugar factories have sprung up, the lot of people who have begun to cultivate sugarcane will become very hard and the factory owners might exploit these cultivators. That is quite true. But we know that this defect is already remedied by means of the regulation of sugarcane prices. If any manufacturer did exploit the sugarcane cultivators in the first year, the very next year there was the fixation of prices by this Assembly.

I say, thousands of these cultivators are living upon this sugarcane industry and this crop gives them a sufficient return for their labour which they could not have got by any other cultivation. They have taken to this, because it is more profitable.

Then, Sir James Grigg said that India was suffering from the neglect of the effects of protection on revenue. If the revenue has decreased, then he should have seen who has benefited by these ten crores which Java paid to him previously. He himself should see how his ten crores had benefited the people. I cannot understand my friend, Dr. Ziauddin's position when he says that consumers were suffering. Sir, five years ago, consumers were getting sugar at four seers to the rupee, and now they are able to get sugar at six seers to the rupee. Does it go to show that the consumers are suffering? They get today sugar much cheaper than before. It is the consumers who are really benefited. Most of the revenue, that went into the Government Treasury before, now goes into the pockets of the consumers, and, therefore, ways should be found to get that money out of the consumers' pocket.

An Honourable Member: Do you mean by levying a tax on profits?

Bhai Parma Nand: By levying a tax so that the consumers may be made to pay for the advantage they are now getting.

Mr. B. Das (Orissa Division: Non-Muhammadan): Why should not the Government take all surplus profits, above 7½ per cent.?

Bhai Parma Nand: That suggestion is not practicable. Why should honest manufacturers suffer? The question is one of margin of profits. One factory may produce a certain quantity of sugar and make only five per cent. how can you charge that factory for all the profit it makes? There may be another factory which can make 25 per cent. how can you charge them so low? There are some cloth dealers who make 20 per cent.

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profit, while there are others who don't make anything. There are blacksmiths,—skilled men earn more, others who are unskilled make much less. If you try to equalise wages in that way, I have no objection at all if Government can equalise the wages of everybody. Why should engineers get more than fitters or blacksmiths or labourers? Why should not your chaprassis get as much as you are getting? The question of equalisation of wages is altogether a different question. If Government want to equalise the wages, let them do it. But I do not see why all factories should be treated alike, because two or three of them are making profits. As the revenue has gone down, the Finance Member thinks that the reduction in protection on sugar would give him the necessary amount. Sir, I don't believe for a moment that a talented Finance Member would proceed on the old rut, follow the old ways and kill all industries by withdrawing protection to indigenous industries. If he follows that policy, it would mean that we would never be able to develop any industry in our country. If you allow foreign countries to dump their manufactured articles on to this country, how could it be possible for us to develop our industries without protection from the State? I shall just cite a simple instance, Sir. A few years ago, Japan started making pencils, and in Calcutta these pencils were sold at the rate of seven to a pice, while we in Lahore cannot get seven tooth sticks for one pice, and these tooth sticks are cut from way-side trees! While the Japanese are able to manufacture pencils, export them to India, sell them at a ridiculously cheap rate at the same time make huge profits, after making provision for paying the middleman. Sir, it is next to impossible for India to make any headway in industrial development without protection. It is the duty of the Government to protect our industries if they really want to solve the problem of poverty and starvation in the country.

It is quite useless to talk about the one crore that is allotted for rural development schemes. What is this rural development scheme and what is the value of the one crore? My friend, Sir Frank Noyce, would develop rural broadcasting. What can the people do after hearing your music and talks and sermons in the radio? The question for them is how they can get bread? For bread you have to give them some kind of employment. Sir, there are in the United Provinces some villages round about factories, say within a radius of 60 miles, from where the people sell their sugarcane to the factory owners, they get ready money from the factory and are well off. And the shopkeepers in these villages are quite well off. The result is that all the people in these villages are doing well. They are able to feed, educate and clothe their children. But when you do not supply them bread, what will this one crore do for the whole of India? Without industrial development, Sir, we can never solve the problem of unemployment and starvation. Therefore, protection is most essential for us. If, on account of protection, there is some loss in revenue, the Finance Member should devise some other means to make up that loss in revenue. The country is sure to increase in wealth on account of the establishment of various industries as a result of protection, and it will be for the Finance Member to find out ways and means how to make up the loss in revenue. There are, Sir, many other causes for the poverty of the country. There are the interest charges, Home charges, which all combined, are draining away the wealth of the country, and, as long as this drain goes on, I do not think we will ever be able to arrive at a real solution of the unemployment problem in this country.

Mr. Kuladhar Chaliha (Assam Valley: Non-Muhammadan): Sir, I shall try to be short as well as to be sweet. The difficulty is, the imposition of the additional excise duty on sugar has made it difficult to sweeten even our bowl of misery. The other day, some nominated official on the opposite side told us that possibly we could have more *gur*, and this may drive us to the position that with our morning cup of tea we could chew a bit of *gur* also. Another nominated Member, with a certain amount of malicious glee, suggested that some of the sugar factories were doing so well that their profits should be mulcted, but the fat shareholders of the bureaucracy have totally forgotten the lean shareholders who have nothing to eat at all, and they will have no dividends for years to come. If he had been a business man dealing in sugar or tea, he would have seen what amount of difficulty there is to secure business, what amount of trouble the Calcutta tea and sugar merchants are taking to bring their business to a stable condition. His own countrymen, who are in Calcutta, I mean the owners and agents of tea gardens in Jalpaiguri and other centres, are today faced with great difficulty to find suitable markets for their produce, and get better price. Our Deputy President might know something of these difficulties. Therefore, I should advise my friends that they should extend a little sympathy for the shareholders of sugar factories who invested their money with the hope that a new field had been secured which would benefit themselves and their countrymen equally.

The Honourable the Finance Member said that he was imposing the additional excise duty to the sugar industry with a view to shortening the period of the shake up. If he persists in his theories and imposes the tax on the industry, he will ruin the whole of the sugar industry which was just able to make headway. Before the War, about 13 crores of rupees worth of sugar used to come into this country; after the War, 19 crores worth of sugar was imported to India; but, since 1935-36, all the money that used to go to Java and other foreign countries remains in India. About 30 crores of rupees is invested in this country; but if he wants to get some money out of the industry, he ought to find out some other means, and not strangle the industry in the way he proposes to do. If the Finance Member has a soft corner in his heart for this country, if he really wants that this country should prosper, he should take steps to industrialise the country as quickly as possible and there is no other alternative before him.

My Honourable friend, Bhai Parma Nand, was also emphasising exactly the same point. My submission is that we have about 29 or 30 crores in this industry subscribed by a large number of shareholders. Do you want these shareholders,—and along with them there are a large number of other people who are also interested,—to go to ruin? We find that India consumes about 12 crores worth of sugar. Out of this money about 600 lakhs go to the agriculturists and about 200 lakhs to the labourers, and the rest goes to the factory owners and shareholders. I am not one of those who would not like to adjust consumption to production. We know about the International Sugar Agreement commonly known as the Chadbourne Plan that was entered into in order to fix an export quota between Peru, Java and Cuba and a number of European countries. There was some difficulty in wiping out the surplus for some time when they entered into the Agreement in 1931, but by 1935 they have been able to wipe out a large surplus. The world production of

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sugar is 27 million tons. You will find from the Government Review of Trade of India that the consumption of sugar in the meantime after the Chadbourne Agreement has increased throughout the world, and, more so, it has increased in India also. Our production is 10½ lakhs of tons and our consumption is about 10½ lakhs of tons. You will be surprised to hear that between 1933-34 and 1934-35, our consumption has increased by 84,000 tons, and if we increase our production, we hope that we can increase the consumption much more, because we have such a large population that we should make it possible for them to buy as much as possible and as cheaply as possible. Have you succeeded in reducing the cost of production? We have got to give protection not only to bring up the industry to a certain stage, but also to stabilise it, so that it may compete throughout the world. Our production cost, as Mr. Vissanji said, is Rs. 6, whereas, in Java, it is Rs. 3-14-0 to Rs. 4-6-0 only, and unless, by research, by improvement of the canes, by improvement of manure and other work, you bring down the level of that cost, I think protection should not be reduced, and much more, no additional excise duty should be imposed.

Mr. B. Das: There must also be honesty in management.

Mr. Kuladhar Chaliha: In this there are no dishonest people. I trust the sugar industry is in the hands of people who are very honest. I have not come across so far any case of embezzlement and there is no reason to think that there are dishonest people in the industry. No such case has been reported that any sugar factory or any sugar company has embezzled money and as such your remarks are out of place.

Mr. B. Das: You do not know how the balance sheets are prepared.

Mr. Kuladhar Chaliha: You are absolutely irrelevant. The point that I am arguing is that we want the sugar industry to be in such a position that it should be able to compete in the world. We should give protection, not only to make it sufficient for our consumption, but it should enable us to compete in the world. Are we supplying the United Kingdom? Whereas in the pre-War years the export of our sugar was 56 lakhs, it has dwindled down to two lakhs now. It is surprising that the Honourable the Finance Member has said that we are going to shorten the period of shake out to sieve out the bad elements and keep the good elements. As regards over-production of sugar, there are two difficulties which he has raised, namely, that over-production of refined sugar and over-production of cane have exceeded the needs of the factories. Let us see whether there is over-production of sugar in India. I think it is a wrong explanation given by the Finance Member. Our consumption has increased to 10½ lakhs of tons and production is about the same quantity; and, as such, there is no over-production at all. Let us also see whether there is over-production of cane. What we want is a good quality of cane to be produced more and more, and in different provinces they are trying to do so.

There is another point made by the Honourable the Finance Member, and that is, the effect on the budgetary position, on the revenues of the Government. But he has forgotten what will be the effect of his policy

on the Provincial Governments. I shall cite only one instance, that of Bombay. I think those who come from Bombay know about the Kamat Committee which recommended plantation of sugarcane in Sholapur, Nasik and other districts. In pursuance of this recommendation a large area was brought under cane cultivation and the Irrigation Department makes about five lakhs of revenue from this. What will be the effect on the income of the Irrigation Department if this imposition is made? In Assam and other places, cane is being grown of a better variety by taking up lands from Government, and it will affect their revenue also if there is a shrinkage of cultivation. The Honourable the Finance Member has not considered the effect that will be produced on the different Provincial Governments. In some, land revenue, in others, revenue of the Irrigation Department, and so on, will be affected, and the Provincial Governments will lose much more than what you will gain. These are the points that I wanted to bring forward. It is necessary that this tax should not be imposed and that we should try to stabilise the industry and not add any fresh burdens to it. With these words, I support the amendment.

Sir Muhammad Yamin Khan (Agra Division: Muhammadan Rural): We have got, under this motion, two different kinds of duty, one which the Honourable Member proposes to levy on the *khandsari* sugar, and the other on the factory sugar. Some Honourable Members have laid great stress on the factory produced sugar, but *khandsari* sugar has not been touched so elaborately, and I will try to deal with it now. My idea was greatly misrepresented yesterday when the Honourable the Finance Member was giving his reply. He tried to put into my mouth what I had never said anywhere. The Honourable Member took a word here, a word there and a word elsewhere, joined them together and said that that was my speech. I have got what he said, as reported by the Official Reporter. He did not have the Official Reporter's copy to quote me, but I quote from the Official Reporter's copy what he said:

"He said that it would not have been so bad if I had raised the import by eleven annas instead of the amount which we have proposed to do."

Certainly I said that. I said that if the import duty—he has said half the truth—here I said that the import duty ought to have been equal to the rise which was in the excise duty. He leaves out the excise duty at all. He says:

"... it would not have been so bad if I had raised the import duty by 11 annas instead of the amount which we have proposed to do."

The Honourable Sir James Grigg: May I get this clear? I still cannot understand the difference between the two statements—what the Honourable Member has just said and what I represented him to have said,—what exactly is the difference in figures. Is it his suggestion that if the import duty had been raised by 11 annas as well as the excise raised by 11 annas that would have been all right? Is that his contention?

Sir Muhammad Yamin Khan: I will say what my contention was, because the Honourable Member did not understand me. I will clarify the position today. He further said: "He then complained that I had by this means reduced the protection by 8 annas". Certainly I said that. The Honourable Member then went on to say: "That the additional 11 annas import duty would not affect the price". Where did I say that?

The Honourable Sir James Grigg: I understood you to say that.

Sir Muhammad Yamin Khan: I never said that it would not affect the price. The Honourable Member picked up one phrase here and another phrase there and misrepresented what I said. I said that the factories have sent out so much quantity into the market of manufactured sugar that any kind of duty at present would not affect prices for a considerable period of time. I did not say that any rise in duty would not affect prices at all. The factories which had been fortunate to send out their goods outside the factory premises without paying the excise duty are in a happy position, and they have supplied to the middleman so much quantity that it would suffice for the consumer for a long period to come, but I never said that the import duty, if it had been equally raised, would not affect the prices at all. As the Honourable Member ought to know, the manufacturer of the sugar advances money at the time when the sugarcane is sown which is the time of February and March, and by his imposition of the duty at the time when the people were going to sow the crops, the manufacturer will not enter into the contracts as they have been entering in the past, and when the cultivator finds that the factory is not going to purchase his crops, he will not grow the same quantity, as he has been growing for the last two years. If the man in the village comes to know that his produce of 500 bighas can be consumed by the factory he can produce 500 bighas but when he finds that the factory owner is not willing to have even 400 bighas produce, he will not cultivate 500 bighas. The factory owners will not enter into contracts for the future on account of this duty, because they know that the Honourable Member is giving eight annas profit into the pocket of the importer. This difference will affect the prices and it is creating a kind of misapprehension in the minds of factory owners. As I explained last time, at present there is a difference of Rs. 7/12 in the excise duty and the import duty. The import duty is Rs. 9/1 and the excise duty is Rs. 1/5. The difference is Rs. 7/12. What the Honourable Member proposes in future is a difference of Rs. 7/4 instead of 7/12 per cwt. and this means that the importer will have an advantage of eight annas over the producer in this country beyond what he is enjoying at present. This means that there will be a difference in prices and there will be a tendency for the imports to rise and the home manufacture to decrease. The Honourable Member says further on that as a matter of fact, Indian sugar was before the excise duty and even now may be selling at Rs. 2 or Rs. 3 below Java import parity. What a thing to get from the Honourable the Finance Member.

The Honourable Sir James Grigg: It varies in different parts of the country. That is a statement of fact and not an argument.

Sir Muhammad Yamin Khan: Does he realise that it is an ambiguous figure? Between Rs. 2 and Rs. 3, there is a difference of more than 50 per cent.

The Honourable Sir James Grigg: There is more than one sugar market in India.

Sir Muhammad Yamin Khan: There may be hundreds, but the Honourable the Finance Member should be able to say definitely and not give us these ambiguous figures—Rs. 2 or Rs. 3. It makes a lot of difference. If there had been only four annas difference that is a different matter, but it is amazing to have such an ambiguous figure of Rs. 2 or 3 from a responsible officer of Government. We have no means of arriving at the correct figure. We have no secretariat to help us. I wonder what market he is thinking of. If there is such a lot of difference, then sugar will certainly all go to one place.

An Honourable Member: What about freight charges?

Sir Muhammad Yamin Khan: There is a difference of one rupee, and the freight charges will not interfere very much.

An Honourable Member: Prices are different in different places.

Sir Muhammad Yamin Khan: If it is from Bombay to Delhi, you have to take into consideration a particular set of charges. If it is to some other place, you have to consider a different set of charges. Each market you have to take into consideration separately and you cannot have an ambiguous figure quoted like this. Then the Honourable Member said that the Indian Members of this House have not got connection of one brain cell with another, and that is why they make some kind of statement once and then they make other statements contradicting it at another time. I have quoted the Honourable Member. He said in the budget speech that the income-tax receipts from the sugar manufacturers have fallen down considerably, and, therefore, he could not get the proper revenues, and knowing this, that the income of the factory owners is going down, which is really reflected in the receipts from income-tax, he wants to impose a further duty on the very people who are already suffering. Where is the connection of brain cells? (Laughter.) I do not know how it is. When we take up different questions, that does not mean that you should take one phrase from one side and another phrase from another side; the whole thing may be taken together with regard to the question we are dealing with. Now in respect to *khandsari* sugar, as the Honourable Member ought to know, *khandsari* is a system of manufacture of sugar. Of course, my Honourable friend has not much sympathy with the people who have got small incomes or who have got a little wealth; he has no sympathy with the man who happened to save Rs. 500 in his whole life-time which is equal probably to my friend's two day's income; and if such a man purchases shares in the Reserve Bank, then he must not have the sympathy of the Honourable Member

The Honourable Sir James Grigg: The Honourable Member is misrepresenting me. The Honourable Member's remarks are not relevant to the motion before the House, but I may say that I expressed neither sympathy nor any lack of it; all I said was that it was quite nonsense for the Honourable Member to describe such a man as starving.

Sir Muhammad Yamin Khan: Sir, is a man whose whole life's savings are equal to the Honourable Member's two day's income, not a man who can be said to be starving? (Hear, hear). A man who gets only Rs. 13 a year as dividend! And such a man must pay two rupees extra, and

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he should put up with all the botheration, because he has got Rs. 13, as dividend, in the whole year! Sir, my friend has no sympathy with such a man, but I have got sympathy with the poor people; I have got a concern for my poor tenants, and for small body of petty zemindars or petty clerks or petty owners and who may have got paltry savings and who may be fortunate enough to get five shares in the Reserve Bank. Sir, I say—do not force them to part with their shares in order that they may go into the hands of my friend, Sir Cowasji Jehangir. I want that these shares must remain in the possession of the villagers or the agriculturists or the poor people as one of their assets. . . .

The Honourable Sir James Grigg: If the Honourable Member feels so keenly—of course, this does not arise under this amendment—could he not write a letter for them?

Sir Muhammad Yamin Khan: Sir, I shall then open an office, invite all the people throughout India to send me letters detailing their cases, and then I shall write letters on their behalf and ask that they should fill up all their incomes for the purposes of income-tax, and send along their returns to the income-tax officer, saying that they are not paying any income-tax and then send back the papers to them

The Honourable Sir James Grigg: That will solve the whole problem!

Sir Muhammad Yamin Khan: But will it not be possible for the Honourable Member to open a Branch in his Department for this purpose, and spend something out of the crore of rupees which he wants to bring in

Mr. Deputy President (Mr. Akhil Chandra Datta): The Honourable Member had better go on with the main theme of his speech.

Sir Muhammad Yamin Khan: Sir, the *khandsari* man distributes to the poor tenants instalments, and because he has got a small concern and a small business, he wants to be assured of the sugar-cane crop coming up to him, and this man has to distribute about ten per cent, sometimes twenty-five per cent to the cultivator in order that he may grow sugar-cane in order to supply him with that later on, and this work is mostly carried on in the Rohilkund Division. The *khandsari* people have small concerns, but they are petty dealers who have got no other business; they are engaged in large numbers in the Rohilkund Division and to some extent in the Agra Division and in the Meerut Division. After making the necessary advances, these people become assured that they will get the sugar, and then they will have to compete with the sugar manufacture in the factories. Now it is really very difficult for them to do that, because their concern is not a big one and is not organised, and if it had not been for the patronage of some orthodox Hindus, they would have been ruined long ago. They could not otherwise carry on their business; they can only do so because orthodox Hindus do not like to use the refined sugar.

An Honourable Member: That is wrong.

Sir Muhammad Yamin Khan: At any rate, in my part of the Province that is so. The orthodox people have some kind of apprehension with regard to the factory sugar and they patronise this *khandsari* sugar. Now it means this, that if we tax these poor manufacturers, certainly they will be forced—because their consumers themselves are forced to buy from them on account of certain ideas—to raise their prices, and whatever would be the price, these consumers would have to pay for it. But is it right and proper to tax those people who, on account of certain notions of theirs, religious or customary, cannot touch the other sugar that they must pay higher prices for the sugar which is manufactured by the *khandsari* process? You cannot punish a man simply because he believes in his religion.

Sir Muhammad Yakub: Why not have an orthodoxy tax?

Sir Muhammad Yamin Khan: The Honourable Member may propose an orthodoxy tax next time. Then, Sir, if you are taxing the *khandsari* sugar which is now confined to Rohilkund and certain other places, that would be very hard. Now this is how *khandsari* sugar is manufactured. First of all there is the *rāb*. This *rāb* is converted into sugar. You can either manufacture *rāb* or *gur*. It is from *rāb* that you manufacture sugar. Now, you are raising the tax on this *khandsari* from ten annas to one rupee and five annas; that is, instead of ten annas you are having twenty-one annas, that is, 110 per cent more duty than what it is at present,—and a 110 per cent increase in the duty will certainly kill this man, who has not been making any profits, who has been compelled to compete with the factories without much balance of profit, and who has to sell it anyhow. The direct result of this would be—and it is here that I am mostly concerned—that this *khandsari* will ask the tenant to give his juice at a lower price. In Rohilkund, they do not get the supply by means of maunds of sugar-cane but they purchase the juice of the sugar-cane and they buy by 100 maunds; the selling price is generally counted in hundred maunds, and if the *khandsari* is paying about Rs. 28 per hundred maunds, then he will have to take out this excise duty from the poor tenant and instead of paying him Rs. 28 he will pay him something like Rs. 25, which will come to a loss of Rs. 3 so far as the cultivator is concerned. This tax on the *khandsari* sugar directly tells on the produce of the villages and it will, as I pointed out in my previous speech, destroy these people who have taken to growing of sugar-cane instead of wheat. Therefore, nobody who has got at heart the good of the produce of the country can ever support this proposition, because nobody can destroy the whole crop of the country because of this duty. My province has been passing through very bad times lately and the Honourable Member must have ascertained from the United Provinces Government that there has been a remission of the rent of about eight annas in the rupee. If the rent cannot be paid by the tenants and the zamindars had to forego eight annas out of every rupee, they will not be able to collect after this duty even four annas in the rupee. There will be suffering all over my province, and I cannot support this duty. The other question about the factory made sugar has been elaborately dealt with by other Honourable Members. As I said before it is very inopportune for him to bring this duty at a time when the people are going in for sugar-cane cultivation and are entering into contracts. If these contracts are stopped, next year we will not have so much acreage of sugar-cane as we

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had this year. Therefore, whatever wealth they were bringing in in the shape of sugar-cane into the villages, that will be destroyed and the villagers will have nothing to fall back upon. Therefore, I strongly support the amendment and I am totally against this duty.

Sir Cowasji Jehangir (Bombay City: Non-Muhammadan Urban): Mr.

4 P.M. Deputy President, the inter-communication between the different cells of the brain of my Honourable friend, the Finance Member, appears to have dwarfed his stature. Born in mid-Victorian days, he still seems to believe that we live in the times of good Queen Victoria. He enunciated die-hard principles of free trade, and I would just remind him of what he said. Taking up a remark made by one of my Honourable friends on this side of the House, he gave us some very interesting details which showed how his mind was working. He said: take it for granted that 15 crores worth of sugar is made in this country today, and take it for granted that the consumer could get imported sugar of the same quality and the same quantity for five crores. Therefore, the consumer, he said, lost ten crores which we could well use for purchasing other commodities manufactured in this country. That was the argument he placed before us. I wondered whether the Finance Member was really living in the year 1937. I wondered whether, being a very distinguished civil servant in England as he has been, he had ever had an opportunity of placing his views before His Majesty's Government in England during his long and distinguished career. What is England doing? How much are England and her consumers losing over the beet-root sugar industry? How is England encouraging her agriculture? If England had gone in for this principle of importing from the cheapest market and not encouraged manufacture in her own country, I could understand my Honourable friend preaching these old doctrines of free trade before this Honourable House. But surely this is not the time to do that, especially when, just now, we read ever day in the newspapers that attempts are being made in his own country to start new industries in what they call distressed areas. That is going to cost money, and the tax-payer and the rate-payer will have to pay for it. Then, why should he come and preach to us these principles of free trade? I give him full credit for really believing what he preaches. There are some free traders still left in England. May I respectfully suggest to him that he has got a great future in his own country trying to convert tariff reformers into free traders.

Sir, we firmly believe, and we have not hidden our opinions, expressed long before my Honourable friend came to this country, that the future of this country lies in industrialisation. We are not blind to the fact that India is an agricultural country and that agriculture should also be encouraged in every way possible. But to give such an instance as he did the other day, merely shows us how his mind is working. Let us tell him frankly that our minds do not work in that direction and we cannot agree and, since the principles laid down by Government are different to his sincere and honest opinions and convictions, he would do just as well to leave out of his speeches attempts to persuade us to become free traders. When it pays us to become free traders, we shall be only too pleased to

follow his advice. We do not think at present it is in our interests, and we shall, with great regret, refuse to take his advice, however well meant it is.

Well, Sir, there was another point that he raised about the sugar excise which I was not able to follow.

The Honourable Sir James Grigg: I am not surprised at that.

Sir Cowasji Jehangir: I am not surprised at anything that my Honourable friend will say now or in the future. After what he has said, he is capable of telling us anything. Well, Sir, he talked about wiping out the inefficient part of the sugar industry. I would like to be informed as to what he means by 'inefficiency'? We all want to wipe out inefficiency whether it be on the opposite benches or whether we have to confess that we are inefficient. (Hear, hear.) Wherever it is, we want to wipe it out but I do not know whether it is greater there or here. But what does he mean by "inefficiency" in a factory? There are today, I believe, sugar factories with the most modern machinery where the cost of production is the least possible, and yet they are in difficulties. They may be difficulties of their own creation. Is that inefficiency of the factory?

[At this stage, Mr. President (The Honourable Sir Abdur Rahim) resumed the Chair.]

In other parts of the world, where a factory, with the latest type of machinery, producing at the lowest cost comes into difficulties, the Governments come to the assistance of such factories and such industries. If a factory is equipped with old machinery and produces at a much higher cost than its better equipped neighbour, that factory, in my opinion, is inefficient, and everything should be done to help it to modernise itself or wipe it out. What, therefore, is the meaning of inefficiency? If inefficiency means what I have explained in the first instance, viz., an up-to-date factory which gets into financial trouble, then I do not call that factory inefficient. It may be inefficient management, but that factory deserves assistance to make it pay. As to the second kind of factory, I would not call it efficient, and if it were wiped out, I should not regret it. Or else, I would see that it is modernised and made efficient. I am certain that nobody wants to wipe out the so called inefficient factory in this country of the first category. As I have already admitted, I have not the experience or knowledge of the sugar industry to be able to say as to how many factories there are of the first category and how many of the second. But what little information I have been able to obtain during the last couple of years shows that the largest number of factories are of the first category. It may be that they were started without proper financial provision. It may be that encouraged by tariff protection the supply is a little larger than the demand but such things do happen in other parts of the world. But there is one thing which does not happen in other parts of the world very often, and that is a country making itself self-sufficient in respect of a necessity of life within a space of eight years. That is what the sugar industry has accomplished in India. I do think, leaving aside the merits of the question as to what effect this additional excise duty will have on the agriculturist, or the consumer or on the industry itself—leaving aside that question—on general principles, I would strongly object to any

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action by Government which would wipe out of existence a factory or factories of the first category that I have explained. Therefore, Mr. President, I think my Honourable friend, the Honourable the Finance Member, was rather rash when he brought forward this argument, in favour of this increase of excise duty on the score of wiping out inefficiency. In an industry where the factories are more or less new, where eight years ago there were only 29 factories, today there are 146 all more or less new—this is one of the romances of Indian industry—(Hear, hear) I would urge Government now and in the future, after having brought such an industry into existence, not to talk on the floor of the House of wiping out inefficiency. It is a dangerous doctrine to expound especially by Englishmen in India, when we are perfectly aware of what is happening in England to inefficient factories, and when we are perfectly aware of the assistance the British Government are giving to their own industries. Even where there is real inefficiency in certain directions and in certain industries, industries that have made the country, industries of which England has every reason to be proud, and which, due to change of times and circumstances, have fallen on evil days and in which there is admitted inefficiency, Government do not talk of wiping them out, but talk every day of improving them, of giving them more and more assistance and seeing their chimneys beginning to smoke rather than to see them idle and deteriorate from day to day. Let us hear the Honourable Members from the other side talk of bringing such industries into existence by helping and assisting such industries that are in existence. In short, I would suggest that Government follow the example of His Majesty's Government in England more closely and let us hope and pray with as great a success as the British Government administer their own country in the interests of their own industries. (Applause.)

Seth Haji Abdoola Haroon (Sind: Muhammadan Rural): Sir, after hearing the very able speech of my Honourable friend, Sir Cowasji Jehangir, I wish to say only a few words about the industry and how the United Kingdom are supporting their own industries.

Sir, fifteen years ago the Government of the United Kingdom came forward and asked the people to establish sugar industries in England. Then they gave 25 shillings per cwt. as subsidy to the manufacturers who established the sugar factory in England and even today they are giving a subsidy—I do not remember now, but it is not less than seven or eight shillings per cwt. In India, the Government did not give any sort of subsidy, but, on account of the revenue import duty, the sugar industry established itself in this country. But after that the Government made it a protective duty. Now, Sir, they passed the Act in 1932, and today we are in 1937, and within five years they are coming forward to put some more excise duty. The excise duty till now has been Rs. 1-5-0, and now the Government propose to put eleven annas more. Whatever has been said by the Honourable the Finance Member about the industry has been refuted by my Honourable friend, Sir Cowasji Jehangir. What my Honourable friend, Sir Cowasji Jehangir, said about wiping out the industry is right. Instead of wiping out the industry, you must encourage it to become more and more flourishing. When protection was given people came forward with their capital and utilised it for the establishment of factories; and now comes forward our Finance Member and says that inefficient factories should be wiped out. Besides that, Sir, my Honourable friend, Sir

Yamin Khan, has pointed out how the Finance Member has given wrong or misleading information to the House. I will give you one more instance. The Finance Member said yesterday that, of the 15 crores worth of sugar which remained in India, the imported sugar was worth only five crores. That is also very incorrect. If he looks into the Secretariat papers, he will find that when this protection was given, India paid that year no less than 15 crores of rupees to Java and ten crores to Government in 1929-30 to consume their sugar. But on account of the industry established in India, in 1930-31 the consumers paid for their consumption 25 crores of rupees, whereas, today, including the excise duty, they are hardly paying 18 crores. In one way, the consumer is benefited, and in another way my friends, Sir Yamin Khan and Sir Muhammad Yakub and others, have complained against this excise duty. Today we find, not only in this House, but also outside unanimity against this excise duty, and all the mercantile associations and industrial associations and everybody else, whether cultivator or merchant, are unanimous against this excise duty. I do not know whether the Government of India consulted the Provincial Governments or not, and if they did, whether they supported this duty. But I believe that if they were consulted, the Governments of the United Provinces and of Bihar must have opposed this proposal tooth and nail. Of course what we are saying here nobody will hear, but I again request the Finance Member and appeal to him to consider this proposal very seriously. According to the budget, he has estimated 1.95 lakhs as the excise duty; today he will see that he can collect 2.35 lakhs up to the end of the year, but in my opinion he will collect 2.50 lakhs. India is such a wonderful country that if they get cheaper sugar and if the Finance Member allows the industry to develop and allows the consumer to get cheaper sugar, I can assure him that within the next three years he will get five crores of rupees as excise duty, because they will buy more sugar than at present. At present, the difficulty is that the Finance Member in the last two years got an increase of $3\frac{1}{2}$ crores over his estimate and spent it in some way; and when this year he got 100 lakhs less than the estimate, he came forward with a new excise duty proposal. I request the Finance Member to reconsider this proposal.

An Honourable Member: You throw it out.

Seth Haji Abdoola Haroon: I may throw it out but there is the power of certification. I ask him to consider that, if he puts this duty this year, he will be dislocating all the organisations. The cane suppliers are now in the soup. We read in the papers that many factories have announced that, on account of their losses, they might close down their factories. Besides that there is already some forward sale and many other things. So I will appeal to the Finance Member to reconsider it and postpone this duty at least for one year until the Tariff Board have reported. They will commence their inquiry into the sugar industry very soon and give all kinds of information as regards the efficiency or otherwise of the factories, the present consumption of sugar in the country, the present condition of the cultivators, the cost of production of cane, how cane is supplied to the factories, and so on. If, after getting all this information, he comes forward with facts and figures and makes out a case for the imposition of this excise duty, I am sure, the House will agree to it. But at present everything is in the dark, and all sorts of figures and assumptions and information come from that side which are incorrect, irregular and harmful to the country and to the industry.

Prof. N. G. Ranga (*Guntur cum Nellore: Non-Muhammadan Rural*): Sir, I am rather in a difficulty in regard to this particular question, because I find that, as far as the sugar mill owners are concerned, I would not have thought it necessary to get up and defend their position under ordinary circumstances. But I find that the Honourable the Finance Member has been so very clever and confused as to dump in under the same clause both the big manufacturer of sugar and the small cottage producer of *khandsari*. Moreover, Sir, he is also confused between his affection for the sugar manufacturer and his solicitude for the sugar-cane producer. It is indeed very difficult for a layman to judge the effect that this sugar excise duty will have upon the sugar manufacturer and also upon the sugar-cane grower. If my Honourable friend, Sir James Grigg, had simply tried to remember what he has read—I do not know where he studied—at Cambridge or Oxford—I am glad he does not belong to either of our Universities, because, I am sure, any one who has studied there would have displayed a little better clarified Finance Bill than the one that we have been presented with—if he had only tried, as I say, to remember what he has studied in Prof. Marshall's *Elements of Economics*, he would certainly have realised how impossible it is to try to extract this sugar excise duty entirely from the sugar manufacturers. If in addition he had only tried to visit some of these sugar factories in this country, just when the cultivators are trying to sell their sugar-cane to the manufacturers, and had tried to ascertain their difficulties in getting the manufacturers to take their cane in, he certainly would not have committed this mistake of trying to enhance the sugar excise duty whose incidence is going to fall, not only on the sugar manufacturer, but also on the sugar-cane grower.

It is a well known fact that the incidence of a tax can be shifted and it does not always follow that the man who actually pays any particular tax to the State does himself pay the whole of it. Very often he tries to shift it on to the primary producer or on to the consumer; and, in this case, I am afraid it is not the consumer who is going to pay so much of it, although he may have to pay a portion of it; but it is the sugar-cane cultivator who has got to pay most, if not the whole of it. We find that in most parts of the country there is more area under sugar-cane cultivation than there are sugar factories to make use of the sugar-cane produced there. It is for this reason that the sugar-cane growers are obliged to take their sugar-cane to the factories, bribe the people who are kept there as gate-keepers to let their cane into the godown and then hope against hope that their cane may be accepted by the manufacturer or his agent in preference to somebody else's cane, because there is always more sugar-cane offered than is demanded by the manufacturer. Under these circumstances, it is impossible for the sugar-cane grower to try to prevent the incidence of this excise duty being shifted on to his own shoulders. In fact, we have found it in actual practice that our peasants are unable to get even the ordinary minimum price that has been fixed in some provinces. They are so much in need of ready money, they are so much anxious to dispose of their sugar-cane and they are so much obliged to dispose of it within twenty four hours after it is cut, lest the "sakkar" content of it should go down very rapidly, that they have no other option than to contract out of this minimum price and receive much smaller price than the minimum fixed by the Statute. I am reminded by my Honourable friend, Mr. B. Das, that they are even obliged to give rebate

in prices. Under these circumstances, how is it possible for the peasants to escape paying the most of it or the whole of this excise duty and the increase that is proposed to be made now? If the Honourable the Finance Member had only thought about it even for a while, I am sure, he would have hesitated and he would have even declined to agree with his advisers when they proposed this increase in the sugar excise duty.

I am told that the Honourable the Finance Member took to task some Honourable Member of the House for having mentioned that Sir T. Vijayaraghavachariar had stated that this increase in sugar excise duty was going to affect not only the manufacturer, but also the peasant; and he is reported to have taunted by saying that Sir T. Vijayaraghavachariar is not entirely an expert now; he is an interested party since he is engaged by some people interested in this sugar trade. It is quite possible that Sir T. Vijayaraghavachariar happens to be engaged now by some people or other interested in this trade, but it is an incontrovertible fact that my Honourable friend, the Finance Member, is a paid agent of this Government, the Government which have brought this industry into existence and the Government which are responsible for that supposed loss to the consumer up to 15 crores of rupees even according to him, a Government which have promised to this country the development of this industry and incidentally the development of a cottage industry all over the countryside, and also the economic prosperity of the peasants. And for this Government and its Finance Member to come and say that Sir T. Vijayaraghavachariar, whose advice they gladly accepted only till the other day, is today an interested party, and, therefore, whatever he says should be accepted only at a discount, is really hypocrisy and nothing else. If Sir T. Vijayaraghavachariar had been an Englishman and an English expert interested in the introduction of English machinery and English products into this country, interested in pushing forward the sales of British goods in this country, I am sure, Sir James Grigg would not have dared to attribute such a motive to such an expert.

We are told that in levying this additional excise duty he is only trying to help the revenues of this country. He is badly in need of a crore of rupees, so he says. Personally I feel that there is a flea somewhere here. I really do not think that next year he will be faced with any deficit at all. I shall not be surprised if he were to be faced with even a good enough surplus. There is some additional revenue somewhere hidden; he alone knows where it is hidden. I am sure, if he were to consult his own conscience, he would be prepared to admit to himself in privacy that he is playing some jugglery with facts and he is playing some jugglery with some of us. I know that there is going to be more money coming from income-tax—more money than the 20 lakhs which he has estimated. If he does not get anything more, it must be his own fault and the fault of his own Department. I know there is going to be more money from customs, because, even according to him, prices are rising and imports are streaming in. He is not going to stop them; he is even interested in lowering the revenue duties: so many other things are going to bring in more money and he knows he is going to have it. I think purposely somewhere he has made some under-estimating and he is going to have that money.

Then, why did he think of this additional excise duty? Because he wanted to provide for something that he has got up his sleeve sometime

[Prof. N. G. Ranga.]

next year. Is it the Quetta earthquake? We do not know. Is it an additional expenditure on the army? We are not told. But we are given a rather small hint in the explanatory memorandum which has been submitted to us, that for the last so many years the re-equipment programme of the army has had to be postponed, has had to be taken up very slowly, and, therefore, very soon they would be obliged to spend much more money on it. They had estimated that they had to spend two crores more than they had estimated in 1928. They should have finished this programme by 1928, but they could not do it, and they are obliged to finish it only this year or the next year. In the meanwhile so many improvements have had to be effected on the army, and they could not effect them. Therefore, they will come forward with an additional programme of expenditure on the army next year, and for that he will need money. Lest he might be unable to impose so much additional taxation at one stroke next year, he thought it better to come forward with this additional taxation proposal this year, get the money and keep it ready to meet the demands of the army for the defences of this country next year.

Sir, he wants a crore of rupees. How is he to get it? He proposes to get it by raising this duty from Re. 0-10-0 to Rs. 1-5-0 on *khandsari*, and from Rs. 1-5-0 to Rs. 2-0-0 on sugar. Does he at least try to keep the same balance as between these two groups of producers? No, Sir. Superficially there is some balance,—the increase is 11 annas in one case and the same in the other case as well, but it is only a superficial similarity. If we go into it a little more in detail, we find that the duty on *khandsari* is proposed to be raised by more than 100 per cent. whereas the excise duty on sugar is proposed to be increased by a little more than 50 per cent. Why should there be so much difference? Why has he gone out of his way to deal such a death blow to *khandsari* producers? Is it because they are a small people? Is it because they are not able to defend themselves? Or is it because they are not so well organised, or is it because they are not able to flood him with as many memoranda as the sugar manufacturers have flooded him with. Why has he shown all this partiality? He may say that he does not expect to get very much money from these *khandsaris*; but whatever he will get from them, it will be in an unjust manner. We were told by Sir Muhammad Yamin Khan that these *khandsaris* are also money lenders, they lend money to the producers on forward contracts and try to take the cane from the producers. That does not recommend these *khandsaris* very much for my acceptance, but I do know of some *khandsari* producers who are small people, who are struggling to make some decent living for themselves, who are living in villages quite close to all the others who are able to afford some employment for some peasants and workers, and who are not after all such great exploiters as the sugar manufacturers. So, as between these two people, if I had been the Finance Member, I would certainly have preferred to levy a higher duty on the sugar manufacturers and a very much lower duty, if it was found necessary at all, on the *khandsari* producers. But, as usual, the Finance Member glibly talks in one way and looks in another direction. He talks of the producers, he talks of the small people, he talks of the poor people, and all the time he is afraid of the rich people. (An Honourable Member: "Oh.") Yes, the rich people are very angry with him, and I think it is more a pretence than any

genuine feeling. They know that he means well by them, but they must somehow or other keep up a show, and, therefore, they protest again and again, and he jocularly pleases them by cutting jokes at them and thus tries to assuage our own suspicions and feelings but all the time there is a lie in his own heart, and not in the Congress.

We are told, Sir, that this sugar excise duty is going to produce some substantial results. I only wish he had thought of the other results that I talked about,—the result of shifting this tax from one to the other, from the one who can bear it to the other who cannot bear it, from the one who tries to avoid it, to the other who cannot try even to avoid it. Instead of that, he has thought of some other results. What are they? Even according to my friend there is over-production today, or there is a serious fear of over-production in the sugar market, and, therefore, there is a great need for checking that over-production. How does he propose to check it? Does he propose the constitution of a Production and Control Board as there has been in the case of jute or tea, and, for some time, in the case of coffee also? He does not propose that, because that is much too constructive for him, and that savours too much of planned economy. Oh, he takes fright at all these, because he is a *laissez-faire* walla. He simply says this excise duty is going to bring in a millennium, it is going to put down all those inefficient factories which are found today in the industry, it is going to put down all that unhealthy speculation that one finds in the market, and, therefore, we must recommend it. He was so very unwilling to enlighten us at the time of his budget speech as to the consequences of his actions, but somehow this time he has gone out of his way and has over-reached himself, I am afraid, and in that he has given away the whole secret of his economic policy. Sir, if he really wants to put down inefficient factories, if he really wants to eliminate inefficient factories from this industry, if he wants to eliminate speculation in this trade, then what he ought to do is try to take more effective, direct and specific measures, in order to achieve these results, and not to trust to this kind of vicarious instrument, because, by trusting to this vicarious instrument, he is only trying to bamboozle us, because I really don't think that he trusts to effect those results. What are those factories which are likely to be eliminated? Is it always the inefficient ones? Does he not know that there are efficient factories also which are likely to be affected? He knows it. As my friend, Sir Cawasji Jehangir, just pointed out, there are two kinds of factories,—those which are well on the way to pay their own way, and those which can never pay their own way. It is the duty of the Finance Member to find out which are those factories which are well on the way to pay their own way and to encourage them, and to discourage the rest. That cannot be done by this instrument of additional taxation.

Then, Sir, we are told that these factories are making huge profits. I agree they are making huge profits. My friend, Bhairu Nand, himself admitted that many of these factories are making as much as 20, 20 and even 40 per cent. profits. He has admitted it. There is money, they are making it, they are making it because of this Finance Member. They are making it because of this Government. They are making it because this Government would not accept my proposal at the time of the Indian Companies Act that there should be put a maximum figure beyond which these companies and these industrialists should not be allowed to take in dividends, to draw any profits. They are making these profits because this Government did not care to take any action whatsoever, either at the time

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of affording protection to this industry or at the time of their first proposal to levy this excise duty on this industry, that the profits of this industry should be regulated in the interests of the State, in the interest of the business and the workers employed in the industry. Even now it is not too late. The Honourable the Finance Member could have thought about it, but he would not, because, to do any such thing is to go against his pet theories of *laissez-faire*.

Yes, Sir. I am prepared to agree with my Honourable friend, Sir Cowasji Jhangir, in congratulating this industry and in saying also that it has had really a romantic career. In eight years it has been able to show us that it is able to supply the whole of the Indian market with all the sugar that it could consume. That is a great thing to be said of any industry, and especially of an Indian industry, and a great thing it is for an infant industry and the most recent industry. That cannot be said of the textile industry. The textile industry has had sixty years of life and even more, and nearly fifteen years of protection; and yet the textile industry is not able to satisfy even one-third of the Indian demand for textile goods. But look at this industry, a new one, it is able to satisfy us. Such an industry certainly deserves a better treatment than what is sought to be meted out to it by the Honourable the Finance Member. By trying to raise this excise duty and thus to eliminate inefficient factories, inefficient industrialists—it is really not helping this industry at all. If the Honourable the Finance Member wishes to help this industry in a genuine fashion, wishes to assure a long career of prosperity to this industry and to those who are employed in it, then what he ought to do is not to go on in this way, but to try to establish some machinery by which he can regulate the governance and management of this industry.

An Honourable Member: State control.

Prof. N. G. Ranga: I would have liked if the State had cared to develop the whole of this industry under its own management. He himself says that the consumers are losing so much money. But why are the consumers losing all that? Not because the consumers have asked this benign Government to benefit these few capitalists interested in sugar factories, but because the Government themselves had thought it better to please these people who were becoming rather vociferous. Now, it comes forward and says: "No, no. They are becoming too noisy. They are becoming too prosperous. They are making so much profits, they are becoming inconvenient for us, and they are likely to go behind the Congress. Therefore, we must put these people down, and here is my proposal which please accept". If you really want protection for your consumers, if you really want protection for the agriculturists—we know enough of the Finance Member not to get into his snares.

Then, there are the poor cultivators. My Honourable friend from Cambridge the other day came forward and advanced the argument that after all the cane cultivators are not going to be affected by this duty at all.

An Honourable Member: He comes from Oxford.

Prof. N. G. Ranga: What a pity, Sir, that such people blessed with so much of brilliance should turn out to be such traitors! (Laughter.)

An Honourable Member: What about yourself?

Prof. N. G. Ranga: You know it for yourself. How do the sugar-cane growers fare by this duty? When this protection was being offered in 1930 or 1931, we were told that sugar-cane growers were going to be benefited, that they were going to be assured of a money crop, of a profitable crop, and a diversified agrarian economy, that they were going to be assured of really a paying crop and a profitable one. But what has been our experience? Next year the Government came forward with a piece of legislation which proved to be almost futile in its effect. This piece of legislation sought to give authority to Provincial Governments to fix a minimum price for sugar-cane. How many Governments have fixed this? Only the other day, my Honourable friend, Sir Girja Shankar Bajpai said in reply to a question that Bihar and the United Provinces had fixed a minimum price. What about other provinces? Madras has not fixed it. Why has not Madras fixed this minimum price?

The Honourable Sir James Grigg: Because it is paying twice as much.

Prof. N. G. Ranga: I will give my answer to that. Why has not Madras fixed this minimum price? The Finance Member has given one answer—it is paying twice as much. Is he sure about it? He has got it from a second hand authority, that is not first hand authority anyhow. I come from the Madras Presidency, and I come also from the Sugar-cane Growers' Conference, fresh from it, and I can assure my Honourable friend, the Finance Member

An Honourable Member: Any sugar in your pocket?

Prof. N. G. Ranga: All the sugar is in the pocket of the Finance Member; he would not spare anything for me. (Laughter.) I wish I could have it, but I cannot. We are anxious to sell the cane. How are we to sell it when the Chief Minister and several others, who are interested in the sugar manufacturing companies, escape from income-tax by calling them co-operative factories and then refuse to fix this minimum price for the benefit of the cultivators?

Mr. A. H. Lloyd (Government of India: Nominated Official): How do they escape from income-tax?

Prof. N. G. Ranga: I have been told,—and I speak subject to correction—that co-operative societies are free from income-tax. The minimum price has not been fixed there, and it is not going to be fixed. It has not been fixed anyhow, and I hope that it will soon be fixed if my Honourable friends were to go and make Ministers in spite of some of us. (Laughter.)

Why is it that revenue from income-tax on these sugar manufacturers has gone down? If it has gone down, it is not because of any want of profits. My Honourable friend, Mr. Chanda, himself has pointed out from the *Indian Finance* what huge profits these people are making. When they are making such profits, why is it that the income is going down? There

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is something wrong somewhere with Mr. Lloyd and his Department. You have got to tighten your machinery for the collection of your income-tax. These people—I think—they know it also in England they are past masters in that art, two or three accounts they keep. If you keep three, because of this dreadful Government, I am sure, my people keep two accounts at least. We are a little better than you British, but yet we are bad enough. I want my capitalist friends to be properly taxed so that my poor people may be freed from a small portion of this burden of taxation. You cannot get money as long as you allow these factories to be started in a *benami* fashion as co-operative manufacturing companies, when most of these are not genuine co-operative manufacturing companies at all. If they are genuine co-operative companies, certainly I would be the first to ask for their exemption from the incidence of income-tax. But they are not. I have brought to the notice of Government twice or thrice in the form of questions and supplementaries this particular fact, but they would not care to investigate into it.

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member can continue tomorrow.

The Assembly then adjourned till Eleven of the Clock on Thursday, the 19th March, 1937.

LEGISLATIVE ASSEMBLY.

Thursday, 18th March, 1937.

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.

THE INDIAN FINANCE BILL—*contd.*

Mr. President (The Honourable Sir Abdur Rahim): Prof. Ranga will now resume his speech on the motion:

“That clause 3 of the Bill be omitted.”

Prof. N. G. Ranga (Guntur *cum* Nellore: Non-Muhammadan Rural): Mr. President, the Honourable the Finance Member was saying when he was making his budget speech that this additional sugar excise duty would result also in a suitable, proper and healthy restriction in the area under sugar-cane. He said that the sugar-cane growers will receive the necessary check not to use too much land under sugar-cane and not to produce too much of sugar-cane and thus glut the market. I do not know how he has expected this result to come out of this additional excise duty, but, as far as I can see, it is impossible to achieve that result through this. The price may go down for sugar, the price may go down for sugar-cane, and, because of that, he may think that the sugar-cane growers will not like to keep so much land under sugar-cane. But that is a far fetched consequence the effects of which cannot be measured and on which it is improper for any Finance Member to base his proposals for additional taxation. In fact, as a result of the joy that went about over the whole of the country since the Sugar Protection Act was passed in 1921, everywhere in every province peasants began to take to sugar-cane production and each province began to compete with every other.

When the Crop Planning Conference was convened in Simla in 1934, various provinces began to dispute and compete with every other as to what extent they should be left free to extend the area under sugar-cane cultivation. Bihar and the United Provinces wanted to have the whole monopoly of this, but Madras and Bengal protested against that and Madras has gone ahead with very good results. The area there has grown more than double, and they are still going forward with planting sugar-cane in more areas. In fact, the Director of Agriculture in Madras has instituted a regular campaign for inducing peasants to grow sugar-cane in preference to several other crops, and what is to happen to this campaign now? Is there any attempt being made by the Government of India to summon another crop planning conference in order to see that definite steps are taken in various provinces to restrict the area under sugar-cane and thus to restrict the production of sugar-cane in different parts of the country and over the whole of India? We are not told that any steps are being taken, and I am afraid no steps are going

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to be taken in the next one or two years. If we were to allow the sugar-cane cultivators to go about extending the area under sugar-cane only trusting to the ultimate effects of this increase in sugar excise duty to put the necessary check on them, then the peasants could never be helped. If really there is a need for restriction in the production of sugar-cane, then there must be another crop planning conference held here as soon as possible and definite steps should be taken to see that the total area under sugar-cane is properly allotted as between the different provinces and no more areas are allowed to be brought under cultivation.

Finally, I would appeal to the Honourable the Finance Member that even now it is not too late for him to try and free *khandsari* sugar from any excise duty whatsoever and also reduce the incidence of it to a considerable extent and thus maintain some sense of fairness of incidence as between these two kinds of sugar. But he proposes to raise this duty on *khandsari* sugar from ten annas to Rs. 1-5-0 at one jump and that is really monstrous, and I hope he will see the justness of my claim and try to meet it in the best way possible for him. Then, Sir, he was telling us that he was full of affection for peasants and agriculturists. He has told us several times, when criticising the Congress, that he and his Government were doing more for the common man in the country. What is it that he proposed to do this year? The only consolation he offered to us is that his new system of taxation did not seek to impose any additional burden of taxation upon the poor and upon the masses. There also I consider him to have gone wrong. Instead of not levying any more tax upon the poor, he has himself begun this definite step of imposing this additional tax upon the peasants in this country. One crore and 15 lakhs he expects to get as additional revenue from this addition to the sugar excise duty. I am sure, at least one crore of it will be coming from the peasants themselves. That I consider to be additional taxation. I may say that it is all imagination; I can only say that he does not know the rural economic conditions in this country, he does not know the economic conditions of our own peasants, he does not know the trouble of the peasants and their relations with the market and also with the sugar producers. Sir, they have been thinking of reorganising the markets in this country! They will go on thinking until some day when again the Congress will have the opportunity of displacing them and defeating them at some general election. If they go on like that, it is impossible for them to achieve anything whatsoever which they can look back upon as having been made in the interests of the masses. Is it fair that this additional taxation should be levied upon the peasants when nothing is being done to relieve their economic distress? We were asking that the general level of prices should be sought to be raised by the devaluation of the rupee and some such measures. The Honourable the Finance Member gave his negative reply and even said that under any circumstances he was not going to allow anybody, least of all himself, to monkey with the ratio. Well, Sir, I am prepared to make a present of this monkeying to himself for his own special benefit, but I can only refer him to some facts presented here in the "Review of the Trade of India in 1935-36". It is stated here, Sir, that the wholesale prices have risen in other countries—the United Kingdom, the United States of America, Canada, Australia, Japan and France, whereas

Mr. President (The Honourable Sir Abdur Rahim): That stage is finished. The Honourable Member can only now speak to the amendment before the House.

Prof. N. G. Ranga: The prices have not been raised at all in this country. Therefore, there is no compensation for the peasants for this additional tax that is sought to be raised from them. Nothing is sought to be done in order to compensate them. Has he at least proposed to give even in an indirect fashion some benefit to them in return for this additional taxation levied upon them, in the shape of a rural development grant? He gave a crore of rupees in the first year, and in the second year, in spite of himself, the money was found there and it came to Rs. one crore 80 lakhs. This is the third year when he really had to take a definite decision whether or not to give any money towards this, and he has not given a pie. What is more, he has not even given us an explanation as to why he does not propose to grant any more money for rural uplift

Mr. President (The Honourable Sir Abdur Rahim): Again the Honourable Member is not speaking to the amendment; he must confine himself to that.

Prof. N. G. Ranga: I am trying to do that, but my only plea for raising this point is that here he is going to levy one crore of rupees of additional taxation on the poor peasants

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member is again not speaking to the amendment before the House now.

Prof. N. G. Ranga: And, in order to relieve the peasants of that burden of taxation, he can do one of two things

Mr. President (The Honourable Sir Abdur Rahim): The Chair really cannot allow the Honourable Member to go into any other matter. He must confine himself to the amendment before the House.

Prof. N. G. Ranga: I sincerely hope that it is not yet too late for the Finance Member to give an assurance to this House that, even as an after-thought, even at least to satisfy his own conscience, he is going to make a sufficient provision in budgets to come for an adequate grant towards rural development and rural uplift and rural reconstruction in order to compensate our peasants who are being hit very badly even by the present sugar excise duty and who are going to be hit even much worse by the additional sugar excise duty that he proposes to impose. Sir, we know that, in spite of all that we say here, he is going to get this certified by His Excellency the Viceroy. If he does so, then he will be doing an irreparable harm to his own Government and to himself and an irreparable damage to the peasants at large. He may think that the peasants will be grateful to him for having given them that rural development grant in the past, but I may assure him that the peasants are not going to be grateful either to him or to his Government, especially as they know that this Government are dealing with them in this most extraordinary and unconscionable fashion. Therefore, Sir, I support this amendment.

Dr. Ziauddin Ahmad (United Provinces Southern Divisions: Muhammadan Rural): Sir, I would not like to follow the example of the author of the history of philosophy, who began his history by discussing whether Adam was or was not a philosopher; so I do not want to go so far back into pre-history days, but I will begin the history of sugar from the date of the Tariff Board Report on the sugar industry. Sir, like a geometer, I want first to enunciate my three propositions which I want to establish. My first proposition is that we—that is, the Legislature—have been carrying out our obligations, as recommended by the Tariff Board Report. My second proposition is that the sugar manufacturers or industrialists have not been carrying out the obligations laid on them by the Tariff Board Report. In fact, they are guilty of a large number of *zoolums* which I will describe later on. My third proposition is that in the present discussion of this Bill the question is only between consumers and the Government; the manufacturers do not come into the picture at all. We can have a general discussion on the consumers or the tax-payers, but the manufacturers of sugar as such do not come in.

These are the three propositions which I want to establish before I take up the general discussion. I shall first come to the Tariff Board report. At page 108, their recommendation No. 27 says:

"In order to enable the industry to face initial difficulties and to safeguard the position of the manufacturer of indigenous sugar by the *bel* method in Rohilkund, we propose that for the first seven years the duty should be fixed at Rs. 7-4-0 per hundredweight and for the remaining period Rs. 6-4-0 per hundredweight."

Then, later on, they decided to recommend no further immediate increase in duty beyond the protective duty already recommended:

"We recommend that should the present international negotiations for stabilization of prices fail or should market prices in Calcutta, in the future fall below Rs. 4 without duty, a further duty of eight annas per hundredweight should immediately be imposed."

Sir, these are the recommendations of the Tariff Board. According to these recommendations, we have undertaken to give this protection,—that is, a protection of Rs. 7-4-0 per cwt. There is some defect in the manner of working of the policy by the Government which was made evident in the case of sugar, as was evident in the case of hosiery and other industries, that the Tariff Board recommendations were before the Government, but they never published them, but they took action on them and imposed the duty immediately as if it was a revenue duty. As soon as the Tariff Board reported in January, 1931, immediately the Government put on a duty of Rs. 7-4-0 which was recommended by the Tariff Board. Of course, at that time it was assumed, incorrectly, that that was only a revenue duty. It was a duty recommended by the Tariff Board whose report was confidential. It was not really a revenue duty; it was the duty recommended by the Tariff Board. Then followed what I then called the folly of the Government of India, that is, the second Finance Bill of 1931. In the year 1931, without consideration of any kind, Sir George Schuster increased the duties all round by 25 per cent. I said at that time that this was really selling chocolate and charcoal at the same price and making no difference between them. As soon as these

duties were increased, automatically this duty was raised by 25 per cent., that is, by Rs. 1-13-0. It was raised to Rs. 9-1-0. The additional protection was given to them without recommendation of the Tariff Board. It was a folly of the Government of India and the Government of India at that time did not realise the effect of the raising of all taxes and duties all round by 25 per cent. Two years later, that is, in 1934, they realised that they had committed a mistake in the year 1931, and they wanted to get over it by putting an excise duty on sugar and thus bringing it back to the protection which the Tariff Board had promised. Still, there was one point which they left out. Instead of giving them a protection of Rs. 7-4-0, they gave them a protection of Rs. 7-4-0 *plus* eight annas, that is, Rs. 7-12-0. In other words, they put down an excise duty of Rs. 1-5-0 per head and not Rs. 1-13-0 which they ought to have put in order to equalise the two. Now, as soon as this special duty of 25 per cent. was imposed and we gave them a protection equivalent to Rs. 9-1-0 per cwt., a large number of factories were started immediately owing to this huge protection, and they began to make enormous profits on account of the high prices. Now, if you examine the figures of the income of the factories in the years 1932-33 and 1933-34, you will find that they have made enormous profits ranging from 50 per cent. to cent per cent. A large number of these factories practically realised the entire capital which they had invested in the construction of these factories. Most of these factories were really owned by individuals. If they belonged to companies, then those companies were owned by the friends and the relatives of these individuals. So, they were really private concerns and these private individuals have already got the entire money back, and they got huge profits in the first two years.

Now, this protection was given for a period of seven years. That is to say, Rs. 7-4-0 is intact, nobody is touching it, and there is no question of taking it away. So any issue that is now being raised that we are going back on the promises that we made to this industry is not correct. His Rs. 7-4-0 which I call his pound of flesh is there, and there is no question of taking it away. The only question before us is that as we want more money for running the administration of the country, can we realise it from this particular duty? Now, I know that all forms of taxes are bad. Whenever taxes are levied, they are always unpleasant to one individual or the other. But the unpleasantness must be borne, and somebody must pay for the administration of the country. Now, this particular duty was chosen by the Government in order to get the revenue, and they have put the equivalent duty on the excise and also on the import, so that if you take up the difference, the quantum of protection remains unchanged. That being the case, the only people who can complain are the consumers because the burden will fall on them. The people who come in the scene are the consumers and not the manufacturers.

Now, I would like to take the second point. The second point is that the capitalists have not carried out their obligation. Now, Sir, I do not really understand what is meant by the phrase "protection to industry". Whenever we say that the industry should be protected, the capitalist always takes it for granted that he would be protected, because the industry is always personified by the capitalist who puts in his money. In fact,

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the protection to an industry is equivalent to the protection of one individual, and this is not a correct view to take. Now, I come to the obligations which the Tariff Board imposed on these individual members. This is what they said:

"It is, of course, impossible to estimate on the available data the assurance required on this account but, allowing for the factors referred to above, a reasonable estimate of the price at factory required to cover the expenses of the cultivator including the labour of himself and his family is seven annas a maund."

This is the price which they fixed for the sugar-cane. Later on they said:

"Allowing for the fact that cane occupies a definite and important place in the agricultural system of the country and also that it is, on the whole, less liable to damage than other crops, it appears to us that in normal times to ensure that the cultivator retains a sufficient area under cane, a profit of at least 1 anna per maund is required. A fair price for cane would thus be about 8 annas per maund delivered at factory."

Later on, they said:

"It appears, therefore, that 8 annas a maund delivered at factory for cane would be a fair price to the cultivator and would ensure to a factory operating in an undeveloped area a satisfactory supply of cane. We propose, therefore, to take this figure for the purpose of estimating the fair selling price for white sugar."

When the Tariff Board recommended that we should give protection of Rs. 7-4-0 per cwt. to the manufacturers, they also placed an obligation on these manufacturers to pay seven annas and eight annas to the sugar-cane growers and on this basis and this alone the quantum of protection was determined. Now, I ask any manufacturer friends whether they have been actually paying this amount or have they ever paid this amount to the cultivators for whose benefit this protection was given? We never gave this protection for the benefit of the capitalist. We gave it in order to encourage our agriculturist, and the condition we imposed was that the manufacturers will pay seven annas and eight annas per maund to the cultivators. But the facts are just the opposite. A formula was invented to find out the fair selling price of the sugar-cane which is really of a very doubtful value. The formula is $\frac{8 \times P}{200}$. I doubt the correctness of this particular formula, but this formula was applied, and the extra one anna which the Tariff Board recommended was entirely omitted.

Now, a meeting was convened in Lucknow in order to determine the fair selling price of sugar-cane. They came to the conclusion that it should be five annas a maund. They neglected the recommendations of the Tariff Board. The moment they came to that conclusion, I think it was the duty of the Legislature here to have reduced the quantum of protection from Rs. 7-4-0 to a lower figure. Because, after all, the figure of Rs. 7-4-0 was obtained on the strict understanding that seven to eight annas per maund will be paid to the cultivator. I look at the price of sugar-cane from another point of view. Whenever juice is taken out of sugar-cane, something is left which we call *bagass*, which is used for fuel. We know that 1½ maunds of these *bagasses* give the same heat as one maund of coal. If you work out the price of *bagass* on the basis of its heating capacity, then it comes to five annas per maund, that is the price of the fuel

which *bagass* particularly gives. Then, if this *bagass* alone is worth five annas per maund, is the sugar-cane with juice less expensive than what is left after the juice is taken away? Certainly juice is more expensive than *bagasses*. If the remnant alone gives five annas a maund, then the remnant and the juice must cost something more than five annas. This calculation of seven annas, arrived at by the Tariff Board, was based on some other consideration and that was perfectly correct. I ask whether any sugar-cane factory carries on its obligations. The U. P. Government—of course, I do not hold any brief for them—consulted only one sided opinion, that is the opinion of the capitalists, they never considered the interest of the agriculturists or the interest of the consumers, the U. P. Government fixed five annas as a fair selling price for sugar-cane, but in practice even this five annas was never paid. I charge the factory owners on three definite counts, firstly that they never pay five annas to sugar-cane grower. I come from a constituency, Gorakhpur and Basti, where a large number of factories exist, and when I heard that they were not giving a fair price to sugar-cane, I went there and made enquiries and I found that they paid sometimes 2½ annas, or three annas or at most four annas, it is very often between three annas and three and a half annas. What happens is this. The manufacturer has got some brother or some relation who really supplies these canes after purchasing them from the sugar-cane growers. He purchases them from the growers at two to three annas per maund and then sells it to his brother who is the factory owner at five annas which is entered in the registers of the factory. I say this is a kind of invisible profit which is not taken into account. I was told that in a neighbouring district—and I think my Honourable friend, Sir Muhammad Yamin Khan, will bear me out—that one manufacturer used to earn Rs. 2,000 per day as the invisible profit by way of under-paying the sugar-cane growers. My charge against the manufacturers is that they are not carrying out the obligations imposed upon them by the Tariff Board when protection was recommended to this industry.

The second charge that I level against the factory owners is this, that a maund contains, according to their calculations, much more than 40 seers. The House might be aware that the villager cannot often count serially up to 100. His calculation is always in units of five. So when you ask a villager how much is 100, he cannot say. If we purchase mangoes, say, by number, we have first to settle, how many times five will be hundred. I have seen the arrangement that 100 will be thirty-two times five. If a commodity is purchased by weight, it is also settled by the number of five seers which a maund should have. So when the factory owners get sugar-cane from the villager, a maund is not always 40 seers or eight times five seers. Very often a maund is ten times five seers or even 12 times five seers, and so on. Thus it will be seen that a maund in those transactions is not always eight times five seers. It is 10 times or 12 times or 13 times according to the custom of the villagers and according to the custom of the locality. So the manufacturer gets double advantage, he pays the sugar-cane grower at the lower level, and at the same time he gets an advantage in weight which works out to more than 40 seers a maund. This is the second charge that I make against the manufacturers.

An Honourable Member: There are Government Inspectors to watch the weightment.

Dr. Ziauddin Ahmad: The Inspector is not present.

The third charge that I level against the manufacturer is this, that these manufacturers keep the cultivators with their load of sugar-cane waiting for a week sometimes and very often three or four days before they purchase their sugar-cane. The manufacturer says: "These people have come with their sugar-cane when I do not need them. So let them wait". Thus the poor villager will wait for a few days. In the mean while the sugar-cane gets a little dried up with the result that it would weigh less. Besides the villager has to spend some money on his food as well as on the fodder for his bullocks. So that the cultivator suffers in two ways. He defrays the expenses for his food and for that of the bullock and he suffers on account of the deterioration in the weight of sugar-cane by being asked to wait for a few days. The sugar-cane is allowed to lie in open sunshine, and thus the juice content in sugar becomes diminished. Well, Sir, these are the three charges that I level against the manufacturers that they are not carrying out their obligations imposed upon them by the Tariff Board. I, therefore, submit that the manufacturers are not justified in demanding the Legislature to give them protection. Did they take any steps to protect the interests of the cultivators for whose benefit alone the Sugar-cane Protection Bill was passed. There should be some method by means of which the interests of the sugar-cane cultivators could be safeguarded, if we want to keep up our promise of keeping the protection of Rs. 7-4-0 for a period of seven years and give further protection for another period of seven years.

Mr. N. M. Joshi (Nominated: Non-official): Then fix the price of sugar-cane.

Dr. Ziauddin Ahmad: My Honourable friend says: "Fix the price of sugar-cane". I would like to fix it in the Act and not leave to the formula $\frac{8 \times P}{200}$. The Tariff Board allowed a margin of ten per cent. profit to the manufacturer. I am quite prepared to concede this amount of profit. Any profit over and above ten per cent. is really excessive. If they derive more profit, the balance should go to the treasury or used for the benefit of the consumer or the cultivator. We ought not to allow more than 10 per cent. profit to the manufacturer especially in view of the fact that the bank rate of interest now-a-days is only 2½ per cent. On the basis of this low bank rate, a profit of 10 per cent. is exceedingly reasonable and ample.

An Honourable Member: Why not nationalise this industry?

Dr. Ziauddin Ahmad: Whenever these industrial magnates speak of an industry, they speak in terms of themselves, they never speak in terms of the country. The manufacturer has got his pound of flesh, that is, Rs. 7-4-0. It is not touched. What we are doing here is that we are rectifying the mistake of the second Finance Bill of 1931. Sir, this protection duty is really a burden upon the tax-payer. In the year 1930-31, Government collected 10-78 crores from the sugar import duty. As soon as this protection duty was imposed, the amount fell to 8 crores in 1931-32, then 6-64 crores in 1932-33, 4-72 crores in 1933-34 and 3-81 crores in 1934-35, and in

the present year it has fallen to only 54 lakhs. Now we have got some more money in the shape of excise. Therefore, including the excise and the import, we got 4-70 in the year 1934-35, 4-82 in the year 1935-36, and in the present year, taking the figure for the last 11 months and adding one-eleventh to it, we get 3 crores. So really speaking the income which we had used to be 10-78 in the year 1930-31 and now including the import duty and excise duty, it comes to 3. So there is a definite loss of about 7½ crores per annum in the income from sugar alone. Therefore, if there is a loss of 7½ crores to the general revenues on account of this protection, the amount will have to be made up by the tax-payers in some other commodity. This sum of 7½ crores is really annual contribution by the tax-payers to this sugar industry. Or rather, instead of saying "sugar industry", I should perhaps say "sugar industrialist", because the industry itself does not get the benefit, and it is only the industrialists who pocket the benefits and then will wash their hands off and go home. This industry will never be able to stand on its own legs. So really 7½ crores are contributed by the tax-payers to the sugar capitalists. We have contributed to the capitalist, since 1931, a sum of 42 crores.

An Honourable Member: Are you for or against the motion?

Dr. Ziauddin Ahmad: Sir, it has been pointed out on the floor of this House that if we put this excise duty, the factories will come to a standstill, and the industry will suffer, and what we have built up in the last five years at cost of 42 crores to tax-payers will suffer a set-back. We heard the same story in the year 1934, when for the first time this excise duty was levied. The same argument was brought forward by my Honourable friend, Bhai Parma Nand, and I gave the same reply three years ago as I am going to give now.

Mr. Mohan Lal Saksena (Lucknow Division: Non-Muhammadan Rural): So none of you has grown wiser.

Dr. Ziauddin Ahmad: Because the facts remain the same. In the year 1931-32, there were 31 factories. As soon as we put this special duty, they at once rose to 56, and afterwards they rose to 112. So these extraordinarily high duties really gave a momentum to these factories. Then as soon as we put this excise duty, the rate of increase suddenly diminished but they increased all the same. Next year in 1934-35, the factories rose to 130, in 1935-36 to 140, and to 149 today. Therefore, the imposition of the excise duty has not checked the progress of these factories. Therefore, I believe this additional excise duty corresponding to the additional income of the duty will not substantially affect the factories. The Honourable the Finance Member said that some of the weaker factories will be closed. He can take it for granted that none of these factories will be closed, because the profits which they are earning is much more than what is shown in the papers. In addition to the visible profit there is also a latent profit, and that will keep them going for a considerable length of time.

Another thing is that the effect of this import duty has been a diminution in the quantum of our import. In 1930-31, the sugar imported was 901,000 tons and it has now diminished to only 23,000 tons. This means

[Dr. Ziauddin Ahmad.]

that the import has now been effectively stopped under this quantum of protection and the prices will now be determined entirely by internal competition; and the determination of prices by internal competition is really the look-out of the factories. We cannot regulate that here. Of course if there be a monopoly of one particular factory, Government should stop it. But when there are as many as 149 factories, they can determine the internal prices by means of competition.

Coming to my friend, Bhai Parma Nand, I said that on account of the stability of facts, our own views remain unchanged. On the 2nd April, 1934, in this very House, I pointed out to him this:

"I should like to deal with one or two points mentioned by my friend, Bhai Parma Nand. He said that had there been a national Government and not a foreign Government, they could not have brought forward this proposal. I am sure that had there been a national Government, then this special surcharge of 25 per cent. would not have existed in sugar. My friend would be right if he substituted the capitalist Government in place of the national Government and the Government of the people in place of the foreign Government."

This I said three years ago, and it applies today with regard to the argument advanced by my friend, Bhai Parma Nand, yesterday.

There are one or two points to which I should like to draw the attention of Government. One is the case of *khandsari* sugar. The figures will show that the tax which we imposed on *khandsari* sugar is at a diminishing return, and they may not be able to pay the increased duty which we are contemplating in this particular Bill. *Khandsari* sugar is very much in the nature of a cottage industry, and I think it is an established policy of Government to encourage cottage industries as far as possible. Therefore, it is very desirable that in the case of *khandsari* sugar the enhancement of the duty may be reconsidered, and it should not remain because this particular commodity will not be able to pay this amount. There is one more important argument. It is all very well to argue that a large number of people in this country have not got the capital to establish factories. But in small towns and villages, this *khandsari* process does exist, and it is not desirable to wipe it off altogether from existence. The sugar which the *khandsaris* produce is really used by poorer people. I do not think any Member of the Assembly would like to put *khandsari* sugar on his tea table: he would like to have refined sugar

Mr. N. M. Joshi: That is wrong: now-a-days the fashion is different.

Dr. Ziauddin Ahmad: He gives his experience, and I give my own. As I say, this *khandsari* sugar is used by the poorer people, and it is not desirable to tax it

Dr. P. N. Banerjee (Calcutta Suburbs: Non-Muhammadan Urban): How then will you encourage *khandsari* sugar?

Dr. Ziauddin Ahmad: By removing this excise duty from it.

The next thing is this: the railways should co-operate in this matter, by having special rates for sugar from the factories to the market, as has been done in the case of Lyallpur wheat to Karachi. This industry will then progress: railways ought to co-operate and give facilities of transit from the factories to the market.

Again, Sir, the price of *gur* has gone down enormously. We all know that 20 per cent. of the sugar-cane is consumed by the factories, while 80 per cent. is consumed by the *gur* manufacturer; and it is very desirable that we should raise the price level of *gur* also in order to give some satisfaction to the sugar-cane growers: the only way to do that is to raise the price of this manufactured sugar. If that is raised, then in sympathy the price of *gur* will also rise; and the raising of the price of sugar depends upon the amount of excise duty we put.

Dr. P. N. Banerjee: The Finance Member said the consumer would not be affected: but you want to raise the price of sugar: and how will *gur* be benefited?

Dr. Ziauddin Ahmad: I am not speaking for the Finance Member. I think if you put a duty on any commodity, the price of it goes up on account of the imposition of that duty. Therefore, if the price of sugar rises, the price of *gur* also will rise proportionately. I, therefore, say that to raise the price level of *gur* which is responsible for 80 per cent. of the sugar-cane, it is desirable that we should have this additional duty: it really does not affect our commitments and the undertaking which we gave to the sugar industry in 1931.

One more reason I would like to give for not putting any duty on *khandsari* sugar. We know that by the machinery process we can extract about 90 per cent. of juice from the sugar-cane, and some factories extract as much as 95 per cent. But by means of the old process used in the *khandsari* industry, we cannot extract more than 50 or 60 per cent. of the sugar. Therefore, their output is very small compared with the output in the factory, and it is desirable that it should not be treated in the same way as manufactured and refined sugar, but differently.

Sir Girja Shankar Bajpai (Secretary, Department of Education, Health and Lands): Mr. President, we have been discussing the subject of sugar since yesterday, but I think I shall not be misrepresenting the facts if I say that very few sugared epithets have come our way from any side of the House. That, perhaps, is not to be wondered at, all taxation proposals are unpleasant and I have no delusions about the effect of my own intervention in this debate, because I know perfectly well that, even if my tongue dropped not mere words but manna, even so, it will not make the proposals agreeable to any section of the House. All the same, I think it is only fair to the House that the considerations which enter into this problem should be presented clearly and, as far as possible, free from any spirit of acrimony.

Two main lines of arguments have emerged from the discussion as it has proceeded so far. The first is protection *versus* revenue. That, I venture to submit, is a question of high policy, on which it would be best for me not to express an opinion. In any case, it has been sufficiently discussed during the budget debates already between the Honourable the Finance Member and a number of distinguished Honourable Members opposite

An Honourable Member: We should like to have your views also.

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LEGISLATIVE ASSEMBLY.

[18TH MARCH 1937.]

Sir Girja Shankar Bajpai: If time permitted, perhaps: but after all, Honourable gentlemen are anxious to proceed to division before lunch time, and I know there are a number of other speakers; I do not really wish to deprive those who will follow me of a fair opportunity to present their case. Then, the second line of argument relates to the sugar industry as such; and the contention, there, is that the Government have brought forward these proposals, because they are determined to destroy an industry which in its development represents a romance in the history of modern India. That is the argument to which I shall mainly apply myself for purposes of rebuttal. But, before I get on to that, I think there are one or two comparatively minor points which ought to be cleared out of the way.

The first point is one which was raised by my friend from the United Provinces, Sir Muhammad Yamin Khan. When he tried to explain his position yesterday, I listened to him very carefully, hoping that I would be able to understand what exactly his point was as regards the reduction of the quantum of protection by eight annas. I confess that, at the end, I remained beaten; I was unable to understand what exactly the point he was trying to make was. However, I think the House would like to know one thing: that imported sugar will have to pay Rs. 2 per cwt. excise duty in exactly the same way as the indigenous manufactured sugar, so that the effect will be that imported sugar will hereafter pay to the exchequer Rs. 9-4 a cwt. as against Rs. 9-1 a cwt. which is the duty that it pays at present. And, inasmuch as, the result of internal competition between the producers in this country has been to reduce the level of internal prices below the Java parity by a larger amount than eight annas, I do not think that this particular manipulation of our fiscal system makes any difference in so far as the internal market for the sugar producer in this country is concerned

Sir Muhammad Yamin Khan (Agra Division: Muhammadan Rural): On a point of explanation, Sir: as regards what he said, I say the Honourable the Finance Member himself has said in his speech that the new imposition of excise duty will tend to raise the prices of the manufactured sugar in this country and the Honourable Member is really arguing against what the Honourable the Finance Member said

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member himself cannot argue it a second time!

Sir Girja Shankar Bajpai: So that, in so far as any danger of an increase of imports is concerned, I think I have shown that taking into account the quantum of the reduction that has been made, that particular danger is an illusory danger.

Another point, that was made very feelingly by my Honourable friend, Professor Ranga, and by Mr. Chaliha and again by Dr. Ziauddin Ahmad was that the *khandsari* industry, inasmuch as it is a cottage industry, ought not to be made to bear this additional burden of taxation. Well, Sir, what I would like the House to realise as regards that is this, that only *khandsari* sugar which is produced in a unit employing 20 people or more is liable to pay this additional excise duty. In other words, 95 per cent. of the *khandsari* sugar produced in the country will not be liable to this additional excise duty any more than it is liable to the existing excise duty; as such, Sir, I hope it will be

some consolation to my friends opposite that the cottage industry for which they have such deep and genuine sympathy is not going to suffer by the step which we contemplate taking.

Another point my friend, Mr. Mathuradas Vissanji, whom I do not see in his place today, made yesterday; he gave the House the impression that a great majority of the factories, in this country, are factories which have been in existence for a period of two years or less, and as such they have not had an opportunity of consolidating their position, and consequently they are going to be very hard hit by the taxation proposal which is now under consideration. I think the House would like to know that in 1934-35, that is to say, before the existing excise duty was introduced, there were as many as 130 factories in existence, as against a total of 146 which are in existence today. Therefore, Sir, the suggestion that they are weak factories, weak in the sense that they have been brought into being only very recently and have not able to consolidate their position, is not justified by the facts I have placed before the House.

Mr. M. S. Aney (Berar Representative): May I know from the Honourable Member how many of these 135 factories came into existence for the first time in 1934-35?

Sir Girja Shankar Bajpai: Well, I can, if my Honourable friend so wishes, give him figures of the progressive increase in the number of factories since the imposition of the higher protective duty:

1931-32	32 factories.
1932-33	57 ..
1933-34	112 ..

In other words, a great proportion of the factories has been in existence for more than two years

Mr. M. S. Aney: It might be two and a half years.

Sir Girja Shankar Bajpai: I think my friend's point is that these factories have been in existence only for a short period, and that as such we must assume that they are not making good profits

Mr. Mohan Lal Saksena: How many of them were under construction then?

Sir Girja Shankar Bajpai: In what year?

Mr. Mohan Lal Saksena: Before the excise duty was imposed?

Sir Girja Shankar Bajpai: I have told my friend that in 1933-34, 112 factories were in existence

Mr. Mohan Lal Saksena: How many were under construction?

Sir Girja Shankar Bajpai: They were completed factories,—I am not talking of the factories which were under construction. The increase in the number of factories since 1934-35 is only 16,—those are the only factories which could have been under construction then or started since then

Mr. Suryya Kumar Som (Dacca Division: Non-Muhammadan Rural): Three or four years is a long time?

Sir Girja Shankar Bajpai: It may not be a long time; the question is whether they have been in existence for a sufficiently long time to consolidate their position.

Now, Sir, these are the preliminary points I wish to make, and I now go on to the main argument. My friend—Prof. Ranga, I think, it was—said that it is very difficult to estimate the distribution of the incidence of this additional taxation, the additional taxation being eight annas per maund or one pice per seer of manufactured sugar. There are three interests involved,—there is the manufacturer, there is the consumer, and there is the cultivator. In so far as the manufacturer is concerned, the contention of the Honourable Members opposite is that the margin of profit which is being made by the factories is so very narrow, indeed if it is not non-existent, that this is going to deal a death blow to the industry. My friend, Mr. Chanda, gave some figures to the contrary the other day. His argument was assailed on this ground,—Oh, you are simply mentioning the names and dividends of factories which have been in existence for very, very long periods,—are the younger factories, the perpetual infants which are always crying for milk and which are likely to lose their milk if this additional eight annas is put on,—are these younger factories to disappear? May I inform the House that, from the figures which are available to us, and we have had a close examination made of them, out of 36 factories whose accounts have been examined, as many as 31 made profits varying from 6 per cent. to 66 per cent. in the account year ending September, 1935

Mr. Mohan Lal Saksena: How many of them made 66 per cent. profit?

Sir Girja Shankar Bajpai: One, but I hope my friend who stands for a more equitable distribution of national wealth will not argue that unless a factory makes 66 per cent. on its capital, it is not making a fair profit . . .

Mr. B. Das (Orissa Division: Non-Muhammadan): Take it off the 66 per cent. then.

Sir Girja Shankar Bajpai: I was simply indicating the fact that a great majority were making profits, which, considering the present rates of interest, are substantial.

Dr. P. N. Banerjee: Levy an excess profits duty.

Sir Girja Shankar Bajpai: That is merely a problem of taxation to which I am not addressing myself at the moment, I am concerned to assure the House that the contention that the manufacturer is going to be ruined by this additional taxation is not justified. That is the point I am on at the present moment.

Now, Sir, taking the quantitative figures, I hope I have shown that the margin of danger to the manufacturer is not as large as it is supposed to be. Now, let me give some figures of the newly established factories and their rates of dividends.

	Percentage of profit on capital.
The Hindustan Sugar Mills, Ltd.	32.31 per cent.
The Balrampur Sugar Company Ltd.	13.55 „
The Rohtas Sugar Mills, Ltd.	25.46 „
The South Bihar Sugar Mills, Ltd.	25.91 „

I ask the House whether in the light of the quantitative

Seth Haji Abdoola Haroon (Sind: Muhammadan Rural): May I know from the Honourable Member

Mr. President (The Honourable Sir Abdur Rahim). The Honourable Member must not go on interrupting.

Sir Girja Shankar Bajpai: I ask the House whether in the light of the quantitative figures I have given, it can honestly be contended that the additional burden proposed is a really ruinous burden. Again, let me remind the House it is only a case of eight annas a maund.

Then, Sir, with regard to shifting the burden on to the consumer, I think it was my friend, Bhai Parma Nand, who told us yesterday that, before the development of the industry in India, and immediately after the imposition of the high protection duty, the consumer used to pay as much as ten crores a year, which used to go into the pockets of the exchequer, and that, as such, if the consumer today has to bear a slightly heavier burden, there is no reason why he should complain. I think that is a very valid point, and I hope it will be borne in mind by those who are considering the interests of the consumer. But it might be of some interest to the House to know how prices for the consumer have varied during the last three or four years, because then they would appreciate that, even if the whole of this additional eight annas were passed on to the consumer, he would be better off than he used to be until very recently. Now, Sir, in 1930, in the first ten months, sugar prices were in the neighbourhood of Rs. 10 a maund. In 1931, they varied between Rs. 8-7-0 to Rs. 9-15-0, in 1933, between Rs. 8-3-0 to Rs. 9-2-0, and in 1935, between Rs. 8-7-0 to Rs. 9-0-0. And it was quoted by one of the Honourable Members opposite, pleading on behalf of the manufacturers, that at present the prices are in the neighbourhood of Rs. 6 a maund. If it be so, even if the whole of the eight annas is passed on to the consumer, it will be only Rs. 6-8-0 as against the Rs. 9 odd which he was paying till 1935.

Now, I will come to the cultivator for whom my Honourable friend, Seth Haji Abdoola Haroon's heart, which bled so touchingly and profusely yesterday. I think it was my Honourable friend, Dr. Ziauddin Ahmad, who, in the course of his remark, drew the attention of the House to the fact that the Tariff Board calculated their quantum of protection on an allowance of eight annas a maund for the grower of sugar-cane. If my

[Sir Girja Shankar Bajpai.]

Honourable friends were able to prove that, when the companies were making admittedly much larger profits than they were making in 1935, they were giving him eight annas a maund, there would be, I feel, some feeling of conviction as regards the sincerity of the claim that is made by the manufacturers on behalf of the cultivator. But, Sir, what is the position? It was only in 1934-35, with the introduction of the existing excise duty, that Government intervened to bring in a Bill for the purpose of empowering Local Governments to fix the price of sugar-cane. This was in April, 1934, when profits were very much higher than they were in 1935. And what was the experience of the two Local Governments which attempted to fix the price of cane? That it was impossible to secure to the cultivator more than five annas a maund. That gives you an idea, really, of how, left to himself, the manufacturer has sought to pass on to the cultivator his fair share of the advantage which is due to him as a result of the protection of the sugar industry! I hope in the face of these facts which I have given, Honourable Members will not lend too ready or credulous an ear to the claim put forward by the manufacturer speaking on behalf of the cultivator. No, Sir. I feel myself that considering everything, considering the profits that are being made still, considering also the benefit that will remain to the consumer even if the whole burden were passed on to the shoulders of the consumer—considering both things, I say it is the duty of the Local Governments under the provisions and powers which they have at their disposal—it is their duty to protect the cultivator from any transference of this additional burden on to the shoulders of the cultivator, and here I would venture

Prof. N. G. Ranga: Why don't the Centre keep that duty to itself, instead of passing it on to the Provincial Governments?

Sir Girja Shankar Bajpai: For the very simple reason that those in authority somewhere else decided in their wisdom that there shall be complete provincial autonomy in the near future (Laughter). I hope that now that my Honourable friends opposite are in a position to form Governments in the provinces where the sugar industry is primarily located, he would advise those friends of his to exercise their newly found power—I congratulate them on the acquisition of that power—to exercise that newly found power for the protection of the cultivator for whom I am quite confident that my Honourable friend, Mr. Ranga, feels most honestly and most sincerely. That being the position in so far as it is possible to evaluate the distribution of the incidence of this additional taxation, the question that I wish to address myself to is, is there any honest or real justification for the contention that the Government of India are moved by a machiavellian, or indeed, an inhuman desire to commit infanticide. I ask, how much is it that Government have given away by way of revenue during the last four or five years? I think it was my Honourable friend, Dr. Ziauddin, who made the calculation, and it was something in the neighbourhood of 32 or 34 crores. That is not alone. It is not as if Government have merely given away revenue. Government have during the last six or seven years contributed something in the neighbourhood of Rs. 90 lakhs to help the industry as also the cane grower in various ways in order to consolidate the position of the industry. Something has been said about the romance of the entrepreneur in this

country for having brought the industry to this stage. I think something ought also to have been said regarding the romance of the agricultural scientist—I am proud to say it is an Indian who has done this work, Mr. Venkataraman of Coimbatore—I think something ought also to be said about the romance of the agricultural scientist who in a sub-tropical country, such as India, has enabled cane to be grown under divergent climatic conditions in provinces, such as, the U. P. and Bihar. Everybody recognises, the Sugar Committee of the Imperial Council of Agricultural Research recognised it, that the future of the industry, apart from other points which I shall mention hereafter—that the future of the industry depends upon improving the production of cane. The genetical work which was done at Coimbatore for the last few years—that genetical work is being continued. We expect a great deal of new and improved results from the work which is being done. It is not sufficient that you should merely have a new variety of cane, but it is also important that you should try it under different climatic conditions, and Government have already created a chain of testing stations literally from the Indus to the Brahmaputra in the north and south of the Vindhyas in every presidency which is likely to lend itself to sugar-cane cultivation. There is one station in the North-West Frontier Province, two in the Punjab, two in the U. P., one in Bihar, one in Bengal, one in Assam; there is one in Madras, one in Bombay, and one in the Mysore States. That is so far as the genetical and experimental work is concerned. Special grants have been made to the Imperial Institute of Agricultural Research for the study of the diseases of the cane. The other day, the Honourable Member in charge of the Department of Industries and Labour went to Cawnpore and opened the Technological Institute which will devote itself to a study of the technological problems of the industry, the training of people to take charge of factories and, on the mechanical side, to the study of such problems as the utilisation of by-products, etc. I ask, is it fair to contend in the face of all this evidence that Government's main or hidden objective is to undo the work which at such sacrifice they have done, mainly to bring this industry into being and to consolidate its position? I should like to assure the House that nothing is further from the mind of the Government than that this industry should suffer an eclipse. But what the industry ought to realise is what Cassius said to Brutus, namely, "The fault, dear Brutus, is not in our stars",—I will substitute for "stars" "Government",—"but in ourselves". The industry has got to put its own house in order.

Babu Baijnath Bajoria (Marwari Association: Indian Commerce): What are the charges against it?

Sir Girja Shankar Bajpai: I am afraid it is never pleasant to frame an indictment against anybody, even against the sugar industry, but the point I would convey is this. Take, for instance, marketing. Everybody says there has been this extraordinary drop in prices. Have Honourable Members ever paused to consider—and I am now addressing my remarks in particular to the manufacturers—have they ever paused to consider the extent to which this drop in prices is the result of unregulated and uneconomic competition. As a householder, I know the price I have to pay for sugar. I do not get more than five seers a rupee, which works out to Rs. 8 a maund, as against Rs. 6 which the Honourable Member said that the factory owner gets.

Babu Baijnath Bajoria: What about freight charges and the middle men?

Sir Girja Shankar Bajpai: In so far as the middleman is concerned, what my Honourable friend says goes merely to support my point that an industry which is so highly organised or ought to be so highly organised as the sugar industry in this country

Babu Baijnath Bajoria: What about freight charges?

Sir Girja Shankar Bajpai: Freight charges—I have no doubt whatever that that element was taken into account by those who made proposals for the quantum of protection, and my Honourable friend cannot have it both ways—that you should take account of that in evaluating the quantum of protection, and then take it away when you are considering the internal prices. You cannot have it bothways. (Interruptions.) What it comes to is this that there should be no octroi, no terminal charges, no freight charges and the sugar manufacturer should be left to make what profit he likes. Surely, even in the very best world that kind of anarchical freedom is not likely to be attained.

Mr. M. S. Aney: I am afraid the Honourable Member has become rather desperate.

Sir Girja Shankar Bajpai: In what way?

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member need not take any notice of these interruptions.

Sir Girja Shankar Bajpai: I am surprised at the suggestion that I have argued in a desperate or despairing fashion. There is never any tendency on my part not to take notice of interruptions from the other side, but if I may say so, it tries even the coolest of individuals if some irrational propositions are put forward amounting to this—that there is to be absolutely no form of taxation at all in order to ensure that the sugar industry should thrive. That, Sir, was the point I had to meet by way of answer to my Honourable friend, Mr. Aney.

Now, Sir, the point is this. The industry has got to put its own house in order. For that purpose, industrialists have to come together and get away from the era of unregulated competition. It is equally necessary that the stimulus which has already been given to the production of cane and which has resulted in its expansion—that this particular activity connected with the production of cane should be regulated. What is indicated by that is that tea, coffee and other industries which, as stated by my friend, Prof. Ranga, yesterday, have organised themselves in order to adjust themselves to modern economic conditions, the sugar industry should also be assisted by Government to organise itself by a coordination both of the industrial and agricultural activities. Government have given thought to it, and they have come to the conclusion that on the model of the Indian Central Cotton Committee, or the recently created Jute Committee, there should be a sugar committee which will hold the balance even between the various interests concerned, namely, the manufacturer and the agriculturist. And, inasmuch as these organisations function to

little purpose unless they have funds at their own disposal, Government have also come to the conclusion that a committee of this kind should be placed in funds to an amount, to begin with at any rate, not exceeding Rs. 5 lakhs per annum in order to devote itself to the study of both the agricultural and technological problems of the sugar industry. In the face of that, I think it would not be fair that any Honourable Member should argue that Government are either callous or neglectful, let alone hostile. Equally, I contend that in the light of the explanation I have given before, the charge that Government has been guilty of any such attitude towards the industry falls to the ground. Every section of the House must realise that when a new form of taxation is introduced, it involves a burden on somebody, and that when the burden is imposed, some shoulders must bear it. Considering that the sugar industry yielded to Government as much as ten crores only the other day, it seems to me that the imposition of an excise duty which, at the most, may bring in something like two to three crores a year is not asking the industry to make a contribution disproportionate to the assistance which it has received from Government and the prosperity which, on the basis of the figures I have placed before the House, I can claim that it enjoys. In the circumstances Government have no option but to oppose the amendment which has been moved by my Honourable friend.

Babu Baijnath Bajoria: Sir, in his budget speech, the Honourable the Finance Member gave us two reasons which weighed with him in selecting the sugar industry for this additional taxation. The first was that there has been a great loss in revenue from the import duty on sugar during the last few years amounting to as much as ten crores of rupees, and so the indigenous sugar industry must make good this loss. This is a new doctrine of protection. I would say that it is a negation of protection. When Government grant protection to an industry, it is only to be expected that the imports of that particular commodity will gradually diminish and may even be eliminated altogether in the course of years, and when that policy of protection has proved successful, then Government should not grumble that there has been a loss of import duty. Now, let us examine this policy that the indigenous industry must make good the loss on the import duty. Take, for instance, the steel industry. If there has been or if there will be less imports of iron and steel, will the steel industry in India be asked to make good that amount which has been lost by way of import duty on steel?

An Honourable Member: There is an excise duty on steel ingots already.

Babu Baijnath Bajoria: I am not saying that there should be more excise. What I want to say is that this is a new policy which has been propounded that the sugar industry of this country must make good the loss. If, by reason of protection to the steel industry, import of steel goes down, as it is bound to do, then, will the steel industry be asked to make good the loss?

Mr. N. M. Joshi: Where is the money to come from?

Babu Baijnath Bajoria: That is for you to explain. I leave it to you.

[Babu Baijnath Bajoria.]

The same thing may be said about cotton, cement, and other industries. It means that when the industry grows here, it will have to pay excise duties. This is certainly a negation of protection, and it is an absolutely new principle which was never followed before. The second reason which the Government gave us to check over-production in sugar by eliminating weaker and inefficient producers. I have yet to hear what is the charge of inefficiency against this industry. The only point which Sir Girja Shankar Bajpai told us this morning is marketing and unregulated competition. The price of sugar has gone down to six rupees, and it must be said to the credit of the industry that this price now is at a level at which it was never before for 20 years past. In spite of heavy taxation, the price of sugar has been going down gradually and the development of the industry has also been taking place at the same time. It is a thing of which they can be proud and the Government also should be proud. It will be better for the industry if the price of sugar goes up a bit, but it is very difficult under the present circumstances. Even the Finance Member expected that this additional excise duty would be passed on to the consumer, but events have not proved this to be the case. There has been no increase in price. On the day on which this announcement of additional duty was made, there was an increase of two to three annas, but the prices have again gone down to their pre-budget level, and so the whole of this additional duty has to be borne by the manufacturer. It is a matter of great satisfaction that in a few years the industry has been able to supply the total requirements of sugar in this country. When we compare the prices at which sugar is sold here and the prices at which Java sugar is sold *c.i.f.* Indian ports, we find that if we take out of consideration the excise duty, the price of Indian sugar is about Rs. 4-8-0 per maund, and that of Java sugar is about Rs. 3-4-0 or Rs. 3-6-0 per maund. There are several reasons why there is this difference. If the Indian industry is to be blamed that it cannot reduce its cost to the cost of production of the Java manufacturer, I will give certain reasons for that state of things, and in this, I think, the Government can help in a great way. The first and foremost thing is about the cost of cane. As we all know, the cost of cane amounts to 70 per cent. of the cost of production of sugar and is the most important item in the production of sugar. The yield from Indian cane on the average is eight to nine per cent. and that from Java cane the average is about 12 per cent. . . .

Mr. B. Das: Why do you increase one per cent. for Java and decrease one per cent. for India? Is it not 11 per cent. in Java and nine per cent. in India?

Babu Baijnath Bajoria: I said it is eight to nine per cent.—was I wrong? Here is the report from the Sugar Technologist. The official annual report says, about the yield of sugar:

"It is gratifying to note that the average recovery of sugar in factories which worked for the first time during the season was as high as 8.55 per cent. In the United Provinces, the recovery in the new factories was actually higher than in the old factories."

Sir, I say that there is a good deal of difference, about 30 to 40 per cent., in the yield of sugar from Indian sugar-cane and Java sugar-cane. For this, certainly the sugar industry is not to blame, and I think it is the duty of the Government to improve the quality of sugar-cane in this

country, so that there may be more recovery of sugar from sugar-cane. The second point about the cost in India as compared with Java is that in Java most of the factory owners have got their own sugar plantations, and so their cost comes less. Here, the sugar industry has to pay a fixed price to the sugar-cane cultivator. Sir, I do not for a moment suggest that here also the factory owners should have their own plantations and should not buy sugar-cane from the cultivators, but I am only comparing at the present moment the difference,—why the cost to the Indian industry is more than to the Java producer.

Then, there is the third point, a very important point, about the by-products. Here, in India, Sir, we have practically to throw away the molasses or sell them only for a song. Well, here, the molasses can be made good use of by manufacturing spirit or alcohol, by using it as a manure or for other purposes, and it is for the Government to see that good use is made of these molasses. But they do not like to do that in this country. The Government refuse to give sanction to the sugar industry to have their own distilleries by which they can make spirit or alcohol. Sir, if alcohol is produced here in large quantities, it can be mixed with petrol for the purposes of motor transport; and now that Burma is separated from India, it is, I urge, to our great interest that we should prepare alcohol in more and more quantities so that our imports of petrol become less and less. These are some of the points which I have mentioned, which will explain the difference of cost of manufacture of sugar in India and in Java. Here, in India, out of Rs. 6 per maund, which is the selling price *ex-factories* at the present moment, the factory owner has to pay Rs. 1-8-0 in round figures, which leaves only Rs. 4-8-0 out of which for 11 maunds of cane they have to pay about Rs. 3-3-0 which leaves about Rs. 1-5-0 only! Now, is this sufficient to cover manufacturing expenses, allowances for depreciation, interest on working capital, etc.? I say, Sir, that it is not. It has been said that when the sugar excise was first imposed two or three years ago in 1934-35, the same thing was said, but the industry has been going apace since then and large profits are being made. Sir, this is not so. The effect of the excise duty has been very harmful to the Indian sugar industry, and I will explain this by giving a few examples.

First and foremost, at that time the price for sugar-cane was six annas per maund; on account of the reduction in the price of sugar, which has been due to several companies coming into existence, the price of cane has come down to Rs. 0-4-6 now, and there is every chance of its being reduced. Another thing is what my Honourable friend, Sir Girja Shankar Bajpai, said, on the basis of the list of factories which he gave us just now, that the number of factories rose up from thirty-two to one hundred and thirty in the year 1934-35. That was before the excise duty of Rs. 1-5-0 was imposed. At that time, I understand, several other factories were also under construction, which could not have been included in this figure as was said by the Honourable Member, and now what we find is that the total number of factories, after three years of the imposition of this duty, is only one hundred and forty-six, and so there has been an increase of sixteen factories only; and if we deduct the number of factories which were under construction at that time, we can see that there has been no expansion of the sugar industry due to the imposition of the excise duty since that time. These are the two definite disadvantages which have resulted from the imposition of the first excise duty on sugar, and now this additional excise duty will mean that several of the factories will have to close down, and some of them will have to be run at a loss.

[Babu Baijnath Bajoria.]

Sir, a resolution has been passed by a group of manufacturers of the Gorakhpur district that they will have to close down their mills at the end of this month as a result of this additional sugar excise duty. To show what effect it will have on the sugar-cane producers, I will read a few lines from this appeal which has been circulated to the Members of the Assembly. This appeal is not from the industry, but it is from the President of the District Congress Committee, Gorakhpur. This is what he says:

"If the mills close down from 1st April, it will result in terrible disaster to the cane growing districts. At least one-third of the cane grown will remain uncrushed. In the Gorakhpur District alone, some 2½ crore maunds of cane costing about 60 lakhs of rupees will remain uncrushed. The total revenue of the whole of the Gorakhpur District is only about 37 lakhs of rupees.

What will happen to this cane? It cannot be made into *gur*, for the 'kolhu' has almost disappeared from the country side. Again, the price of *gur* is itself so unremunerative that this year very little *gur* has been made in the country side. The concentration of the industry in the district has therefore made the peasantry entirely dependant on the fortune of the cane factories."

The Honourable Sir James Grigg (Finance Member): Who has signed that appeal?

Babu Baijnath Bajoria: It is signed by Mr. Raghava Das, President, District Congress Committee, Gorakhpur. (Interruptions.) Am I to understand that the Congress Committees are under the influence of the manufacturers?

Then, again, it has been said that there has been over-production of sugar. I repudiate this charge. In my opinion, there has been no over-production. At present only 16 per cent. of the sugar-cane, which is produced in this country, is crushed into sugar.

The Honourable Sir James Grigg: Did the Honourable Member say that there has been no over-production of sugar?

Babu Baijnath Bajoria: Yes, there had been no over-production of sugar.

The Honourable Sir James Grigg: Would he mind reading the last paragraph of the document which he has just read from where it is said: "We know that there is over-production in sugar"?

Babu Baijnath Bajoria: It is wrong. There may have been over-production of sugar in his own district for the consumption of his district, but if you consider India as a whole, there has not been over-production of sugar. (Interruptions.)

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member had better address the Chair. These conversations between Honourable Members should not go on when an Honourable Member is speaking. This ought to be realised by every Honourable Member.

Babu Baijnath Bajoria: Only 16 per cent. of sugar-cane is utilised in sugar manufacture at the present moment, and I think this figure is very low. Compared to sugar, *gur* is very unprofitable and is of very poor

value, both to the cane producer and to the consumer. Ten maunds of sugar-cane is required for the manufacture of one maund of *gur* and the price of *gur* is only about Rs. 2 or Rs. 2-8-0 per maund at the most. The *gur* manufacturer can only pay not more than two annas per maund for the cane, whereas the sugar manufacturer pays more than 4½ annas, so it is profitable for the sugar-cane cultivator to sell his cane to the sugar manufacturer rather than to the *gur* producer. So, I think there is ample scope for further sugar to be manufactured and to replace *gur* in the usual way. If there had been no excise duty at all, I can assure the Honourable the Finance Member that there would have been many more factories in this country and there would have been much more manufacture of sugar in this country.

Sir, my Honourable friends, Prof. Ranga and Dr. Ziauddin Ahmad, said that they would be satisfied if the manufacturer had a profit of ten per cent.

An Honourable Member: They said six per cent.

Babu Baijnath Bajoria: I think Dr. Ziauddin Ahmad said ten per cent. and Prof. Ranga said 7½ per cent. Sir, a factory owner will be quite satisfied if he gets a guaranteed 7½ per cent. or ten per cent. return on his investment or even a return of six per cent. But if he makes a profit of ten per cent. this year and does not make any profit next year, who is going to pay him? So, I say that if we consider the accounts of all the factories which are working at the present time, I do not think they have made on an average a profit of more than ten per cent. in the last year. The Honourable Sir Girja Shankar Bajpai gave an account of 86 companies which, according to him, were making from six per cent. to 66 per cent. but he did not say how many of them were making profits below ten per cent. and how many above ten per cent. Then, he did not take into account the accounts of those companies which were undergoing even a loss. I know of some companies which are running at a loss even at the present moment as can be seen from the share quotations of those companies.

Sir, I would like to say a few words about the remarks which the Honourable Mr. Chanda made the other day in connection with the sugar excise duty, because he comes from my province. He said that the enhanced excise duty would not affect the industry, nor the cane grower, nor the consumer. May I ask him, whom would it affect? Will it affect him? He also said that this industry was making a profit of 50 per cent. and now that it is making a profit of 25 per cent. only, it is considered a loss. He is absolutely misinformed. I would say that this is not borne out by the facts. Dr. Ziauddin Ahmad made a grievance about the weighing of sugar-cane in factories. He said that the sugar-cane is not weighed promptly when it reaches the factories. It is to the interest of the manufacturer to weigh the sugar-cane as soon as it comes to his factory, otherwise the yield of sugar from the sugar-cane will deteriorate as the cane will be dried up. But it is physically impossible to weigh the sugar-cane in an unlimited quantity which is offered at the mills. This shows that the sugar-cane cultivator thinks that it is to his advantage that he should sell his cane to the sugar manufacturer and that the price which he gets is a fair one.

[Babu Baijnath Bajoria.]

Another thing that I would like to say about this imposition is that a Sugar Tariff Board is going to be constituted very soon. I do not know why the Finance Member was in such a great haste to impose this additional duty on sugar. It was for making money. What is the necessity of constituting a Sugar Tariff Board. The Sugar Tariff Board is going to conduct a thorough enquiry into the working of this industry, and the imposition of this additional duty will, I think, forestall and prejudice that enquiry. This is most objectionable. Government should have waited till the report of the Tariff Board was available and then the Government should have come to their decision. I admit that at the present moment the competition is not between the imported sugar and the Indian sugar. A few annas of extra import duty or not does not make much difference. The price at which Indian sugar is sold is much below the import parity as was mentioned by the Honourable the Finance Member. But the whole question is this. The internal prices have gone down so considerably that it has become unremunerative, and this additional burden will mean the closing down of several factories. This industry is purely an Indian industry in the strictest sense of the term. It has got Indian capital, Indian management, Indian raw material and Indian labour. It is cent. per cent. Indian. It deserves better consideration than it has received at the hands of the Honourable the Finance Member. Sir, I support this amendment, and I oppose this addition of excise duty.

Mr. Mohan Lal Saksena: Sir, coming as I do from a province which has a very large stake in the sugar industry, I think I must raise my voice in support of the motion before the House. Sir, it is not only that we have the largest number of sugar mills in our province, not only we produce the largest quantity of sugar, but we have hundreds of thousands of peasants whose livelihood is dependent on the cultivation of sugar-cane. Sir, since the introduction of the Finance Bill, there has been almost universal criticism of the new taxes that the Honourable the Finance Member has proposed. They have been denounced by all shades of opinion in this House and outside. But still, the other day, we listened to the speech by the Honourable the Finance Member, and I wondered at his self-complacent attitude. I was a little amused at the manner in which he made short shrift of the arguments advanced by the Opposition and the way in which, at the end of his speech, patted himself and said: "Well done, Grigg, your proposals have come out unscathed during all this discussion". Sir, so long as there are the protecting wings of the fairy goddess in the Viceregal Lodge to give her shelter and to restore his clipped wings, the Honourable the Finance Member will go on behaving and acting in the manner he has been doing and still he will go unscathed and unscotched. Let us examine the manner in which he dealt with the arguments advanced by the Opposition.

As for this section of the House, he said, after all these are Congress people, they are opposed to all sorts of taxation, they will not be a party to any measure of taxation that is brought forward by the Government as it is constituted at present, and therefore, he need not pay any heed to them. As for Mr. Satyamurti, his speech was full of rhetoric and there was nothing in it. But what about Sir Cowasji and Sir Homi Mody? They are industrialists? Being himself obsessed with protection he said they are always crying for protection and more protection. Their arguments are all

guided by one motive, that the protection is being removed. Therefore, he did not attach any importance to those arguments. Then, what about that section of the House which outside this House is known by a term which will not be parliamentary to mention in this House, I mean that section of this House which has been supporting the Government measures out and out. When the Honourable the Finance Member finds that Honourable Members like Sir Muhammad Yamin Khan and Sir Muhammad Yakub and Haji Seth Abdoola Haroon are opposed to his measures, he disposed of them by saying that they were not conversant with facts. He quoted their speeches and said that they were not borne out by facts. We know that even a worm sometimes turns and we heard Sir Muhammad Yamin Khan, the other day. We saw him turning round and challenging the Honourable the Finance Member and charging him with misquoting and misrepresenting him. Still they had lingering faith and they appealed to the Honourable the Finance Member in all humility and earnestness. But, I am sure, the Honourable the Finance Member will remain unimpressed by all their pleadings and their requests and their appeals.

As regards arguments advanced by people outside the House, what do we find? We find that Sir T. Vijayaraghavachariar, a former distinguished Member of the Government Benches, who was in Government service, who went outside India to represent Indian interests, coming out with his criticism and denouncing the proposed imposition of excise duty. But the Honourable the Finance Member says, he is not a disinterested person and his opinions are biased, and so he dismisses his views.

Then, there is the Federation of Indian Chambers of Commerce and Industry, and there is also the representation made by the Indian Merchants' Chamber, and there is the representation made by the Sugar Millowners' Association, and the Honourable the Finance Member says with regard to these representations that, after all, whenever any new taxation is imposed, they must resent and they must protest, and that their protest is merely formal, and there is nothing substantial about it. Then, when he is confronted with a resolution passed by some of the millowners of Gorakhpur district that they were not going to crush any more cane after 31st March, he says they were not serious. This is all simply to bring pressure on him, and he is not going to be moved by these resolutions. They are merely paper resolutions. This is the manner in which he has disposed of all the arguments. I understand that a deputation of millowners came and waited on the Honourable the Finance Member, but he refused to be convinced by them. After all, Mr. Chanda has given us the secret of the attitude of the Government. He gave us a story of a certain man having offered to part with his pair of bulls provided he was convinced of a certain thing, but when his wife protested, he said, "My dear, you forget that after all it is I who is to be convinced". Here is our Finance Member who brings forward his proposals, and when we advance arguments whether they be from this side of the House or from the other side of the House, either from friendly quarters or from unfriendly quarters, he comes forward and says that whatever arguments he himself put forward have not been refuted by facts and figures. Well, Sir, what are the facts and figures? We find that the excise duty on *khandsari* sugar is going to increase from ten annas to Rs. 1-5-0, while the excise duty on factory sugar is going to increase from Rs. 1-5-0 to Rs. 2. May I know what was the evidence on the basis of which the Honourable the Finance

[Mr. Mohan Lal Saksena.]

Member thought it proper to impose this high duty on *khandsari* sugar? May I remind him of the answer given by Mr. Raisman about the profits that the *khandsari* sugar is making. It was in 1935, in reply to a question by my Honourable friend, Dr. Ziauddin Ahmad, that Mr. Raisman said that the profit of *khandsari* factory sugar was seven annas and four pies. This was in 1935. If the profits in 1935 were only Rs. 0-7-4, certainly those profits must have gone down, because the price of sugar has fallen. What is the argument? Did he consult Mr. Raisman and find out how much profit was this *khandsari* sugar making? But here again the eloquence of a Member from the U. P., Sir Girja Shankar Bajpai, was requisitioned in support of the Honourable the Finance Member. He said that 75 per cent. to 90 per cent. of sugar would remain unaffected by this duty. Why do you tax even this ten per cent., I ask? Why do you levy, if you must, a comparatively higher duty than even on the factory sugar? What is the justification for it? What are the profits that you are going to get from it? Sir, it was estimated in 1934-35 that the yield from this *khandsari* sugar would be 15 lakhs, but it was found to be only Rs. 57,000. Again, it was still less, and when this was pointed out that because the *khandsari* factories were closed the excise duty has gone down, they said: "No: the facts and figures on the basis of which the estimates were made were not accurate, and there was no accurate information in the possession of Government." Now, I want to know from the Finance Member how much he is expecting to get from this increased duty on *khandsari* sugar. Will it be a few thousands or a few lakhs? If it is going to be a few thousands, why are you going to impose this duty on *khandsari* sugar, and specially when you profess to have so much love for cottage industries? Sir Girja Shankar Bajpai says that it is not a cottage industry; that the *khandsari* factories which are going to be taxed are those factories which employ 20 or more men. But I think even these factories come within the category of cottage industries, and, as such, if the head of the Government, who has been professing again and again his love for the agriculturists and the people living in the villages, is concerned about their welfare, what is the justification for imposing such a high duty on the *khandsari* sugar which, according to the showing of Sir Girja Shankar Bajpai himself, shall not be more than ten per cent. of all the *khandsari* sugar that is being manufactured in this country?

Then, I will mention another thing. My Honourable friend, Mr.

1 P.M. Ramsay Scott, put a question in 1936, and, in reply to that, it was stated that the estimated yield from excise duty on *khandsari* sugar for 1935-36 was 15 lakhs, but for 11 months the yield was only Rs. 49,000. If that is the way in which the budget estimates are prepared, I must say that those who make the estimates are more responsible than anybody else for the precarious financial position of the Government.

Now, I come to factory sugar. The other day, the Honourable the Finance Member was pleased to quote in his support an extract from the *Pioneer* of the 14th instant, and said that the articles stated that the protection which is being given to the sugar industry is quite enough. But he forgot to inform the House, or may be he deliberately did not inform the House, that this article was written in support of the demand that there should not be any fresh imposition of excise duty on sugar. This

article was published in the *Pioneer* in two instalments, and, at the beginning of the second instalment, the writer says:

"In considering the raising of the excise duty on sugar we will have to take into account the falling internal prices for sugar produced within the country. This is due to over-production and a rapid growth in the number of mills within the last four years. The price of Indian factory made sugar, first crystal, in February 1937 was about Rs. 6-9-0 (mean price between Rs. 5-14-0 and Rs. 7-4-0) per maund. Compared to the present cost of production these prices leave a margin of about 0-13-4 a maund. As against this an excise duty of 0-15-5 was imposed last year. How the sugar manufacturers could pay the excise duty last year is explained by the fact that the cost calculations made by the tariff board were based on the assumption that the factories could crush 13 lakhs of maunds of cane annually or in other words, for a factory with a daily crushing capacity of 300 tons of cane. But actually the factories were crushing between 800 to 2,000 tons a day, the general average being 1,000 tons. It was the reduced cost of manufacturing on large scale that could enable the big factory owners to pay the excise duty. The smaller mills suffered a loss and some of them could declare no dividends. Sugar refineries and the *khandsaris* (indigenous sugar manufacturers) had to stop production because their cost of production was even higher than that of the small factories and they could have no chance of standing the competition. This duty is being raised to Rs. 1-7-6 per maund (Rs. 2 per cwt.) and would mean an additional burden of annas eight per maund."

I am quoting the same writer whom the Finance Member quoted the other day. The writer, who is a Lecturer in the Lucknow University, has shown by facts and figures that this duty is going to mean a great hardship, not only to the manufacturers, but also to the cultivators.

Then, Sir, the Honourable the Finance Member also quoted the President of the Congress, and he thought he was quoting something against which we had nothing to say. We admit just now that there has been over-production, and even now the Honourable the Finance Member interrupted Mr. Bajoria and said that in the letter of Babu Raghava Dass it is said that there is over-production. But I want him to read it through. In his appeal, Babu Raghava Dass says:

"We know that there is over-production in sugar, and we cannot go on increasing the area under cane cultivation. But the fault of not controlling the increase in the area under cane is not the cultivators'. The Government and its cane development societies and the millowners have all been encouraging the growth in the area under cane. The measures to stop over-production of sugar must therefore take into account the cane-growers' plight."

Babu Raghava Dass informs us that during last year there has been 16 per cent. increase in the area of cultivation; and he further says that in Gorakhpur, where you have got about 25 mills, there are about 80,000 families who are dependent on the cultivation of sugar-cane. And this is one of the districts which was hit very hard by the last floods. About 1,500 villages had been afflicted. Their only hope was this cane crop, but now comes the excise duty, and there is the decision of the factory owners who have resolved that they are going to crush no more cane. May I know if the Finance Member or his Department consulted the U. P. Government on the subject? What is going to happen to these cultivators? Did he consult the Minister of Agriculture there? I have got at least one quotation from the Minister of Education. When the Honourable Sir Frank Noyce went to open this Sugar Technological Institute, the Minister told him about the plight of the agriculturists and the sugar manufacturers there. I do not know whether the Finance Member is going to take all this into consideration. I was saying that he referred to Pandit Jawaharlal Nehru: but what did Pandit Jawaharlal Nehru say? Does he not talk

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every day about the miserable plight of the cultivators? What has the Finance Member done to alleviate that? When Pandit Jawaharlal Nehru was speaking, he was speaking of the miserable plight of the cane growers there. What is their condition today? But the Honourable the Finance Member says: "Never mind, you can get your sugar from Java; and, as for the cultivators, they can take to some other crop". What other crop can they take to? Has he considered what other crop they should substitute for sugar-cane? We would like to know it. He also said that we spent 15 crores on sugar, out of which five crores only went to Java and ten crores went to the Government of India, and now the Government of India had lost about ten crores in revenue: therefore, what can the Government of India do? But I want him to bear in mind that, out of this ten crores, which he says is lost to the Government of India, is he sure that the Government are getting nothing besides the excise duty? Is he not getting greater revenue through income-tax? Is it not a fact that the railways are earning larger revenues by carrying sugar-cane? Is it not a fact that the irrigation authorities have been earning a lot because of the increase in sugar-cane cultivation in the country? Has he not read the statement of an employee in the Irrigation Department of the Bombay Government which came out in the papers yesterday, that it is feared that the Irrigation Department in Bombay is going to suffer a loss of about 20 per cent. owing to this increase in the excise duty? May I know if he consulted the Provincial Governments as to how much decrease was going to be caused owing to decrease in sugar-cane cultivation? I think he would have been on surer ground if he had placed all these facts before us; but he did not do anything of the kind. He has not waited for the report of the Tariff Board which is going to be appointed: why such great hurry? Was he afraid of the results of the inquiry? Did he think that, after the report of the Tariff Board, it would not be possible and he would not be justified in making a fresh imposition of excise duty on sugar? Was it because of that? If not, then why this haste? His proposal to impose fresh taxation without consulting Local Governments, and without waiting for the results of this inquiry by the Tariff Board, reminds me of that foolish man whose cupidity and stupidity egged him on to slaughter the goose which laid golden eggs, so that he might get the golden eggs all at once. He says: "Look here; here is an industry built up by the sacrifices of the Government, and, therefore, the Government have a right to sacrifice the industry to protect itself." This is the argument he has advanced. He also says that, by the imposition of this fresh excise duty, only the inefficient will be wiped out. I say, it is not inefficiency, but efficiency itself which is being penalised. As has been pointed out by Mr. Bajoria, there may be defects: I concede there are defects of organisation; there may be lack of proper marketing, lack of co-ordination, all these things are there. Sir Girja Shankar Bajpai contends: "Look here, after all sugar is selling at Rs. 6-4-0 or Rs. 6-9-0 a maund now, formerly the consumer used to pay Rs. 10 a maund: why cannot he pay eight annas more now?" Again, he says: "After all, if the manufacturer organises the industry and takes steps to have proper marketing, sugar will bring higher prices. Because they are not doing that, they must be punished." But I want the Government to know this: that in the present condition of the industry, we know there are defects . . .

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member can 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. Mohan Lal Saksena: Mr. Deputy President, when the House rose, I think I was referring to the argument of the Finance Member that, instead of getting this protection, if India were getting sugar from Java, then the Government would have got ten crores of rupees, assuming that India consumed about fifteen crores worth of sugar; and, then, as regards the employment that has been provided to the cultivator by the sugarcane crop, he said that the cultivator would have taken to some other crop if this protection to the industry had not been afforded. Sir, I want to know from the Honourable the Finance Member whether he has ever consulted the Agricultural Department as to what is the crop which these cultivators could have taken to in the absence of the sugarcane industry? I have already referred to the letter addressed to the Members of the Assembly by the President of the District Congress Committee at Gorakhpur, and I am informed by my friend, Mr. B. B. Varma, that similar letters have been received by him and other Members of Bihar where a large number of cultivators are going to be affected by the excise duty. After all, Sir, what are the facts? My friend, Sir Girja Shankar Bajpai, says: "Well, after all, this excise duty can be shifted on to the consumer". Now, I ask, has it been transferred to the consumer? The excise duty has been in force for now well nigh two weeks. Have the prices of sugar gone up? They had gone up a little, but they have now come down. So the prices remain where they were. Does the Finance Member expect that the manufacturers will go on crushing sugarcane simply for the benefit of these cultivators? Personally, I don't think they will care to do anything of the kind. They have decided,—and I don't think it is an idle threat,—to close their factories. After all, there is the question of profit. If the manufacturer cannot crush sugarcane at a profit, he is not going to work his factory merely for the sake of helping the cultivator. At the most, what he might do is, he might purchase sugarcane at a lower rate, and that again would mean a loss of crores of rupees to our cultivators. Thus, the whole of this excise duty will be passed on to the cultivator, and not to the consumer or the manufacturer. Then, again, so far as our province and the province of Bihar are concerned, sugar factories shall have to face a double competition. Sir, in our province, we have got a large number of factories which were started during the last three or four years, and the same is the case in Bihar too. I have got exact figures, there were 61 factories in the U. P. and 24 factories in Bihar, started during the last four years, and not during the last two years. I hope my friend, Sir Girja Shankar Bajpai, will correct me if I am wrong. Now, Sir, we know that as against these, other factories have been working for a longer time. They have established themselves, they have built up reserves, they have got longer experience, and, therefore, they have a distinct advantage over these factories which have come into existence during the past three or four years. Therefore, these newly started factories have to compete with the older

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mills. Then, there is also the question of railway freight to be paid to Bombay and other ports on sugar sent from the U. P. and Bihar, and, apart from this additional cost of freight, our sugar has to face the competition with Java sugar and also with sugar that is made in those provinces. Therefore, most of the factories in the U. P. and Bihar have to face a two-fold competition by the imposition of this excise duty.

Sir, there is another danger to the Indian sugar industry as a whole. There is no sugar excise duty in Indian States. Some of the States might start sugar factories. We know for a fact that Mysore and Hyderabad already got a number of factories running very successfully, and other States also might similarly encourage the starting of factories for making sugar if they find that sugarcane will be available within easy distance. Therefore, Sir, I think, even from an administrative point of view, the imposition of the sugar excise duty is not at all desirable.

Then, my friend, Sir Girja Shankar, said, Oh, instead of arguments, even if he were to throw manna, he would not be satisfied, as if we were so very unreasonable people. Well, leave manna alone. We want bread. We have been asking you for bread for our cultivators, and you have given stones, and more and more taxation has been imposed.

Sir, If the Government impose this excise duty, there will be great hardship caused to the cultivators in the U. P. and Bihar. My friend, the Finance Member, may not be there to face those troubles, but the Provincial Governments will have to face them. I should like the Finance Member to consult the men on the spot as to what is going to happen if these manufacturers stop crushing cane after the 1st of April, as they have decided to do. How much sugarcane will remain uncrushed? What will be the total value of that crop, and what will be the extent of the suffering that would be caused to the poor cultivators in whose welfare everybody seems to be interested so long as his purse or pocket is not touched.

The other day, Mr. Chanda told us that comparatively the Government servants were low paid: he said that the lawyers were well paid, the doctors were well paid, the merchants were making good profits, but it was the Government servants who suffered. Sir, if one examines the figures, one will find that during the last ten years, the income of all classes has gone down considerably, except the income of Government servants. That is the only class whose income has not gone down, and it is certainly surprising that the Finance Member should have come forward with a proposal to impose an excise duty on sugar which will fall heavily on the poor cultivators, instead of resorting to a salary cut. Then, Mr. Chanda went on to say: "Certainly the Government have a right to expect,—after having suffered an annual loss of about 10 crores in their revenues,—the sugar manufacturers, the consumers and the cultivators to make some sacrifice." But I want to know, after having fattened on our peoples' money for the last so many years, have we no right to expect any sacrifice from the Government servants,—the Finance Member downwards, or we should continue to pay them at the same rates of pay, so that they may go on imposing burden after burden, and they expect that we should not even groan, because they say that, after all, whenever any tax is imposed, there is bound to be protests raised from all quarters, and that was the argument of Sir Girja Shankar Bajpai. We on this side are not

opposed to taxation, but we are certainly opposed to this taxation and the manner in which the money raised by taxation is being spent. Unless we are sure that the money raised from the Indian people is being spent for the welfare of the people, we are not going to be a party to any measure of taxation that may be brought by the Government Benches on the other side. So far as this particular duty is concerned, we are not opposing it on political grounds or on constitutional grounds, but because we feel that it is not justified, judging either from canons of taxation or even on ethical grounds. What is the position? After all, you assured the industry of protection for fifteen years. The one charge against the Indian people was that Indian capital was shy, that we were not enterprising, that we were not industrially-minded, that we were hoarders of money, and so on. But what do we find? In less than six years about rupees thirty crores have been invested. Given proper conditions, given suitable encouragement, Indian capital is not slack. We find not only that. During the last five or six years, we have built up an industry which can hold its own as against any other. Having given assurances of protection for a definite period, will it be fair for the Government to take it back? Will it not scare away future investors? Therefore, if you find that these factories are not playing the game properly, the remedy is not to impose an excise duty, but to tax the profits. You can tax the profits, you can socialise the profits if you want to. The Government actually examined the profits and losses of 31 companies, and the profits ranged from 7½ per cent. or 10 per cent. to 66 per cent. or something like that. I asked Sir Girja Shankar how many of them were making 66 per cent. The reply was one. I say, by all means tax all these profits if you may, and you should be able to do it. But you must wait for this enquiry that is going to be instituted, and, till then, you must find some other means of raising the necessary money. The Honourable Member will not take our other suggestions. When we ask him to impose a duty on the export of gold, he does nothing, and says that it should not be done. After all, Sir, gold is either a commodity or not. The Honourable Member has come forward and said: "We purchased gold at a cheap rate and we are selling it at a high price. So it is to the advantage of India that gold should be allowed to be exported free."

The Honourable Sir James Grigg: May I ask, is the Honourable Member in order in discussing an export duty on gold, on an amendment which relates to sugar excise duty?

Mr. Deputy President (Mr. Akhil Chandra Datta): The Chair does not think so. The Chair does not know how the Honourable Member makes it relevant.

Mr. Mohan Lal Saksena: I make it relevant in this way, Sir. How is this deficit to be met? When we oppose this particular duty, we are prepared to make other suggestions as to how to raise the money, but the Honourable Member is not willing to listen to us; he is to blame for it, and not we.

Mr. Deputy President (Mr. Akhil Chandra Datta): The Chair hopes the Honourable Member will not dilate on it.

Mr. Mohan Lal Saksena: I will not dilate on it. But I know one thing. It is well known, it does not require any knowledge of economics—that no householder in India will part with his gold and silver holding unless he is reduced to an absolute state of poverty.

The Honourable Sir James Grigg: That is why you want to tax him!

Mr. Mohan Lal Saksena: According to you it is a commodity, and you must tax it.

The Honourable Sir James Grigg: You say that I do not want to put an export duty on gold. You have just said you do want to do it. You also said that gold is the ultimate property of very poor distressed people, and I say that is why you want to tax them!

Some Honourable Members: Oh, oh!

Mr. Mohan Lal Saksena: Any way, I have not much time, because other friends are going to speak after me. I want that this export of gold should be taxed, but all the same we want that the tenantry and the peasant should have relief otherwise. They are being crushed by other burdens, and we want that to be taken off.

An Honourable Member: They have no more gold.

Mr. Mohan Lal Saksena: And even the *Statesman* is pleading for the imposition of an export duty on gold now. And where has all this gone to? To the Bank of England.

An Honourable Member: No, no.

Mr. Mohan Lal Saksena: Most of it.

An Honourable Member: Have another guess.

Mr. Mohan Lal Saksena: Lastly, I want to come back to *khandsari* sugar. I have already told the House that the yield from this is going to be very small. In the 1935-36 estimates, it was expected that Rs. 15 lakhs would be realised, but only Rs. 49,000 was realised in 11 months. In 1936-37, it was expected that one lakh . . .

The Honourable Sir James Grigg: I say it is a repetition of what has been said over and over again before.

Mr. Mohan Lal Saksena: If you want to interrupt me, do so in a manner that may be audible.

Mr. M. Ananthasayanam Ayyangar (Madras ceded Districts and Chittoor: Non-Muhammadan Rural): And also as decorum requires, and not sitting.

Mr. Mohan Lal Saksena: In reply to another question in the House, it was stated that in 1936-37 the estimate of excise duty from *khandsari* sugar was only one lakh. So, if this duty is going to be raised from ten annas to Rs. 1-5-0 it means an increase of 11 annas, and that would mean that the total income will not be more than Rs. 2 lakhs. So, have the Government come to such a pass that for this paltry sum of Rs. 2 lakhs they are going to tax these cottage industries?

Mr. A. H. Lloyd (Government of India: Nominated Official): It is not a cottage industry.

The Honourable Sir James Grigg: May I inform the Honourable Member—what he does not appear to know—that *khandsari* sugar is not taxed at all unless it is made in a factory employing at least 20 persons?

Mr. Mohan Lal Saksena: Yes.

The Honourable Sir James Grigg: 20 is a cottage—is it?

Mr. Mohan Lal Saksena: Our ideas of a cottage industry differ. Personally I think all the factories that are working even with 20 persons in villages are cottage industries. I am not one of those who believe that, because there are five persons working, it is a cottage industry, whether they work in a city or a town or elsewhere. I know that these *khandsari* factories that are employing 20 or even more workers are providing bread to so many cultivators, and I know more than the Honourable Member as to what these *khandsari* factories or any other subsidiary occupations mean to the villagers. I have seen their position. I have seen how they are faring. Even one pie a day added to their income is bound to go a long way to alleviate their suffering and misery. I would like the Honourable the Finance Member to go round with me into the villages and see to what straits these people have come. Assuming that the number of factories affected is so small as the Honourable Member has pointed out, what is the justification for increasing it by more than 100 per cent. so far as *khandsari* is concerned? Is it not a fact that *khandsari* sugar is making a smaller profit than the factory sugar? Why have you increased this duty by more than 100 per cent. while, on the factory sugar, you have increased the duty only by about 50 per cent.? Lastly, Sir, I know that the Honourable the Finance Member and his colleagues on the front benches are desirous of going down in history like the ministers of King George III who were responsible for the loss of a great dominion. We may carry any number of cuts. We may pass any number of censure motions, but they are not going to listen to us. The stage has come when, instead of censuring, scrapping of the Government is needed. The Honourable Member may feel safe in his place, and he may think that he may go on defying our votes here, but I may tell him that every popular decision that he resists has its repercussion outside, and Sir Cowasji Jehangir was right in saying that to a great extent the acts of the Government are responsible for the popular resentment against the Government. Things are moving faster than the Honourable the Finance Member can realise. He sits here and he is assured by people on the spot, by flunkies and toadies that the Government had got the support of the people, but what do we find in the last elections?

The Honourable Sir James Grigg: Is this in order on a debate on sugar?

Mr. Deputy President (Mr. Akhil Chandra Datta): Although there is no time limit, there are other Honourable Members anxious to speak, and, therefore, the Chair would ask the Honourable Member to cut short his remarks.

Mr. Mohan Lal Saksena: I was only giving him a warning. That is all. We know he is not going to listen to us. I want to tell him that he may go on doing this, but the day of reckoning is not far off. The Government will have to suffer for defying every popular vote and for every action they take against the wishes of this House. With these words, I support the motion.

Haji Chaudhury Muhammad Ismail Khan (Burdwan and Presidency Divisions: Muhammadan Rural): Sir, I rise to support the amendment moved by my Honourable friend, Mr. Kazmi. The proposal of the Finance Member to increase the excise duty on sugar from Rs. 1-5-0 to Rs. 2 per cwt. has already created a great stir in the industry, as this increase is not

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justified for the simple reason that it is opposed to the interests of the agriculturists, the consumers and the producers. It has been condemned by almost every one interested in the growth and development of this industry.

Sir, the Finance Member is out to increase the duty on sugar which was granted protection only a few years back. The industry could hardly be expected to organise itself in such a comparatively short time. There is no doubt that, with the aid of the protection, the industry has made a remarkable progress, but to check its development and to kill it in its infancy cannot be considered to be a sound policy of the Government. The small investors who, as a result of the protection granted to it, took to this industry and invested a large amount of money in it in the hope of making profits will feel its effects very much and it is sure to prove unbearable to them. This House has always been opposed to the principle of levying a tax on production and not on profits. The policy of imposing the additional duty on sugar at this stage is not at all sound as it is bound to eliminate the struggling small manufacturers from the field and also deprive the growers of cane of fair prices for their produce.

Sir, as I have already pointed out, only a few years ago, this House granted protection to this industry to foster itself and to make India self-sufficient in the matter of sugar. But, before it could consolidate itself, an excise duty was imposed on it in 1934, and now the Finance Member wants to enhance the duty that was put three years ago. The question of further protection to this industry is being referred to a Tariff Board, and surely the Government could have stayed their hands for a little more time and allowed it to develop. It is very unfair that, before the results of the Tariff Board enquiry into the state of the industry are known to the Government, they should have considered it fit and desirable to burden the industry with this additional duty.

Sir, the Honourable the Finance Member thinks that the effect of the enhancement of the excise duty will be to drive out of existence the weak and inefficient producer. I am unable to subscribe to this argument of his. The growth of the industry has greatly added to the economic betterment of the people, and it would have been preferable if he had spared it and given an opportunity to it to improve its efficiency. In my opinion, the excise duty is bound to hamper, not only the interests of the manufacturer and the agriculturist, but possibly also our export to other countries.

There is another point. As this industry provides work to a large number of persons, the unemployment problem is sure to be more acute in the event of closing down of factories. Instead of tackling this unemployment problem, the Government are trying to worsen the situation. I am honestly of opinion that the industry is not in a position to shoulder any additional burden. I appeal to the Honourable the Finance Member to accept at least this modest demand of this side of the House. With these words, I support the amendment.

Mr. Sri Prakasa (Allahabad and Jhansi Divisions: Non-Muhammadan Rural): Once upon a time, Sir,—and I should like to give a sugar story in order to satisfy the fastidious taste of my friend, Mr. Girja Shankar Bajpai. (*An Honourable Member*: “Sir.”)—as titles are no part of the functions of the Governor General in Council, I do not propose to recognise

them (Laughter)—Once upon a time, as I was saying, there was a boy; and, like all boys who are going to make history, he was no good student of history or of anything else. And like the thief in the dark came the eve of the examination. Nothing daunted, he repaired to the neighbouring temple of Kali; and standing on one leg with folded hands he prayed: “O, Kali, give me wisdom; O, Kali, give me knowledge; blast my examiners and let me pass.” Pleased at the prayers, Sir, in the small hours of the morning, Kali appeared. She had an ordinary female form, with two legs and two hands and the rest of it; but she had one thousand heads. As the boy saw this figure, he laughed aloud. Kali was angry; she exclaimed: “I come in person to you and you laugh! Why do you laugh?” The boy said: “Don’t be angry. A cough suddenly came to me, and I laughed. I am always at a loss to know as to what to do when I catch a cold. I have only two hands and one nose; and it takes all that I am worth to keep my nose in order. I am wondering how you are able to manage thousand noses with only two hands when you catch a cold.” Kali was appeased. She said: “I am very pleased with your light-hearted optimism. I am even more pleased with your mathematics. You can grasp at a single glance the number of noses and hands that appear before you; and it seems to me that you are quite capable of calculating to a fraction of two-sevenths of a pound avoirdupois the amount of catarrh that will flow from various types of noses. As catarrh is as necessary to keep the cold out, as salt and sugar are necessary to keep the heat in, it seems to me that you are the fittest person to be a Finance Member and take all these things. You should at once go to the Court at Delhi, and I shall arrange beforehand that you should be appointed.” So, the boy, Sir, with his shining morning face, his hair carefully brushed, and with a rose in his buttonhole, appeared before the King, and he was forthwith appointed. (Laughter.) He pleased the King with his ready wit, he blasted his enemies with his withering satire, he played ducks and drakes with the finances of the country, but the people in sheer terror worship him as a god! And to this great god of capitalism cum imperialism cum bureaucracy, this eternal boy of our finances, I pay my reverent homage. (*An Honourable Member*: “Amen.”) Having fulfilled my task like a pious Hindu, who must always worship some god before he enters on any mission, I shall proceed with the subject in hand (Hear, hear) and I am sure you must have found that the story is a relevant one.

I am not so much worried over the excise duty on sugar as I am filled with wrath at the whole policy of the Government with regard to sugar. Sir, some years ago they gave artificial help to the sugar industry; and as the sentences quoted by the Finance Member from Jawaharlal’s Autobiography clearly show, this artificial help brought on a mushroom growth of sugar factories. If the Government had intended to hit the industry, they should never have started in this insidious manner. Having encouraged the people to invest heaps of money in this industry, they are now changing their policy, and making the industry impossible. The way in which sugar has fared in our land, and especially in my province during the last few years is scandalous in the extreme. The whole economy of the village has been revolutionised and ruined. If you travel through the districts of Basti and Gorakhpur, you will find that large fields that were formerly given over to wheat and barley cultivation are now used for sugarcane; there are large sugar factories near even small way side stations, and the funny thing is that there is no sugar available in the villages at all. Where so much sugarcane is grown, that is, in the

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villages themselves, no sugar is now left—that is the tragedy of the situation. With the factories near at hand, all cane growers sell the sugarcane to these factories. They have to undergo innumerable troubles to get their sugarcane sold; they have to stay outside the factory in rain and cold for long days and nights before they can manage to get their sugarcane taken at the factory. Still they prefer to sell the cane than keep it themselves.

In one of the villages in which we held a census, we found that out of about 110 families, there were only six or seven which had sugar in any form on the great Diwali day. The children of all these families had no sugar on a festival day, while sugarcane was being cultivated all-round! The old system was for every tenant to reserve a small portion of his land for sugar cultivation; and when he reaped the sugar crop, he brought it home, turned it into *rab*, *khand* or refined sugar as suited his fancy, kept enough for the needs of his family, and sold the rest. What happens now is that the whole lot is sold out and nothing is retained. My friend, Mr. Chanda, who is the biggest chunk of *gur* I have ever come across (Laughter) said that a poor villager never takes sugar, he only takes *gur*. But he forgets that *gur* and sugar are practically the same for the villager. If he gets no sugar he gets no *gur*, because when he sells his sugarcane crop, the possibilities of getting either sugar or *gur* both disappear together. The net result is that no sugar is left for these villagers at all.

The Finance Member, Sir, does not know what the heat of the plains is. I gave a story to this House that even when it is moderately hot, he travels with forty maunds of ice. I take the earliest opportunity to correct the figure for he has solemnly assured me that he carries only thirteen maunds and not forty. If he should ever peep out of his saloon window while travelling in the plains on a May or June day, he will find that sugarcane cultivation is being carried on by poor peasants at great pain and in great agony. They have no ice to keep them cool; they only have the sun to beat on their heads and backs to keep them hot and very hot indeed. It is a pity that after all the labour that these men undergo to grow sugarcane, their children should be deprived even of a bit of sugar during the whole course of the year! And my plea is just this that the whole policy of Government as regards sugar needs overhauling, and they should consider the possibilities of so managing things that the fruits of the labour of these villagers should go to themselves.

Sir, it is cruel and thoughtless to embark upon, first the policy of artificially helping an industry, and then to indulge in a contrary policy so as to kill the whole of that industry. The Honourable the Finance Member may say that in the way he is now adopting the men in the villages would be able to keep their sugarcane, as they used to do before; and they will not now be in such a breakneck hurry to sell it all to the nearest factory. But what is happening at the present moment? In Bihar, for instance, they have a sliding scale of prices which they revise every fortnight; and our latest information is that the factory owners have threatened to close down their factories on March 31st if this duty is imposed. The result of all this will be that heaps and heaps of sugarcane lying at the gates of these factories will rot and go to waste and the peasant will be ruined. I think the Finance Member should take into consideration this particular aspect of the question. The pity of it all is that before the Bill has passed

this House even in a certified form, the duty has already come into existence. In the last clause of his Bill, he has declared that it is in the public interest—I do not know what he means by “public” and what he means by “interest”—that these duties must be imposed immediately. Sir, my friend, Sir Girja Shankar Bajpai, said that the Government must not be accused of any Machiavellian motives. To say that, was the biggest libel on the great soul of Machiavelli. (Laughter.) It is not the Machiavellian policy that the Government are pursuing. It is the Griggian policy which is far more dangerous. Machiavelli at least was frank and straight; but our friend comes under-clothed in legal garb and covered with statutory forms. In fact, however, he carries through his wishes by executive decree. So, from every point of view, it seems right that this particular clause of the Bill must be opposed.

My friend, Mr. Chanda, spoke of the heavy dividends that the sugar industry gets. May I know what dividend or interest he himself is getting on the amount of money invested on his education? Parents in India invest money on their sons' education from the same motive that they may invest in a sugar factory. I almost fear he is getting as much as 400 per cent. on the amount of money that has been spent on him and he grudges a paltry seven or eight per cent. dividend to persons who go in for other industries.

Sir Cowasji Jehangir (Bombay City: Non-Muhammadan Urban): What dividend do you get?

Mr. Sri Prakasa: I get some sort of minus dividend. Men on this side of the House have every reason to complain, because, instead of giving any dividend to our parents, we continue to be heavy liabilities on them. But so far as Members on the other side are concerned, their parents, if they are living, have every reason to be satisfied with what they have been getting. I hope the House will throw out this clause and will accept the amendment. Whatever Griggian tactics may do at the end of the show, this House must record its protest against the Government's sugar policy, and, by its vote, declare that it has no need for this clause or this Bill or this Finance Member.

Sir Abdul Halim Ghuznavi (Dacca cum Mymensingh: Muhammadan Rural): Mr. Deputy President, I wish to speak a few words in connection with this sugar duty. Personally, I believe in free trade. Protection is the legalised method of transferring crores of rupees to a section of people at the cost of the masses and protection, after all, taxes consumers and brings profits to a few producers and also gives cover to inefficiency and stagnation. But in India there are industries to which protection has to be given. One thing they should do before introducing protection, and that is to find out whether that particular industry stands in need of protection and for what period. I will assume that in this case protection was given after finding out that it was necessary. Once you gave that protection for a particular period, was it fair to withdraw it within that period without a further inquiry by the Tariff Board? Protection is being withdrawn in this case, and you are imposing a duty which it cannot bear. In other words, what you gave with one hand is being taken away with the other.

In 1934, when the Honourable the Finance Member's predecessor imposed this excise duty for the first time, he said, as far as I remember, that it would be for his successor to find out whether that excise duty

[Sir Abdul Halim Ghuznavi.]

which he was imposing should be there or not after some years. There is the Tariff Board and my Honourable friend, Sir Homi Mody, made a very good point the other day when he said that the Tariff Board must be a permanent Board, if you want to have any confidence in that Board. A permanent Tariff Board will be very useful in this sense that, when they require to examine certain industries, they will examine them; and when they have not got any industries to examine, they will watch the industries to which protection has been given, see how they are proceeding and whether further protection is needed or not, and so on. That is the reason why you should have a permanent Tariff Board. Only the other day, you said that you have appointed a Tariff Board which is going to investigate the case of the sugar industry. Was it fair, before the Tariff Board has made its report, to tax sugar in the manner in which you have done?

Sir, in our childhood we were told to cut our coat according to our cloth. But what we find now is that the Government cut their coat, not according to their cloth, but they want to have other people's cloth added to their cloth to fit in the big coat they want to have. There was a deficit of a crore and three-quarters. It was the duty of the Finance Member to reduce the expenses and to balance the budget. My Honourable friend may easily say that it is easy for you to talk like this, but you should come in my place and see whether you can do it or not. We have heard that sort of remark many a time. Sir, the budget could have been balanced easily by reducing the expenses. It was not a very heavy deficit after all. Instead of doing that, he has followed the easiest course of putting a tax here and a tax there to balance the budget. What is the result of this tax? This higher tax on sugar is objectionable, because it is a tax on internal production. It is unfair to saddle sugar to the extent of Rs. 1-8-0 per maund within so short a time without giving any notice to the industrialist. One who invests his money feels that he has got the protection, and he develops his industry. What would be his position if you impose tax after tax without giving him any notice? In future, capital would be very shy, and the industrialist would find it very difficult to attract capital for his ventures. Therefore, in the case of any excise duty on a protected industry, due notice must be given to that particular industry. My friend, the Finance Member, laughs. He is perhaps thinking that there would be speculation.

The Honourable Sir James Grigg: Speculation on a certainty.

Sir Abdul Halim Ghuznavi: As far as I know, in adding these sorts of duties in England, at least time is given. It is not that today you make your statement on the floor of the House and then say that it comes into effect at once. Not even 10 days' or 15 days' time is given to adjust the affairs of the manufacturers. That is not how it is done in England as far as I know. Time is given. Therefore, I say that any increase in this tax without notice is not fair to the industry. No justifiable case has been made out since 1934 to increase the duty on sugar without investigation through the Tariff Board. You place the Tariff Board in a difficulty at once. You prejudge their investigation and prejudice the case for protection to this industry. Before the Tariff Board have gone into the matter, you raise the tax, and you raise it very high too. What earthly use is the Tariff Board afterwards? Their report will be useless. On these grounds, I support the amendment.

Some Honourable Members: The question may now be put.

Mr. Deputy President (Mr. Akhil Chandra Datta): The question is that the question be now put.

The motion was adopted.

The Honourable Sir James Grigg: Sir, one good turn deserves another, and I, in my turn, pay homage to Mr. Sri Prakasa. I will say about him that he always gives us a point of view which is interesting, which is thought-provoking and which we can get from nobody else in the world. Sir, one of the more unpleasant features of our recent debates has been the increasing shrillness with which the Honourable Baronet from Bombay has been snapping at the heels of Government ever since the success of the Congress Party at the elections had become clear.

Sir Cowasji Jehangir: Does the Honourable Member say that I never opposed the Government?

The Honourable Sir James Grigg: I said the increasing shrillness.

Sir Cowasji Jehangir: The Honourable Member is very much mistaken.

The Honourable Sir James Grigg: No doubt this is due to his natural desire to effect a re-insurance in Congress quarters.

Mr. S. Satyamurti (Madras City: Non-Muhammadan Urban): Why re-insurance?

An Honourable Member: He has already insured with the Government.

The Honourable Sir James Grigg: Judging from the avidity with which Prof. Ranga welcomed his support yesterday, it looks as if the premium would not be so high as one would have expected.

An Honourable Member: Why don't you also get yourself re-insured? (Laughter.)

The Honourable Sir James Grigg: Of course, the Honourable Baronet from Bombay, no doubt on account of his inability to understand even broad distinctions, completely misrepresented my position. He represented me as advocating complete free trade for India. How can he possibly think anything of the sort when he knows perfectly well that even the revenue tariff is on an all round level of 25 per cent.

Mr. S. Satyamurti: That is in spite of you.

The Honourable Sir James Grigg: In the eyes of the Honourable Baronet from Bombay, there seems to be no difference between advocating complete free trade and opposing excessive protection and claiming that the cost to the consumer and to the revenue of protecting the manufacturer should be counted beforehand and not afterwards. The very case of sugar is a very good illustration of the distinction. At the present moment, the protection on sugar is over 200 per cent. We are proposing to reduce that by one-fifteenth and I may say in passing, to Mr. Sri Prakasa that the removal of one-fifteenth of the protection from an industry which is enjoying 200 per cent. protection can hardly be said to be making the industry impossible. As I say the removal of one-fifteenth

[Sir James Grigg.]

of the protection from the very high protection that sugar now enjoys seems to the Honourable Baronet from Bombay to be the same thing—as well as to Mr. Sri Prakasa—as killing the industry altogether.

Sir, Prof. Ranga passed some rude remarks yesterday about Cambridge University, and I am bound to admit that the Honourable Baronet from Bombay goes far to establish a *prima facie* case for the Professor's preference of the University of Oxford. Why does Prof. Ranga suppose that men like the Honourable Baronet from Bombay come here and advocate high protection so stridently? Is it for the sake of his peasants? If so, why is it that he thinks that most of the wails on behalf of the sugar cultivator have come from sugar manufacturers? Will Prof. Ranga never have his eyes opened?

Mr. Bhulabhai J. Desai (Bombay Northern Division: Non-Muhammadan Rural): Not by you?

The Honourable Sir James Grigg: Does he think that the sugar manufacturers would have lifted their little fingers if they had thought that the whole cost of this increase was going to the cultivator? Really I am tempted to say that Prof. Ranga for Oxford and Sir Cowasji Jehangir for Cambridge are just about a fair exchange. (Laughter.) Cambridge is left with Mr. Sri Prakasa and myself. (Laughter.)

Mr. Mohan Lal Saksena worked up a good deal of indignation on behalf of the cultivator which I should have regarded with a little more interest and a little more conviction if it had not been almost exactly word for word the case which was put before me by the deputation of sugar manufacturers. I say to him deliberately that my view is that if this threat to close down sugar factories on 31st March, 1937, is carried out over any wide area, it will be for political purposes and not for economic purposes. Mr. Mohan Lal Saksena was saying that it was only my opinion that they would not close down. I may say that I was not quoting my own opinion, but I was quoting the opinion of people in the trade. I will read a paragraph of this opinion of the people in the sugar trade:

“We now read that a meeting held at Gorakhpur has unanimously decided to close certain factories by the end of March as a protest against Excise duty.”

Mark not because they cannot make money out of it, but as a protest against the excise duty:

“Can we honestly believe that this resolution will be kept especially when manufacturers must fully realise that a close down at a period when recovery is high can only materially increase the all-in-cost of production.”

That is why I say, if this threat to close down by the 31st March materialises, it will be for political reasons and not for economic reasons.

Mr. B. Das: What is that paper from which the Honourable Member is quoting? Is it the *Statesman*?

Mr. Ram Narayan Singh (Chota Nagpur Division: Non-Muhammadan). Then, why do they protest at all?

The Honourable Sir James Grigg: You must ask them. Sir, to come to the substance of the amendment, in the first place, as somebody pointed out, the consumer is not to be benefited, in the second place, it is clear that the industry is in a much more parlous state of overproduction than we had supposed, and what Mr. Mohan Lal Saksena said this morning about the Gorakhpur manifesto is a clear admission of that. That being so, it is quite useless to talk about the possibility of sugar consumption suddenly showing enormous expansion which would absorb all this overproduction both in the factories and among the cultivators. Nor is it any use thinking that a country which can only produce sugar at 200 per cent. or so above competitive prices can find any export market for its excess production. What seems to me to be quite clear then is, first, that over-expansion or further expansion must be discouraged, and secondly, that some shake-out in the industry is bound to happen and was bound to happen independently of the excise. And for my part I would ask, what better time can there be for a shake-out than before the situation has become too dangerous, and at a time when on present showing, in accordance with calculations at present prices, cultivators can turn to alternative crops with no fear of loss and some hope of gain?

We have had another argument put forward today. This time there was no nonsense about speaking on behalf of the cultivator; it was pure unadulterated capitalism. And I particularly commend this argument to Professor Ranga, particularly as it came from his own side of the House. And that is, the rights of the investor. The argument is that investors put money into a protected industry; they get extremely high returns on it, and as they put their money into it on the faith of protection Government have an absolute obligation to see not only that they get these high returns maintained but that they get their capital guaranteed as well. In other words, what the investors in the sugar industry want is a gilt-edged return of 25 per cent. That might be all right for the investor, but where does the cultivator come in?

An Honourable Member: Why not put a tax on it?

The Honourable Sir James Grigg: There is a tax on it.

An Honourable Member: Very small.

The Honourable Sir James Grigg: Sir, what is the problem with which we have to deal? It is the problem of finding over a crore of new money at a time when several crores of new burdens are being thrown upon us in order to finance the new autonomous provinces. (A Voice: “Have a cut in salaries.”) And our problem is to find it in 1937-38 and not a year hence. And that is the answer I give to Honourable Members who say, “Why could you not have waited till the Tariff Board had reported?”

Mr. Bhulabhai J. Desai: That is the prodigal son's answer.

The Honourable Sir James Grigg: No, I do not think so; the wise virgin's. (Laughter.)

[Sir James Grigg.]

Sir, as I said, this money we have got to have in order to balance the budget; and Government's contention is that we have chosen a way of getting it which will be the least burdensome. And, Sir, in the case of sugar, given the situation in which the industry finds itself, I believe that before very long the increase in the excise will be proved to have been not only no burden but a blessing (Laughter) in disguise. (Loud Laughter.)

Mr. Bhulabhai J. Desai: Yes, very much disguised!

The Honourable Sir James Grigg: And, Sir, may I say to Professor Ranga that however much Government may desire to find money on a permanent basis for rural development, there is certainly going to be no chance of doing it if he and his friends are going to prevent us from even balancing the budget, let alone producing a surplus on it. Sir, I oppose the amendment.

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

"That clause 3 of the Bill be omitted."

The Assembly divided:

AYES—74.

Aldoola Haroon, Seth Haji.
Abdullah, Mr. H. M.
Ahsan, Maulvi Muhammad.
Aney, Mr. M. S.
Asaf Ali, Mr. M.
Ayyangar, Mr. M. Ananthasayanam.
Azhar Ali, Mr. Muhammad.
Badrul Hasan, Maulvi.
Bajoria, Babu Baijnath.
Banerjee, Dr. P. N.
Bhagavan Das, Dr.
Bhagchand Soni, Rai Bahadur Seth.
Chaliha, Mr. Kuladhar.
Chattopadhyaya, Mr. Amarendra Nath.
Chettiar, Mr. T. S. Avinashilingam.
Chetty, Mr. Sami Vencatachelam.
Chunder, Mr. N. C.
Das, Mr. B.
Das, Mr. Basanta Kumar.
Desai, Mr. Bhulabhai J.
Deshmukh, Dr. G. V.
Fazl-i-Haq Piracha, Khan Bahadur Shaikh.
Gadgil, Mr. N. V.
Ganga Singh, Mr.
Ghiasuddin, Mr. M.
Ghulam Bhik Nairang, Syed.
Ghuznavi, Sir Abdul Halim.
Giri, Mr. V. V.
Govind Das, Seth.
Gupta, Mr. Ghansham Singh.
Hans Raj, Raizada.
Hosmani, Mr. S. K.
Ismail Khan, Haji Chaudhury Muhammad.
Jedhe, Mr. K. M.
Jehangir, Sir Cowasji.
Jogendra Singh, Sirdar.
Joshi, Mr. N. M.

Kailash Behari Lal, Babu.
Khan Sahib, Dr.
Khare, Dr. N. B.
Lahiri Chaudhury, Mr. D. K.
Maitra, Pandit Lakshmi Kanta.
Malaviya, Pandit Krishna Kant.
Mehr Shah, Nawab Sahibzada Sir Sayad Muhammad.
Mody, Sir H. P.
Mudaliar, Mr. C. N. Muthuranga.
Muhammad Ahmad Kazmi, Qazi.
Murtuza Sahib Bahadur, Maulvi Syed.
Nageswara Rao, Mr. K.
Nauman, Mr. Muhammad.
Pant, Pandit Govind Ballabh.
Parma Nand, Bhai.
Rajah, Raja Sir Vasudeva.
Raju, Mr. P. S. Kumaraswami.
Ranga, Prof. N. G.
Saksena, Mr. Mohan Lal.
Sant Singh, Sardar.
Santhanam, Mr. K.
Satyamurti, Mr. S.
Scott, Mr. J. Ramsay.
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.
Umar Aly Shah, Mr.
Varma, Mr. B. B.
Vissanji, Mr. Mathuradas.
Yakub, Sir Muhammad.
Vamin Khan, Sir Muhammad.

NOES—41.

Abdul Hamid, Khan Bahadur Sir.
Ahmad Nawaz Khan, Major Nawab Sir.
Aikman, Mr. A.
Bajpai, Sir Girja Shankar.
Bansidhar, Rai Sahib.
Bewoor, Mr. G. V.
Bhide, Mr. V. S.
Buss, Mr. L. C.
Chanda, Mr. A. K.
Chapman-Mortimer, Mr. T.
Craik, The Honourable Sir Henry.
Dalal, Dr. R. D.
DeSouza, Dr. F. X.
Griffiths, Mr. P. J.
Grigg, The Honourable Sir James.
Hudson, Sir Leslie.
James, Mr. F. E.
Jawahar Singh, Sardar Bahadur Sardar Sir.
Lal Chand, Captain Rao Bahadur Chaudhri.
Lalit Chand, Thakur.
Lloyd, Mr. A. H.

Mackeown, Mr. J. A.
Mehta, Mr. S. L.
Menon, Mr. K. R.
Metcalf, Sir Aubrey.
Morgan, Mr. G.
Mukherjee, Rai Bahadur Sir Satya Charan.
Nagarkar, Mr. C. B.
Naydu, Diwan Bahadur B. V. Sri Hari Rao.
Noyce, The Honourable Sir Frank.
Rau, Sir Raghavendra.
Roughton, Mr. N. J.
Row, Mr. K. Sanjiva.
Sale, Mr. J. F.
Sarma, Sir Srinivasa.
Sher Muhammad Khan, Captain-Sardar Sir.
Spence, Mr. G. H.
Thorne, Mr. J. A.
Tottenham, Mr. G. R. F.
Witherington, Mr. C. H.
Zafrullah Khan, The Honourable Sir Muhammad.

The motion was adopted.

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

"That clause 4 stand part of the Bill."

Babu Baijnath Bajoria: Sir, I move:

"That sub-clause (a) of clause 4 of the Bill be omitted."

This is more or less a consequential amendment—in this way: clause 4(a) reads:

"In Item No. 17, for the words and figures 'Rs. 9-1-0, per cwt.' in the fourth column, the following words and figures shall be substituted, namely:

'the rate at which excise duty is for the time being leviable on sugar, other than *khandsari* or palmyra sugar, produced in British India plus Rs. 7-4-0 per cwt.'"

It shows that the import duty on sugar will be Rs. 7-4-0 plus the excise duty on sugar. Now that this House has rejected the enhanced excise duty from Rs. 1-5-0 to Rs. 2, the present rate of excise duty on sugar is Rs. 1-5-0. If this clause is not deleted, then the effect of the retention of this clause will be that the import duty on sugar will be reduced from Rs. 9-1-0 to Rs. 8-9-0, that is Rs. 7-4-0 plus the existing excise duty, Rs. 1-5-0, which is not desirable. What I want is that the *status quo* should be maintained at Rs. 9-1-0 per cwt. as import duty; and so I move that this sub-clause should be deleted. I do not want to make a lengthy speech. I have clarified the position, and I do not want that there should be any change in the import duty and Rs. 9-1-0 should remain as it is. Sir, I move.

Mr. Deputy President (Mr. Akhil Chandra Datta): Amendment moved:

"That sub-clause (a) of clause 4 of the Bill be omitted."

Dr. Ziauddin Ahmad: Sir, I said this morning that I am quite prepared to give protection as recommended by the Tariff Board. The recommendation of the Tariff Board is Rs. 7-4-0 per cwt. By this indirect method, they want to increase the quantum of protection by eight annas and make it not Rs. 7-4-0, but Rs. 7-12-0. I pointed out in the morning that they are very keen in demanding this extra protection, but the sugar manufacturers are exceedingly backward and they are treating the sugarcane growers in a very shabby manner. I gave three illustrations of the unfair treatment. I pointed out in the morning that these sugar manufacturers were guilty of three things, one is that they never paid the price which was demanded of them by the Tariff Board, namely, seven or eight annas a maund; the second is, their measurements were always incorrect, their maund was not eight times five seers, sometimes 12 or 13 times five seers, and that is hardly justifiable,—and the third thing is, they allow the cultivators' carts to stand outside the factories for a number of days. The poor growers have to pay for their own food and also look to the feeding of bullocks, while in the meantime the sugarcane gets dried up, with the result that these poor people have to throw up their sugarcane at any price they could get from the manufacturers. This is very unjust, and, therefore, if the manufacturers desire that they should be treated generously, then I think we should see to it that they treat the sugarcane growers generously, that the protection is not entirely for the benefit of the capitalist and it goes to the benefit of the primary cultivators also.

Sir Muhammad Yamin Khan: Sir, my friend, Dr. Ziauddin Ahmad, has made a speech opposing this motion, but the grievances he has laid before the House are really matters for the Local Governments to deal with, and it is not for the Government of India to see that the factory owners treat the cultivators properly and fairly. That grievance can be dealt with in the provinces, and I am quite sure that when the Congress which is so solicitous now of the welfare of the cultivator, form a ministry in the U. P.,—and I should be very glad to see my friend Pandit Govind Ballabh Pant, as the Chief Minister of the U. P. soon,—it will see that the cane grower is properly treated by the manufacturers in all respects. What the amendment proposes to do is to retain the protection, and not to alter or abolish it.

The Honourable Sir James Grigg: Sir, this amendment is obviously designed to restore the *status quo*. Quite clearly, Government are as opposed to the acceptance of this amendment as they were to the acceptance of the previous amendment. But, Sir, in order to save the time of the House, I say quite clearly that, though I formally oppose the amendment, I do not propose to divide the House against it

Mr. S. Satyamurti: But you have got another House, the Viceroy's House. (Laughter.)

The Honourable Sir James Grigg: After that, Sir, I have very little to say. Sir, I formally oppose this amendment.

Pandit Govind Ballabh Pant (Rohilkund and Kumaon Divisions: Non-Muhamadan Rural): Sir, I had no desire to speak, but I am told that it is necessary to establish a convention in this House that Non-Official

Members should be allowed to speak after the Government spokesman has spoken. (Laughter.) That is the reason why I have got up. I am happy, Sir, that I do not notice the ghost of any Chief Minister in this House yet. (Laughter.)

Now, Sir, I desire to make just one or two observations. I think too much stress has been laid in this House, and of all mainly by the Finance Member, on the fact that the growth of the sugar industry in this country has been fostered by the high protective duty imposed by the Government. That is really an untenable position, and there is absolutely no substance in the argument that the sugar industry has advanced in this country because of any special burdens having been imposed on the consumer. I would remind the Finance Member of what was actually done. By the Finance Act of 1931, an import duty,—and it was purely a revenue duty,—of Rs. 6-12-0 was fixed per cwt. for all sugar imported into this country. As Honourable Members are aware, when an emergency faced the Government in September, 1931, they imposed a surcharge of 25 per cent. on all revenue duties. In the meantime, the additional duty of eight annas per cwt. was added, in order to give protection to the sugar industry, but let us knock out that eight annas, let us keep to the original figure of Rs. 6-12-0 per cwt. After that, if you add 25 per cent. on account of the surcharge,—the surcharge would come to Rs. 1-11-0—it gives Rs. 8-7-0; but today while there is the import duty of Rs. 9-1-0, there is an excise duty of Rs. 1-5-0. If you knock that out, the rate would be Rs. 9-1-0 minus Rs. 1-5-0. It would have been Rs. 8-7-0 as pure revenue duty according to the Finance Act of 1931, in fact, there has been a reduction in the revenue duty *vis à vis* the indigenous manufacturer, while in all other cases the revenue duty has remained intact as it was in September, 1931. So too much of credit need not be taken by the Government that the sugar industry in this country has advanced only because of the protection given to it. If this industry has gained in any way, it may be because of the guarantee that was given by the Government that this rate would continue for a certain length of time in accordance with a definite pledge, but the Finance Member has violated that pledge. He has gone back upon that promise. It amounts to a breach of faith. I think he is not justified in treating all these findings and the accepted policies of the Tariff Board as mere scraps of paper. I think that kind of policy could well be reserved for international politics. So I want to tell the Finance Member that he should not take too much pride and he should not find needless gratification in the superstitious assumption that he and his predecessors are mainly responsible for a deliberate policy of protection, or for the notion that the sugar industry has grown under the shelter of a high protective duty. The revenue duty in other countries is high enough on sugar. He knows in France it is almost prohibitive; in his own country he knows that the rate today is more than 11s. per cwt.

The Honourable Sir James Grigg: But there is an excise too.

Pandit Govind Ballabh Pant: Yes, there is also a small excise duty of 3 or 4s., so that there is net import duty of about 8s. In his country, they are giving about four crores by way of subsidy to sugarcane manufacturers. But here to grudge this small concession, and to grudge it because there has been a growth of that industry, is really vicious. Of course, all import duties are of a tapering character; sooner or later they

[Pandit Govind Ballabh Pant.]

must vanish; they cannot last for ever. There must be progressive reduction in import duty, resulting in complete annihilation if protection proves successful, but if all industries are to be trampled upon because of the success of the policy of protection, then that would reduce us to an absurd and preposterous position. So, without arguing this point further, as he has accepted that so far as this amendment goes he has nothing more to say, I would like him to remember that the growth of the sugar industry is mainly due to the enterprise of the manufacturers and also that there would have been a higher revenue duty today than the actual import duty according to the schedule of the Indian Finance Act of 1931 as it was amended later in September, 1931, when a surcharge of 25 per cent. was added to all pre-existing import duties.

[At this stage, Mr. President (The Honourable Sir Abdur Rahim) resumed the Chair.]

In these circumstances, I see no reason why the Finance Member should have gone out of his way to vary the import duty so as to put the indigenus manufacturer at a disadvantage. At 4 P.M. present the import duty comes to Rs. 9-1-0 and with an excise duty of Rs. 1-5-0, the difference would have been Rs. 9-1-0 minus Rs. 1-5-0, that is, Rs. 7-12-0, but now he seeks to reduce it to Rs. 7-4-0. It is rather strange that on the one hand he should raise the excise duty and on the other curtail the range of the protection and bring down the difference between the import duty and the surcharge duty, and I see absolutely no justification for it. Either the present rate of duty is high enough or it is not. If it is high enough, then you are importing today sugar of fancy variety, that is, for people who have special tastes and who cannot do without that. For these people the higher the rate the higher the revenue. Why should you reduce it? But if you want to encourage the import of foreign sugar at the cost of indigenous manufacture by reducing the rate of the import duty that is a vicious beginning and one does not know where it will end. The Honourable the Finance Member has protested that he never put forward a policy of free trade. I think he is growing wiser in this country and I hope that he will go on growing wiser, but still sometimes he lapses into his original moods. He must get over it and acquire more of wisdom. If he does that, I hope that he will reconcile himself to a policy of genuine protection for the benefit, as much, if not more, of the producer of the raw material as of the manufacturer.

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

"That sub-clause (a) of clause 4 of the Bill be omitted."

The motion was adopted.

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

"That clause 4, as amended, stand part of the Bill."

The motion was adopted.

Clause 4, as amended, was added to the Bill.

Clause 5 was added to the Bill.

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

"That Schedule I stand part of the Bill."

Mr. Sham Lal (Ambala Division: Non-Muhammadan): Sir, I beg to move:

"That in Schedule I to the Bill, in the proposed First Schedule to the Indian Post Office Act, 1898, for the entries under the head 'Postcards' the following be substituted:

'Single—Six pies.

Reply—One anna'."

With regard to this amendment I think there can be no difference of opinion. There is complete unanimity, I think, so far as the Non-Official Members are concerned, and I do not think that any elected Member will oppose it. With regard to this amendment, expressions of sympathy would be made on behalf of the Government, but I do not want their sympathy; I want their support. This is what the Honourable Sir Frank Noyce said on the last budget debate with regard to this amendment:

"With the loyal and able assistance of my Honourable friend, Mr. Bewoor, and his predecessor, Sir Thomas Ryan, and the staff of the Department, to which I am glad that my Honourable friend, Sri Prakasa, has paid a tribute, I have been able to get the finances of that Department on an even keel. There is at least, at long last, my Honourable friends may think, indication that without any artificial aid the half anna post card is in sight. The difference between us and the Honourable Members opposite is that they are not willing to allow the convalescent patient to recover naturally. They want to hasten what they think is recovery by applying a stimulus which will prove detrimental in the end. Already I have seen in questions asked in the course of the Session indications of what would happen if the course they advocate were pursued."

An assurance was given to us that, after all, the rate of postcard was going to be reduced to six pies, but we were told; "Don't do it too quickly. You are a patient, this Indian nation is a patient and is in a convalescent stage. Recovery would come very soon." I wish to ask the Honourable Member how long this convalescent stage is going to last. The Honourable Member, the great doctor, would be leaving India in the month of April, and the patient would remain in the convalescent stage. By whom is this patient going to be treated? I think this convalescent stage would last for a certain number of years; another doctor might come and he might suggest that another operation is necessary. The convalescent stage would remain on thus for several years. This assurance should be kept; otherwise there is no point in giving such an assurance. I also believed and most of the Members believed that, after all, this year the price of the postcard would be reduced to six pies. Nothing has happened since to keep up this high rate; there is no deficit so far as the post office is concerned. When once you tax the masses, it becomes very difficult for the Government to relieve the masses. Assurances are being given to us. An assurance was given to us by a doctor bigger than Sir Frank Noyce that in his term of office he would be a constitutional Viceroy. That assurance was given in 1931, and it is now 1937, and the big doctor is in England enjoying his rest, and the fulfilment of that assurance is not in sight. Now, of course, many figures would be quoted. It would be proved, at least every effort would be made to prove that the price of the postcard could not be reduced. High finance and certain other principles would be involved to support their view. But the only question is whether for the poor man a postcard is a prime necessity or not. Once you realise that it is a prime necessity, it is for you to prepare the budget in such a way that relief may be given to the poor people. If you go on preparing the budget in your own way, and if you go on spending in other

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directions, then you can never give relief to the poor man. You play with figures. You call it a commercial department. You say that the post office cannot be a losing concern. You can invent any argument you like. We know that you have invented your own technicalities. We generally find in the case of the handwriting expert that he builds an impregnable fortress round him and never allows any one to cross-examine him and invents his own terms to justify his opinion. In the same way, the Honourable Member for Industries and Labour and Mr. Bewoor would come forward and quote figures to us and say that the budget does not justify this. What I say is, if you mean to give relief to the poor people, you must make up your mind on that point. Once you believe that justice is on the side of the poor people, then you must frame your budget accordingly and not justify the imposition of this rate.

Take the average income of the Indian. It is Rs. 50 a year, and the price of the postcard is nine pies. In England, where the average income is £300, the postcard only costs one penny. In India, this nine pies is practically half the income of the poor man. Supposing Honourable Members of Government are required to pay half their daily income for a postcard, there will be a howl from every side. They had a ten per cent. cut. What a cry they raised, and it was soon restored. What would the Honourable Member on that side say if he was required to pay half day's salary as the price of the postcard? So, my submission is that the charge levied on account of the postcard is too high.

Now, figures are given in the report about the sale of the postcard. I think there can be no doubt that when the price is reduced, there is an increase in the sale, and I do not think they would lose much. There may be some loss, but that would not be much. Further, they do not take into consideration the fact that education is spreading. People are writing more letters and more postcards. They do not take into consideration the new factors which have come in. When it suits the Government, they put forward the argument that it is a commercial concern and should be run on commercial lines. This business mentality has entered into their head, and the difficulty is that they use this phrase only when it suits them. I ask the Honourable Member whether this principle is being applied everywhere. Why are you giving a subsidy to the air service? Why are you helping the foreign mail? Why are you not increasing the postage on foreign letters? Why tax the poor people? We find that so far as the post office is concerned, there is a net profit of 22 lakhs, and so far as the Telegraph Department is concerned, there is a net loss of 33 lakhs. You can increase the rates for the telegram, but why burden the poor man? The Honourable the Finance Member was pleased to say that everybody wants the salt tax to be reduced, to reduce the sugar tax, but they do not know the inter-relation between the two items. We are told that it is a business proposition. There is the Postal Department and there is the Telegraph Department. We find that the post office is generally used by poor men, and, so far as the telegraph services are concerned, it is not of much use to the poor people. Then, why not give relief where the poor people are concerned? Why should this telegraph department be a burden on the post office. My submission is that it is altogether wrong to run this on business lines. As in the case of the railway, so in the case of the post office, empty trains, first-class trains,

and special trains running from Peshawar to Bombay, and a thousand and one other expenses incurred for the benefit of members of these heaven-born services; but, so far as the poor people are concerned, the plea is put forward that it is, after all, a commercial department. My submission is that it is not merely a commercial department, but it is also a department of public utility: it is not merely a business proposition. What I say is that this postcard has become an article of primary and elementary necessity, and you cannot ignore it on the ground that it is merely a commercial department. It is a public utility, and you cannot deny the advantage of this to the poor people.

Sir, when this rate was increased, it was clearly stated that it was an emergency measure. Sir, while the fat salaries have been restored, while the surcharge on income-tax goes away, this increase in the postcard rate remains, and that is totally unjustified. Supposing there is a war, and money is required for the war. Well, at once the Finance Member will prepare his budget in such a way that he may be able to render financial assistance to the Government for the purposes of the war, because, in that case, it becomes very important indeed. But why is it not equally important in the case of these poor people who every year are expecting their reduction in the postcard rate? Is it because they cannot fight with you that you simply ignore their protestations? Is it because they cannot turn you out that you defy them? Sir, is there any country having such a low average income in which you can impose such a rate on the postcard? I know that so far as technicalities are concerned, so far as figures are concerned, you might be able to collect certain figures and say that our position is not tenable, but I say the main question is whether the poor people are in a position to pay these charges. Supposing a man getting only six pies a day wants to write a postcard. I have known of many *chamars* and others whose relations are in Karachi and Lahore, and they cannot write a letter even to their husbands and their brothers, and the only question that these poor people always ask is—what about the postcard? Have you succeeded in reducing the price of the postcard? And the only answer is—no. Therefore, our case is quite unanswerable. You may not mean to reduce it, because other persons are to be paid high salaries. I know, in the Postal Department, there is far less of corruption, and it is the best Department of the Government, there is no doubt (Hear, hear), but still there are high salaries in other Departments of the Government; Government ought first to reduce their extravagant scale of expenditure, thus relieving the poor people. You simply go on saying, "it is a commercial concern"; that is the excuse you are always making. My position is that, so far as this amendment is concerned, the Honourable Member for Industries and Labour, who is leaving this country, should accept it this year after having previously given us an assurance that he will try to do so. I think this is a thing which every Indian, every poor man, expects of him, and the Government should do nothing to embitter the poor people in that way. I, therefore, move.

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

"That in Schedule I to the Bill, in the proposed First Schedule to the Indian Post Office Act, 1898, for the entries under the head 'Postcards' the following be substituted:

'Single—Six pies.

Reply—One anna'."

The Honourable Sir Frank Noyce (Member for Industries and Labour): Sir, judging from the attendance in the House at this moment, its interest in this question does not seem to be very deep. It is hardly surprising, Sir, that that should be the case, for Mr. Sham Lal has advanced no arguments which we did not hear last year or the year before, and I fear that we, on this side, are in no better position. None the less, I would, if I may with your permission, follow the usual practice—I think it has its advantages even though not many Members of the House are present at the moment to listen to me—of making the usual statement of the financial position of the Posts and Telegraphs Department. I realise that this is not altogether a suitable opportunity, but it seems to me to be the only one that the Member in charge of the Department gets to present that position to this House, which often, I think, takes a considerable interest in it, knowing that the budget of the Department amounts to Rs. 11 crores—which is no small sum. And I think that, if the House is good enough to listen to the statement that I am about to make, it will be in a better position to discuss, not only the amendment which is immediately before it, but those that will follow.

Sir, in April, 1935, in the longest speech I have made in this House and the longest I am ever likely to make here or anywhere else, I presented to this Assembly in its first Session the financial history of the Department from 1925-26, when its accounts were for the first time placed on a commercial basis, up to the end of 1934-35. Last year, I took up the story from the point at which I left it the previous year, and I propose to do the same this year. I shall deal with the actual results of the working of the Department in 1935-36, the Budget and the Revised Estimates for 1936-37, and the Budget Estimates for 1937-38. In our Budget Estimates for 1935-36, we anticipated a revenue of Rs. 1,133 lakhs and an expenditure of Rs. 1,146 lakhs. We thus budgeted for a deficit of Rs. 13 lakhs. When the Revised Estimates were framed, there appeared to be indications of an improvement in trade conditions and we raised our estimates of revenue to Rs. 1,150 lakhs, at the same time lowering those of expenditure to Rs. 1,144 lakhs, in spite of an increase of Rs. 26 lakhs in the pension bill of the Department—an increase the reasons for which I explained last year in some detail. The hopes we had based on the revival of trade were not, unfortunately, entirely fulfilled. The actual revenue for the year 1935-36, was Rs. 1,147.57 lakhs and we were thus out in our estimates by rather less than Rs. 2½ lakhs. The House will, I think, admit that this, for a total budget of Rs. 11½ crores, was remarkably accurate budgeting. The actual expenditure for the year was Rs. 1,147.10 lakhs some 3.10 lakhs more than the revised estimates. The net result was a small profit of half a lakh on the year's working. The variations between the estimates of receipts and expenditure and the final results are not, I think, of sufficient importance to justify my taking up the time of the House by explaining them in detail. Those Members who are sufficiently interested in the matter to wish to pursue it further will find the reasons for them set forth at length in the Director General's Annual Report for 1935-36, a copy of which has, I hope, reached every Member of this House.

I told the House last year that 1934-35 had closed with a surplus of Rs. 38 lakhs. It has now heard that the surplus for 1935-36, was only half a lakh. Honourable Members may, therefore, think that 1935-36 was a much worse year for the Department than its predecessor. That is very

far from being the case. The surplus of Rs. 38 lakhs for 1934-35 might, I think, not inaccurately be described as of a somewhat illusory character. The salaries of the staff continued throughout that year to be subject to the temporary emergency deduction of five per cent. and the full contribution to the depreciation fund was not made. Had it not been for these two factors, there would have been a loss of Rs. 19 lakhs. In 1935-36, the five per cent. emergency deduction operated only for one month, just sufficiently long to prevent the small surplus I have mentioned from being converted into a loss of about Rs. 2 lakhs. If like were compared with like, there was an improvement of Rs. 17 lakhs in the working of the Department in 1935-36.

I now come to the Budget Estimates for 1936-37. We anticipated that with revenue at Rs. 1,174 lakhs and expenditure at Rs. 1,173 lakhs we should just about pay our way. But in considering the revenue figure, account has to be taken of the increase in the unit of weight for the anna letter which was estimated to cost Rs. 13 lakhs, and the enhanced provision of Rs. 2 lakhs for the extension of postal facilities. Our revised estimate of revenue is 1,168 lakhs: the apparent drop of Rs. 6 lakhs is more than counterbalanced by the Rs. 9 lakhs which have to be paid to certain Provincial Governments as their share of the sale proceeds of unified revenue stamps for the years 1930-31 to 1933-34, that is, for the period prior to the introduction of the separate revenue stamp. The revised estimates of revenue therefore differ by only three lakhs from the original ones and represent an increase of Rs. 29 lakhs over the actual revenue for 1935-36. It will be apparent from the figures I have given that the elections have brought us in very much what we expected but unfortunately for us no more than we expected.

Our budget on the expenditure side was for a sum of Rs. 1,173 lakhs which in the Revised Estimates is reduced to Rs. 1,160 lakhs. The reduction in expenditure is partly due to our continued search for economies and partly due to the fact that certain claims from other Departments have not yet materialised. The net result for the current year is, therefore, an anticipated surplus of Rs. 8 lakhs.

The last set of budget figures I have to place before the House relates to those for 1937-38. The House does not need to be reminded of the important new feature which has entered into these—the separation from India of Burma and Aden with effect from April, 1st. The estimates, therefore, refer to India only. The figures have already been stated by my Honourable Colleague, the Finance Member, in his Budget speech in which he also explained the two changes we propose to make in our postal rates, of which I shall have more to say later and which do not affect the budget figures except to a very small extent as they practically balance each other. Our estimate of revenue is Rs. 1,116 lakhs. After allowance is made for the special refund of Rs. 9 lakhs which I have mentioned just now, this represents an increase of roughly Rs. 11 lakhs over the Revised Estimates of revenue for the current year. We hope to get this increase as a result of the normal expansion of traffic and of improved trade conditions. I need hardly say that we do not anticipate that our revenue next year will be affected by elections.

We have budgeted for expenditure of Rs. 1,112 lakhs, and are thus left with a small surplus of Rs. 4 lakhs. The expenditure figures represent an increase of roughly Rs. 36 lakhs over the expenditure of India alone excluding Burma and Aden anticipated in the Revised Estimates for

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1936-37. The main items responsible for this increased expenditure are Rs. 12 lakhs for the increments, of which we have not yet seen the last, Rs. 8 lakhs for the improvement of external and internal air mail services, an additional Rs. 5 lakhs over and above the current year's provision for extended postal facilities in rural and urban areas, Rs. 3 lakhs for increase of staff necessitated by the expanding activities of the Department and Rs. 3½ lakhs for increase in the pensions bill.

One more word regarding the financial results of the separation of Burma and Aden. As Honourable Members will have gathered from my Honourable Colleague's budget speech, if our Budget Estimates for 1937-38 had included Burma and Aden, they would have shown a loss of Rs. 9 lakhs. They actually show a profit of Rs. 4 lakhs and it is this difference of Rs. 13 lakhs which has enabled us to provide for the various facilities and improvements included in the budget such as the extension of postal facilities in rural areas, improved air services, internal and external, additional staff required for new telephone exchanges, wireless stations and trunk lines and increased haulage charges paid to Railways for the more frequent transport of mails by trains. It has also to be remembered that the effect of the sanctions issued during the current year for extension of postal facilities will only be felt in its full force next year.

The House is, I know, always interested in the position of the different branches of the Department though, as I have frequently reminded it and as I have little doubt that my Honourable friend behind me will have an occasion again to remind it during the forthcoming debate, the Department is a commercial department and its working has therefore to be considered as a whole. I will review the position very briefly.

In 1935-36, the revenue of the postal branch of the Department was Rs. 791 lakhs and the expenditure Rs. 769 lakhs, leaving a profit of Rs. 22 lakhs. Our estimate for the current year is revenue Rs. 807 lakhs, expenditure Rs. 780 lakhs, balance Rs. 27 lakhs. The figures for next year are revenue Rs. 782 lakhs, expenditure Rs. 759 lakhs, leaving an estimated profit of Rs. 23 lakhs. I must again remind the House that the revenue and expenditure figures for 1937-38 relate to India alone and are not therefore strictly comparable with the figures for the previous year which include Burma and Aden.

The telegraph branch does not, unfortunately, present such a pleasant picture. In 1935-36, there was a deficit of Rs. 33 lakhs, revenue being Rs. 268 lakhs, and expenditure Rs. 301 lakhs. In the Revised Estimates for this year the loss is slightly higher—Rs. 35 lakhs, revenue being estimated at Rs. 267 lakhs and expenditure at Rs. 302 lakhs. There has been no appreciable recovery in telegraph traffic and the reduced rates introduced in 1934 have done no more than keep the revenue this year at practically the same figure as in the previous year. For 1937-38, we expect a revenue of Rs. 240 lakhs and an expenditure of Rs. 276 lakhs. There will thus be a deficit of Rs. 36 lakhs. Telegraphs and telephones, as I have explained on several occasions in this House, are very closely connected and it is fortunate that it should be so for we are able to make up to some extent on the telephone swings what we lose on the telegraph roundabouts.

In 1935-36, telephone revenue was Rs. 81 lakhs, expenditure Rs. 66 lakhs, profit Rs. 15 lakhs. In our revised estimates for the current year, we anticipate a revenue of Rs. 84 lakhs and an expenditure of Rs. 66 lakhs, a profit of 18 lakhs. For 1937-38, our estimates are, revenue Rs. 85 lakhs, expenditure Rs. 66 lakhs, a profit of Rs. 19 lakhs. As the House will see the profit from telephones is going up steadily every year. I have no doubt the year after next, we shall do much better than next year. In view of the loss of revenue under this head due to the separation of Burma and Aden, the position with regard to telephone revenue is distinctly satisfactory. The revenue from trunk lines which showed signs of deterioration in the middle of last year appears to be making a good recovery since November, but the number of telephone subscribers has not increased to the extent we hoped it would as the result of the extensive reduction in the rates of annual subscription which were made two years ago. The profits on the telephone branch cover at present more than 50 per cent. of the losses on the telegraph branch and if there is one thing that can be said with some certainty in matters of this kind, it is that this proportion will go on increasing.

There remains the small radio branch of the Department on which we lost Rs. 3 lakhs in 1935-36, revenue being Rs. 9 lakhs and expenditure Rs. 12 lakhs. Both in our Revised Estimates for this year and our estimates for next, we have placed the figure of revenue at Rs. 9 lakhs and of expenditure at Rs. 11 lakhs, the loss in both cases being Rs. 2 lakhs.

I have, I hope, given the House a statement of the financial position of the Department which it has been able to follow. At this point in my speech in past years, I have usually inflicted on the House a dissertation on depreciation fund, pensionary charges and the like. The House will be relieved to hear that there is nothing new to say about such matters this year, but it may perhaps not be quite so glad to hear that I propose to take advantage of that fact to make what is somewhat of a digression and to render to it a very brief account of my stewardship of the Department for the last five years. I do that, Sir, in no spirit of self-glorification. If I possessed such a spirit it would, I know, be severely chastened in the course of the discussion tomorrow. But it is, I think, relevant to the consideration of the amendments before the House to remember that at the end of the financial year 1931-32, when I took charge of the Department it had, as the result of the economic blizzard shown a loss for that year of Rs. 94 lakhs and its accumulated loss on which interest surcharge had to be paid in the accounts for the year 1932-33 had reached Rs. 125 lakhs. Stern retrenchment, emergent deductions from pay and the revision of certain postal rates reduced the loss for the year 1932-33 to Rs. 42 lakhs which increased to Rs. 52 lakhs in 1933-34 as the result of the restoration of half the cut in pay. At the end of 1933-34, the accumulated loss on the working of the Department had reached the colossal figure of Rs. 162 lakhs and the Department was paying nearly Rs. 8½ lakhs as interest surcharge on this amount. In 1935-36, the tide began to turn. Small changes in letter postage rates and in telegraph rates and—much more important—the limitation of the contribution to the depreciation fund to actual expenditure on renewals and replacements resulted in a profit of Rs. 28 lakhs on the somewhat illusory character of which I have already commented. This combined with the acceptance of certain recommendations of the Postal Enquiry Committee, of which my Honourable friend, Sir Cowasji Jehangir, was the very able Chairman, reduced the accumulated loss by the end of 1934-35 to Rs. 71 lakhs. I

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LEGISLATIVE ASSEMBLY.

[18TH MARCH 1937.]

[Sir Frank Noyce.]

have already given to the House the figures for the subsequent years. I would only repeat once more that the surpluses we anticipate for this year and the next are genuine ones and would add that at the end of this year the accumulated loss of the Department on which interest charges have to be paid will be no more than Rs. 7 lakhs. To sum up, since 1931-32, a loss of Rs. 94 lakhs has, by rigid economies helped by the revival of trade and by strenuous efforts to stop leakages of revenue, been converted to a surplus of Rs. 8 lakhs, the accumulated loss on the working of the Department has been reduced to Rs. 7 lakhs, a substantial depreciation fund of Rs. 3 crores representing nearly 13 per cent. of the capital liability of the Department has been built up, the balance of stores in hand exclusive of mobilisation stores which at one time was over a crore of rupees has been reduced to Rs. 31 lakhs, which is the amount considered necessary to carry out works with expedition, and most of the idle stores have either been utilised or disposed of. Outstanding questions relating to the depreciation fund and stores accounts have thus been settled and the Department has taken over the payment of its own pensions.

The House does not need to be reminded that in conditions such as those I have described it has not been possible to do anything very substantial in reducing rates. The letter postage rate has been put on a rational and logical basis with a reasonable first unit of weight. A small concession has been made in regard to the registered newspaper rate by increasing the first unit of weight from eight to ten tolas, and next year we propose to give a concession on the book packet rate. Telegraph charges have been reduced from 13 annas for the first 12 words to nine annas for the first eight words. The telephone charges have been appreciably reduced both for trunk calls as well as for regular subscribers and the overseas telephone rates have been materially reduced.

I now turn to progress in a matter which some Honourable Members on the opposite Benches have almost as much at heart as they have the half anna post card—the extension of postal facilities, more especially in rural areas. Five years ago there were 24,000 permanent post offices, 19,000 of which were in rural areas, and 39 experimental ones. Retrenchment meant that a number of post offices working at a loss had to be closed down. The lowest figure reached was in 1935 when the total number of permanent post offices was 23,622 of which 18,743 were in rural areas. There were also 85 experimental offices. We are now, I am glad to say, back to the old figures and indeed somewhat beyond them as the number of permanent post offices in existence on December 31st last was 24,022 of which 19,544 were in rural areas. There were also 420 experimental offices against the 39 five years ago. In the matter of delivery staff we have not yet completely made up lost ground but taking postmen and extra-departmental agents together we are only about 600 below the 1932 figures and if the provision of five lakhs made for the extension of postal facilities in this year's budget is accepted, I have no doubt that the deficiency will be more than made up by the end of the year.

There are other amenities the provision of which during the period under review deserves a passing mention. Of these the most important has been the introduction of air mail services between Karachi and Rangoon, Karachi and Madras, Karachi and Lahore and Bombay and Trivendrum. The air mail surcharges have been progressively reduced and participation in the Empire Air Mail scheme will mean their complete

abolition so far as Empire countries are concerned. On the foreign telegraph and telephone side, direct wireless communication by telegraph was opened with Japan in January, 1933, and a trunk telephone service was established with Ceylon in March, 1935. A similar service with Burma was opened in December, 1936. We have also introduced a new means for the remittance of small sums of money in the form of the Indian Postal Order which seems to be very popular and the number issued is going up steadily.

No review of progress during the last five years, however brief, should omit reference to the work of the Telegraph Establishment Committee of 1932-33 which was presided over by Mr. S. P. Varma, who is shortly leaving the department after eleven years of close and very valuable connection with it in various capacities. Another important committee has been the Postal Inquiry Committee of 1934-35. There have also been special investigations by officers of the Engineering and Accounts branches into budget procedure, the working of the telegraph engineering divisions and into stores accounts and telephone revenue accounts. The recommendations of the various committees have been of great help to us in our quest for efficiency without increased expenditure.

Before I endeavour to establish the relevancy of what Honourable Members may have thought—not entirely without justification—was merely a swan song, I should like to comment on the two small changes proposed in our rates in the Bill now before the House. The alteration in the book packet rate does not, I imagine, need any justification. It has been pressed upon us by business interests who hold that the present rate is a serious bar to effective advertisement. We anticipate that the concession will cost us about Rs. 8 lakhs, but we hope to make this up by the small change we are proposing in the parcel rates. The House will undoubtedly require some justification for that change. It lies in the fact that the present rates involve a serious anomaly. Under the existing regulations, there is no prohibition against letters or other communications being sent by parcel post. The only prohibition there is that in which my Honourable friend, Mr. Sri Prakasa, takes such a deep interest, the prohibition of the sending of more than one communication in a parcel or the sending of a communication addressed to a person other than the addressee of the parcel. The result is that, as soon as a letter weighs more than three tolas, it costs less to send it as an unregistered parcel paying two annas than as a letter paying 2½ annas. I would point out that the parcel mail was never intended for the dispatch of communications. The concession of enclosing one communication was given in order to enable the recipient of the parcel to discover the name of the sender, to check the contents and possibly to find out the object with which the parcel was sent. I have not been able to discover why the initial parcel rate which was fixed when the initial rate for letters was half an anna was ever fixed at its present low figure, still less why it has remained unscathed when all other postal rates have increased. There is no doubt that the present rate is diverting letter traffic to an undesirable extent to the parcel post and it is to stop that diversion that we propose that the initial rates for parcels should be fixed at four annas, at the same time keeping the weight which can be sent for four annas at forty tolas. A comparison with the parcel rates in other countries will show that, even after the change, our initial rate remains a liberal one. In England the initial charge for parcels is 6d. In South Africa and Canada as well as in a large number of countries in Europe and elsewhere, including the United States of America,

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the sending of a communication by parcel post is entirely prohibited. In the United States of America no article weighing less than 8 ounces, that is 20 tolas, can be sent by parcel post at all. It must either go as a letter or as a book packet if it satisfies the necessary conditions. In Australia, Canada, Germany and the United States, the parcel rates vary according to distances, as they did in India till 1871, since when we have introduced one uniform rate for the length and breadth of the country. I hardly think that Mr. Santhanam's view that the modification in the rate will affect the poor man in the villages is correct. He neither sends nor receives parcels. I wish he did. That it will affect the business community to some extent is, of course, obvious, but they have the consolation of the lower book packet rate. The alternative to the revision of the parcel would have been the complete prohibition of sending of communications by parcel post as in the countries I have mentioned. I cannot but believe that those affected by the change would prefer the course we have adopted.

And now, Sir, I come to the amendment immediately before the House and I trust that Honourable Members will now see the relevancy of my rather lengthy review of progress during the last five years. My main object in inflicting that upon the House was to show the long and difficult steps by which the department has attained its present position of financial stability. And here I should like to pay what I am sure the House will agree is a well merited tribute to the work of that able administrator, eminent publicity agent and pleasant colleague, the present Director General. (Applause.) Mr. Bewoor would, I am sure, be the first to admit his obligations to the devoted labours of his predecessor Sir Thomas Ryan, and also to the loyal service of his very numerous staff down to those very useful members of society, the village postmen and the mail runners. (Applause.) There is one member of that staff who does not appear very much in the limelight to whom I should like specially to refer. That is Mr. Purssell, the Chief Engineer of the Department. He has played no small part in bringing about the transformation of the telephone map of India. I hope Members of the House have seen that map in the columns of the press or in the Director General's annual report, and will have realised from it the immense advance which has been made in the extension of telephone communications during the last few years.

As I have said, Sir, the department has at last accomplished the tedious and difficult ascent of the Hill Difficulty. What my Honourable friends opposite wish to do is to inflict upon it the punishment inflicted by the gods of old on Sisyphus who rolled a huge stone to the top of a hill only to have it sent crashing to the bottom again. For that would be the result of accepting this amendment. We estimate that the reduction in the postcard rate would cost us Rs. 62½ lakhs on the assumption that the number of postcards sent in India in 1937-38 will be 400 millions against 410 millions in 1935-36 including Burma. Even if there is an increase of 10 per cent. in the traffic, the loss would still be Rs. 50 lakhs.

My Honourable friend, Mr. Satvamurti, whose kind references to my approaching retirement I greatly appreciated as I did those which fell from some other Honourable Members at the commencement of their speeches on the general discussion of the budget, appealed to me to give this concession. The House will not need to be told

how much I wish that it had been possible to do so. It would have been a very pleasant termination to my tenure of the charge of the Department of Posts and Telegraphs and also a very appropriate way of celebrating what Honourable Members may be interested to hear is the Centenary year of the Indian Postal Department which may be said to have come into existence in 1837 when Act XVII of that year conferred on Government the exclusive right to convey letters throughout the territories of the East India Company. It is not unusual on such occasions for commercial concerns to declare a special bonus dividend, but I would point out to the House that such dividends have to be declared from realised profits. If they are declared out of capital or by mortgaging the future, those who declare them will inevitably find themselves either in the Bankruptcy Court or the felon's cell or in both. Where is the money to come from? It cannot be urged this year, as it was last year, that it should be met from the balance in the general budget or from the grant for rural development. There is no surplus in the general budget and there is no grant for rural development; but even if there were, the objections which I urged last year to its utilisation for this purpose would still remain in all their force. So long as the Posts and Telegraphs Department remains a commercial department, which will certainly be as long as the present form of Government continues, it must itself meet the cost of any reductions in rates which are made. The figures I have given to the House conclusively show that it is not at present in a position to do so. It may be urged that it would be possible to find the money by further retrenchment. We have done all that is possible in that direction, and I would urge those Members of the House who advocate that course to look up past debates and examine the number of questions that they themselves have put regarding the effect of retrenchment on the staff of the department. My Honourable friend, Mr. Sham Lal, has suggested that it should be found by increasing the cost of the foreign mail. It already costs 2½ annas to send a letter to the United Kingdom against the anna it costs to spend it within this country; and 3½ annas to send it to foreign countries. I think, my Honourable friend, the Director General, will be able later on to give Mr. Sham Lal conclusive proof that there is no hope in that direction. It may also be urged and I have no doubt it will be urged—I think it has already been urged in the course of the general budget discussion—that our estimates of the recovery in traffic which would follow a reduction in rate are too low. All I can say about that is what I have said several times before, and that is they are the best that we can frame and that no reasonable estimate of the recovery in traffic would cover the very heavy immediate losses that a reduction in the postcard rate would entail. There can, in my view, be no doubt that such a reduction would convert our small surplus into a deficit which it would take years to make up and that the Posts and Telegraphs Department would once again be plunged into the morass of debt. My Honourable friend, Mr. Joshi, the other day thundered forth the assertion that it was an amazing thing that a commercial concern should meet a decrease in the sale of its wares by putting up their prices, and he asked whether there was any other country in the world where this had been done. The answer to that is simple. It has been done by the postal administrations of other countries which have an even more highly developed system than India, such as the United Kingdom and the United States, and it is also in effect what has been done by the tea and rubber interests. It can only be done of course where there are monopoly or quasi-monopoly conditions. It is in fact the only course

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which is open to a concern like the Posts and Telegraphs Department which deals in millions of units. No feasible reduction in the postcard rate would lead to such an increase in demand as to cover the loss on each individual unit. And that brings me to another point which I have made many times before but which arises again out of what Mr. Joshi said. If the loss involved in the reduction of the postcard rate is to be met by getting into debt—and that is the only way in which it can be met—why stop with the postcard? Why not spend the Rs. 50 lakhs a year that Mr. Joshi urges that we should spend on the development of the rural post offices instead of the Rs. 5 lakhs that we are providing for this purpose? The position can be stated very briefly. Some time ago, an Honourable Member on the Opposition Benches—I cannot remember who it was, but it might well have been Mr. Satyamurti, for it is exactly the sort of thing that he does tell us—said that we on these benches were in the position of the occupiers of a house who were about to hand it over to new tenants and that it was our bounden duty to hand it over wind and weather proof. That is exactly what I propose to do. I do not propose to hand over the Posts and Telegraphs Department to the incoming tenants with crumbling walls, with a leaky roof or with broken windows. I deeply regret, Sir, that I am unable to accept this amendment. I earnestly hope that it will not be long before the financial condition of the department, coupled, I should add, with the general financial condition of the country—for the two are inseparably connected—will enable this concession on which my Honourable friends opposite set such store to be brought into operation without any detriment to the financial stability of the Department. If, as I hope, I live to see that day from a distant country, I can assure the House that I shall not be afflicted by any of the regrets which must have assailed Moses when from the heights of Pisgah he saw the promised land, but was not allowed to enter therein. Sir, I oppose the amendment.

The Assembly then adjourned till Eleven of the Clock on Friday, the 19th March, 1937.

LEGISLATIVE ASSEMBLY.

Friday, 19th March, 1937.

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.

REJECTION OF NOMINATION PAPERS FILED BY TWO SIKH CANDIDATES FOR MEMBERSHIP TO THE DELHI MUNICIPAL COMMITTEE.

693. *Sardar Sant Singh: (a) Has the attention of Government been drawn to the rejection of nomination papers filed by two Sikh candidates for membership of the Delhi Municipal Committee on the ground that the Sikhs cannot stand as candidates for the general constituency?

(b) If the reply to part (a) be in the affirmative, will Government explain the reasons which have prompted them to deprive the Sikh community as a whole from the civic rights in the Delhi Province?

Sir Girja Shankar Bajpai: (a) Yes.

(b) There has never been any intention on the part of Government to deprive the Sikhs of their civic rights in Delhi or elsewhere. Owing to a flaw in the Delhi Municipal Committee Electoral Rules, Sikhs have been held ineligible for election to the Delhi Municipal Committee. The question of amending these Rules to rectify the flaw is receiving the attention of local authorities.

Sardar Sant Singh: Is it a fact that according to the rules in force now in the Delhi Municipality, the Hindus can vote for Hindu candidates and the Muslims for Muslim candidates, but that the Sikhs have got the right to vote either for a Hindu candidate or for a Muslim candidate?

Sir Girja Shankar Bajpai: Yes, Sir, that is the position.

Sardar Sant Singh: What is the principle underlying this position?

Sir Girja Shankar Bajpai: I do not quite know what is the principle underlying that. But that is the position.

Sardar Sant Singh: Is it a fact that there are three electoral rolls published in the Delhi Municipality, the one dealing with the electorate for the Hindus, the other for the Muslims and a third under the head, "others" including Christians, Anglo-Indians, Europeans and the Sikhs?

Sir Girja Shankar Bajpai: It may be as my Honourable friend says, but I should like to know what inference does he propose to draw from it. I have already conceded the point that there is a flaw in the electoral rules. The rules have been so framed that people other than Hindus and Muslims can vote either for Hindus or Muslims and not for members of their own community.

Sardar Sant Singh: May I know the Honourable Member's position? The flaw being there, do Government contemplate doing anything for those who have been disqualified from standing as candidates for the municipal elections?

Sir Girja Shankar Bajpai: I have already informed my Honourable friend that Government propose to rectify the flaw.

Sardar Sant Singh: What about those who have been disqualified in the recent elections?

Sir Girja Shankar Bajpai: I doubt very much whether it will be possible to rectify the flaw in time for the elections which are already in progress. But my Honourable friend knows that there is the power to nominate, and I have no doubt that the question of nominating a Sikh in order to safeguard the position of that community will be sympathetically considered by the local administration.

Sardar Sant Singh: May I know if the candidature of those two Sikhs who have been disqualified for no fault of their own will be considered at the time when nominations are made in order to remove this sting? Will he please draw the attention of the Chief Commissioner to the fact that these persons should be nominated in preference to others?

Sir Girja Shankar Bajpai: I will certainly convey my Honourable friend's suggestion to the Chief Commissioner, Delhi.

REBELLION IN BURMA AND NON-EMPLOYMENT OF INDIAN TROOPS IN BURMA.

694. ***Mr. Ganga Singh:** (a) Will Government be pleased to state in which year the last rebellion occurred in Burma?

(b) How long did this outbreak continue?

(c) How many units of the Indian Army, i.e., British soldiers and Indian soldiers, were employed to quell the outbreak?

(d) Are Government prepared to avoid employing the Indian troops in future in Burma?

The Honourable Sir Henry Craik: (a) and (b). The rebellion began in December, 1930, and continued up to March, 1932.

(c) I would refer the Honourable Member to the answer given to part (b) of Mr. Gava Prasad Singh's question No. 16 in this House on the 7th September, 1931.

(d) It is really a matter for the decision of the future Government of Burma, but I may add for the information of the Honourable Member that on the separation of Burma from India, Indian troops will not normally be employed in Burma. One or two small units of the Army in India are to remain in Burma until the Burma Government can raise and train equivalent units of its own.

CONTINGENT OF THE UNIVERSITY TRAINING CORPS FOR THE ANNAMALAI UNIVERSITY.

695. ***Mr. C. N. Muthuranga Mudaliar:** Will Government be pleased to state:

(a) if it is a fact that the Syndicate of the Annamalai University made an application to the Army Headquarters, as early as March, 1936, offering to furnish a contingent of the university training corps on the usual prescribed terms and requesting acceptance of the offer by the Government of India; and

(b) what steps, if any, were taken on the application, and what reply was sent to the University authorities?

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

(b) The application was returned to Headquarters, Southern Command, for re-submission later in accordance with the decision mentioned in my reply to Mr. Satyamurti's starred question No. 570 on the 9th instant.

REVISED POSTAL RATES BETWEEN INDIA AND BURMA.

696. ***Mr. C. N. Muthuranga Mudaliar:** (a) Will Government be pleased to state if it is a fact that the Burma Government has issued a communiqué announcing revised postal rates between India and Burma?

(b) Were the Government of India consulted in the matter?

(c) If the answer to part (b) be in the affirmative, what was the advice given by the Government of India?

(d) Are Government aware that the bulk of the correspondence between India and Burma is mainly between Indians living in this country and in Burma?

(e) Are Government aware that the increased rates will hit the large number of Indian labour in Burma?

The Honourable Sir Frank Noyce: (a) to (e). I would refer the Honourable Member to the reply given by me to the short notice question put by Mr. T. S. Avinashilingam Chettiar, on the 12th March, 1937, as also to the supplementary questions and replies.

PRIVATE SECRETARIES ATTACHED TO THE MEMBERS OF THE GOVERNOR
GENERAL'S EXECUTIVE COUNCIL.

697. *Mr. C. N. Muthuranga Mudaliar: Will Government be pleased to state:

- (a) whether any Members of the Governor General's Executive Council have attached to them private secretaries, and if so, who they are;
- (b) whether it is a fact that the Honourable the Finance Member has a private secretary;
- (c) what the duties of that private secretary are;
- (d) whether other Members of Government do not have such private secretaries, and if so, why the Finance Member alone should have one;
- (e) whether it is a fact that his private secretary's duties now mainly are those of an ordinary Secretariat officer, and if so, the reason for not designating him as such an officer;
- (f) whether the present incumbent of that post has any previous experience of problems of finance or currency, and if not, the reason for appointing him;
- (g) whether the duties which he now performs as private secretary are not analogous to those which are usually expected of a private secretary to a Cabinet Minister in England; and
- (h) whether any previous Finance Members had private secretaries, and if not, the reason for the departure?

The Honourable Sir Henry Craik: (a) to (e). Members of Council are entitled, within the Rules of Business and subject to the necessary sanctions, to conduct their Departments in the manner they think most conducive to efficiency. This obviously covers the appointment of a Private Secretary if considered necessary.

- (f) and (g). Yes.
- (h) No.

RECOMMENDATION OF THE WHEELER COMMITTEE ABOUT THE INSTITUTION
OF A SYSTEM OF PRIVATE SECRETARIES FOR MEMBERS OR MINISTERS
OF THE FUTURE FEDERAL GOVERNMENT.

698. *Mr. C. N. Muthuranga Mudaliar: Will Government be pleased to state:

- (a) whether the Wheeler Committee has recommended the institution of the system of private secretaries for Members or Ministers of the future Federal Government;
- (b) if so, the source of their recruitment, the duties which it is proposed they should perform, and the emoluments which it is proposed to attach to these posts;
- (c) whether it is the intention to recruit for these posts men from the Indian Civil Service;

- (d) whether, in that case, they will be reserved posts within the meaning of rule 246 of the Government of India Act, 1935; and
- (e) whether in creating such posts it is intended to add to existing posts which will be outside the scope of the ministerial control?

The Honourable Sir Henry Craik: The report of the Wheeler Committee has not yet been made public, and until that is done, it is not possible to give information about any of its recommendations.

USE OF THE TERM "M. L. A." BY MEMBERS OF THE PROVINCIAL LEGISLATIVE
ASSEMBLIES.

699. *Mr. B. Das: (a) Will Government be pleased to state if the newly elected members of Provincial Legislative Assemblies are using the abbreviation 'M.L.A.'?

(b) Will Government be pleased to state, in case members of the Provincial Legislative Assemblies monopolise to themselves the expression 'M.L.A.', in what way (i) Members of the present Indian Legislative Assembly and (ii) Members of the Federal Legislative Assembly are to be distinguished from the provincial order?

(c) In what way do Government propose to maintain the distinctive features?

The Honourable Sir Frank Noyce: The question is at present under the consideration of Government. Their decision will be announced shortly.

FILLING UP OF TEMPORARY VACANCIES IN THE GOVERNMENT OF INDIA OFFICES.

700. *Mr. B. Das: (a) Will the Honourable the Home Member please state whether it is a fact that the Home Department have issued instructions that temporary vacancies in the clerical establishment of more than three months' duration shall be filled by persons nominated by the Home Department from the Public Service Commission List?

(b) Is it a fact that these instructions are not complied with by the Intelligence Bureau and the Foreign and Political Department? If so, why?

(c) Is it a fact that in the Engineer-in-Chief's Branch, Army Headquarters, several new clerical posts have in the past year been sanctioned in connection with the reconstruction of Quetta?

(d) Were the Home Department asked to nominate persons for these posts and, if so, was the correct duration of the vacancies stated?

(e) Is it a fact that employment of extra staff for Quetta reconstruction is to be continued for some years?

(f) Is it a fact that Engineer-in-Chief's Branch have not recruited a single man from the Home Department list for the above vacancies and have appointed people from outside?

(g) How was the selection of men chosen for these posts made?

(h) Is it a fact that the posts were not advertised, nor was an examination held of the various candidates who submitted applications?

(i) Was a Selection Board constituted, or was the selection left to a single officer?

(j) Is it a fact that apart from Quetta reconstruction work, temporary posts in the regular cadre of the Engineer-in-Chief's Branch have been filled by persons who are not on the Home Department list?

(k) What is the number of temporary persons employed in the Quetta Section and Branch proper, separately?

(l) How many of them are graduates and how many of them merely matriculates?

(m) Is it a fact that one of them is a non-matriculate?

(n) In the whole list of temporary men, how many are relatives of people serving in the Branch?

(o) Is it a fact that some of the temporary men had no previous office experience?

(p) Are Government prepared to replace these temporary recruits by men from the Home Department list, or by men selected through Public Service Commission?

The Honourable Sir Henry Craik: (a) Yes, but only in respect of vacancies which are not intended to be filled by promotion or inter-departmental transfer.

(b) The Intelligence Bureau is outside the scope of the rules for recruitment to the ministerial establishment of the Government of India Secretariat and its Attached Offices. As regards the Foreign and Political Department, the reply is in the negative.

(c) to (p). The necessary information is being collected and will be laid on the table of the House in due course.

MARKETING OFFICERS UNDER THE AGRICULTURAL MARKETING ADVISER TO THE GOVERNMENT OF INDIA.

701. ***Syed Ghulam Bhik Nairang:** (a) Will Government be pleased to state the number of persons holding, respectively, the posts of Senior Marketing Officer, Marketing Officer and Assistant Marketing Officer, under the Agricultural Marketing Adviser to the Government of India?

(b) Will Government be pleased to state the number of Muslims holding the posts of Senior Marketing Officer, Marketing Officer and Assistant Marketing Officer, respectively?

Sir Girja Shankar Bajpai: With your permission, Sir, I shall answer this and the next question together. There are three Senior Marketing Officers, three Marketing Officers and 12 Assistant Marketing Officers, of whom four Assistant Marketing Officers are Muslims. All these appointments were made through the Public Service Commission and it was decided not to apply the rule of communal proportions to the first two categories owing to the highly specialised character of their duties. Even so, only three out of five posts of Senior Marketing Officers and six out of seven posts of Marketing Officers could be filled. It will be observed that the number of Muslim Assistant Marketing Officers is more than the prescribed proportion. In future the rules regarding the representation of minority communities will apply to the two senior categories of posts also as it is hoped that with

the training received in the grade of Assistant Marketing Officers suitable candidates will be forthcoming for these posts.

APPOINTMENT OF MUSLIMS UNDER THE AGRICULTURAL MARKETING ADVISER TO THE GOVERNMENT OF INDIA.

†702. ***Syed Ghulam Bhik Nairang:** (a) Are Government aware that there is a feeling of dissatisfaction among Muslims owing to the claims of the Muslims to the higher appointments under the Agricultural Marketing Adviser not having been recognised?

(b) If the answer to part (a) be in the affirmative, what steps do Government propose to take to allay this feeling of dissatisfaction?

APPOINTMENT OF A MUSLIM AS A SUPERVISING MARKETING OFFICER.

703. ***Syed Ghulam Bhik Nairang:** (a) Is it a fact that there is a proposal to appoint a Supervising Marketing Officer, which post has been advertised already, in addition to the Senior Marketing Officer, Marketing Officer and Assistant Marketing Officer?

(b) If the answer to part (a) be in the affirmative, are Government prepared to consider the advisability of appointing a Muslim to the said post?

Sir Girja Shankar Bajpai: (a) and (b). The Honourable Member presumably refers to the post of a Supervisor of Experimental Grading and Marking Stations for Agricultural and Animal Husbandry produce, which has already been advertised. In selecting a candidate for the post, due consideration will be paid to the instructions issued by the Government of India for the representation of minority communities.

OFFICERS SERVING UNDER MR. A. P. HUME, OFFICER ON SPECIAL DUTY IN CONNECTION WITH THE DELHI IMPROVEMENT TRUST.

704. ***Mr. Muhammad Anwar-ul-Azim:** Will Government please state the respective number of Hindu, Muslim and Christian gazetted officers serving under Mr. A. P. Hume, I.C.S., Officer on Special Duty, Delhi, in connection with the Delhi Improvement Trust, with their percentage of total in each case?

Sir Girja Shankar Bajpai: With your permission, Sir, I will answer questions Nos. 704, 705 and 706 together. Information has been called for and will be furnished to the House as soon as possible.

OFFICERS SERVING UNDER MR. A. P. HUME, OFFICER ON SPECIAL DUTY IN CONNECTION WITH THE DELHI IMPROVEMENT TRUST.

†705. ***Mr. Muhammad Anwar-ul-Azim:** Will Government please state the respective number of Hindu, Muslim, Sikh and Christian non-gazetted persons (Superior Service) serving under Mr. A. P. Hume, I.C.S., Officer on Special Duty, Delhi, in connection with the Delhi Improvement Trust, with their percentage of total in each case?

† For answer to this question, see answer to question No. 701.

‡ For answer to this question, see answer to question No. 704.

POSTS SANCTIONED FOR THE DELHI IMPROVEMENT TRUST.

†706. ***Mr. Muhammad Anwar-ul-Azim:** Will Government please lay on the table a list of the posts sanctioned for the Delhi Improvement Trust stating against each post the name of the community upon which it was conferred?

UNSTARRED QUESTIONS AND ANSWERS.

PASSPORTS TO MR. SISIR KUMAR MAZUMDAR AND MRS. FLORENCE MAZUMDAR OF NOWGONG, ASSAM.

96. **Mr. Kuladhar Chaliha:** Will the Honourable the Home Member be pleased to state:

- (a) whether any passport is proposed to be given to Mr. Sisir Kumar Mazumdar of Nowgong, Assam, to visit his home and go back to Japan; and
- (b) whether Government are prepared to allow his wife, Mrs. Florence Mazumdar, also a passport to visit her home along with her husband in Nowgong, Assam; if not, why not?

The Honourable Sir Henry Craik: No application for a passport has so far been received from any of these persons. Government will consider their cases when applications are received.

BAN ON MR. DHIREN SARKAR TO VISIT INDIA.

†97. **Mr. Kuladhar Chaliha:** Will the Honourable the Home Member please state whether any ban still exists against Mr. Dhiren Sarkar of Berlin to come to India, and whether Government propose to allow him to go back to Berlin again?

LAVATORIES, FANS, ETC., PROVIDED IN INTERMEDIATE AND THIRD CLASS CARRIAGES ON THE ASSAM BENGAL RAILWAY.

98. **Mr. Kuladhar Chaliha:** Will the Honourable the Commerce Member please state:

- (a) whether the size of the lavatories of third class and intermediate class passenger carriages of the Assam Bengal Railway has been increased; if so, the number of carriages so improved; and
- (b) whether the intermediate class carriages of the Assam Bengal Railway have been provided with fans and switches for lights; if not, whether Government are prepared to direct the Railway authorities to do so at an early date?

The Honourable Sir Muhammad Zafrullah Khan: The information is being collected and will be placed on the table of the House in due course.

† For answer to this question, see answer to question No. 704.

‡ For answer to this question, see answer to question No. 96.

ABOLITION OF SECOND CLASS AND CREATION OF AN UPPER CLASS ON THE ASSAM BENGAL RAILWAY.

99. **Mr. Kuladhar Chaliha:** Will Government please state the reason for the abolition of second class and creating an upper class on the Assam Bengal Railway by enhancing the second class fare and reducing the first class passenger rates?

The Honourable Sir Muhammad Zafrullah Khan: First and second class carriages were frequently run empty or nearly empty, resulting in a great deal of unnecessary haulage of such stock on all trains. The Assam Bengal Railway Administration, therefore, decided to amalgamate the first and second classes into one, calling the latter "upper class", and thus to economise in operating expenditure.

The fare for the upper class was fixed at 18 pies per mile, as it was calculated that the loss on the first class tickets would be almost balanced by the gain on second class tickets.

THE INDIAN FINANCE BILL—contd.

Mr. President (The Honourable Sir Abdur Rahim): The House will now resume consideration of the following amendment moved by Mr. Sham Lal:

"That in Schedule I to the Bill, in the proposed First Schedule to the Indian Post Office Act, 1898, for the entries under the head 'Postcards' the following be substituted:

'Single—Six pies,
Reply—One anna'."

Prof. N. G. Ranga (Guntur cum Nellore: Non-Muhammadan Rural): Sir, I rise to support this amendment. We have been asking for a cheaper postcard for many years, but the Government of India have not yet been pleased to accede to our request. It is not a sentimental request at all. All over the country, in the country side, as well as in the urban areas, our people have been demanding a cheaper postcard. Apart from cheaper salt, this is the most popular demand in this country. We used to know in the good old romantic days of a quarter anna postcard and even today some of us often make the mistake of asking the post office to give us a quarter anna post card. Many people have not yet got themselves accustomed to this three pice postcard at all. I do not know why the price of a postcard has been raised by successive stages from quarter anna to half anna and from there to three-quarters of an anna. Of course, it is in keeping with the general policy of this Government of taxing the poor to a very much greater extent than the rich. It may be that we are in agreement with the doctrine promulgated the other day by my Honourable friend, Sir Muhammad Yakub, when he said that even the poor people should be taxed. The poor people are being enfranchised, and there is no reason why they should not be taxed. The postcard is really one of the items which really hit the poor man to a much greater extent than the rich person. The rich people can afford to write letters and send them in envelopes, but it is the poor people who have got to resort to postcards. Those who are eking out their livelihood on the Assam tea plantations and

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on the coffee plantations in the Nilgiris, and those who have migrated to other countries in order to find some employment and relieve themselves of the chronic unemployment that faces them here in this country are obliged to write only on postcards and they have been hit very badly. All those who have got to keep up their correspondence are very hard hit by the rise in the price of postcards.

Sir, we have been told that the Government have raised the price of postcards in order to get more income. But in answer to several questions, Government were unable to say whether really they were going to lose so much by a reduction in the price of postcard. In fact, by this rise in the price, the demand for postcards has gone down considerably and the anticipated additional income has not materialised all these years, and Government are cutting a sorry figure in regard to this. Year after year we have been asking for a cheaper postcard, and year after year, with a vengeance that befits this Government, the Government have refused to grant us a cheaper postcard. Why is it? Is it because of want of revenue? It cannot cost them very much money to give a cheaper postcard and thus please the masses and help them. They can certainly, if they want some more money, ask for a subvention from the general revenues as they ought to. But for their own convenience they have separated the revenues of the Posts and Telegraphs Department from the general revenues and have begun to say that the Posts and Telegraphs Department are paying their own way. How can they pay their own way? If they want these two activities of the Department to pay their own way, then, why not separate Posts from the Telegraphs and expect the Telegraphs to pay their own way and allow the Postal Department to look after itself? I am sure that if the finances of the Postal Department were alone to be taken into consideration, Government would find themselves with so much surplus as to be able to grant us a cheaper postcard. But they don't want to do that. They want to club it with the Telegraphs Department whereby they are faced either with a deficit which is not, after all, very considerable, or with a surplus which they can very well afford to utilise for granting us a cheaper postcard. We have asked for a subvention from general revenues for subsidising facilities for rural population. Government would not agree. We have asked for a subvention for giving us a cheaper postcard. Government would not agree. Why? Is it because the facilities that the masses expect to get from the Postal Department are not big enough or are not necessary? It cannot be. In fact, the civilisation of any particular country comes to be measured also by the degree to which the people can make use of the Posts and Telegraphs Department, and in this country it is not our people who have been lacking in their readiness to make use of this Department and the facilities that it affords, but it is the Government which has been niggardly in providing these facilities for the people. It would certainly be possible for the Government to raise more and more income for the Postal Department if only they cared to follow more commercial, more economical methods of organisation and administration and exploitation than they do at present.

As my Honourable friend, Mr. Joshi, has shown the other day, there are large parts of the country which are not provided with any postal facilities. We were told that every year additional post offices would be opened in about 200 villages, and in the last two years I dare say that these post offices have been opened in about 400 villages. What a poor

consolation to about seven lakhs odd villages in this country! It does not mean that when they open a post office in a new area, it is going to cost the Government a heavy sum, that it is going to land them in any further loss. For, if only they take a long view of things, it will be found even by this Government that this increase in the number of new post offices brings in its train additional income, income which makes it more and more profitable, which makes it possible for them even to subsidise the Telegraphs Department, and, even after that, find themselves with a handsome surplus. They do not want to do that. Why? Is it because they are vicious? I do not know. Is it because they are unbusinesslike? I am sure it is so. Is it because they are unenterprising? I am sure it is so. Yes, Sir, they are enterprising and they are businesslike in regard to trunk telephones, in regard to the Telegraph Department, in regard to their advertisement in the towns, but when it comes to doing any pioneering work in the villages and all over the countryside, they fight shy of it just as many of our politicians in the country fight shy of the countryside. Mere stud bulls are not going to provide postal facilities for the masses, and unless you provide more and more postal facilities for the masses in the country, it will not be possible for you to achieve a good enough surplus to enable you to provide various other facilities for the masses in this country. Postcard is the one item on which the Government can very well afford to be liberally minded. We have pressed again and again on the attention of the Finance Member and also on the Postal Department at the time of the Public Accounts Committee whether it would be impossible for them to grant us this half anna postcard. They were not able to give any straight answer. They would only say: "Oh, we shall see. Next year we shall see. And year after next we shall see". And they have always been seeing. Seeing only one thing—that this side of the House is determined in having a half anna postcard, and that side of the House is determined in frustrating this elementary demand of the masses. The postcard reaches more people than any other instrument of postal services, and all these people can be served by this half anna postcard; the incidence of it may not be large, but the advantage that can be derived from it will be appreciated by a large number of people, millions and millions of people, not only those who are using the postcard today, but many more millions will be tempted to use it, will be induced to use it if only the price is brought down. Is it not in the interests of even this bureaucratic Government to try to afford this much of pleasure to the masses in this country? They themselves claim to be the friend of the masses. They themselves claim to be doing more for the masses than anybody else in this country. They can at least make this gesture to the people, not to win the hearts of the masses,—that is impossible for them, they can never hope to do so,—but they can at least save their own face and justify their own professions towards the people. As long as the Government are here and as long as they are allowed to go on by our own people, they have got to try at least to discharge their elementary functions, and one of these elementary functions is to provide for our people cheaper postal facilities.

My Honourable friend, Mr. Bewoor, has been complimented again and again for the enterprise that he has shown in pushing further and further the advertisement section of the Postal Department. But why is it that he has so awfully failed in trying to win the affections of the great millions of the country towards his own Department by affording them cheaper facilities, more extensive facilities. It is all because, Mr. President, this Government really at heart do not care for any one in this country, even the

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poor man, not to speak of the rich man. Only yesterday this House has turned down a proposal of this Government to increase the sugar excise duty. I am afraid Government are going to get it certified and Government are anyhow going to collect the money from our cultivators. Contrary to what they have said, I still believe that it is the peasants who are going to pay it. They are going to get one crore and 15 lakhs. We want them to make a little sacrifice by giving a cheaper postcard. I ask them to make this return to the people of this country. It is not entirely the poorer classes that are going to be benefited. The richer classes and commercial classes are going to be benefited also to some extent. It may come to 40 lakhs. If they are not going to make this sacrifice, then they are going to be defeated. I sincerely hope that all the elected Members on this side of the House will support this motion and show to the Government that the country is unanimous in demanding a cheaper postcard. If only they will give us a cheaper postcard, I can give them an assurance that they need not be afraid of losing 50 lakhs. There is going to be such a great demand for more and more postcard and especially with the new King's effigy on it that Government may well make a profit, instead of a loss.

Mr. G. Morgan (Bengal: European): Will the Honourable Member make it a statutory obligation to write postcards?

Prof. N. G. Ranga: Let not the Honourable the Finance Member think that we are making a sort of irresponsible proposition. He is going to be faced with a surplus next year on this account alone. Let them take this risk now. They have always taken risks in raising the price of postal facilities, and hitherto their expectations have been falsified. They raised the price of the envelopes from one anna to one anna and a quarter and they expected a huge additional income. Their expectations were falsified. They expected a huge demand for envelopes. There also they were mistaken. Why do they not take at least this risk? I sincerely trust that the Honourable the Finance Member and the Honourable Member for the Posts and Telegraphs Department will accept this amendment and grant us the half anna postcard.

Sir Abdul Halim Ghuznavi (Dacca cum Mymensingh: Muhammadan Rural): Before I proceed with what I have got to say on the motion, I should like to offer my quota of tribute to my Honourable friend, Sir Frank Noyce, for the admirable manner in which he has discharged his duties as the Member in charge of the two important Departments, Industries and Labour. I can assure him that he has the good wishes of not only his colleagues in this House, but also his numerous friends outside, and we wish him health, happiness, long life and well-earned rest after he leaves the shores of India. As he said yesterday, and we are sure of it, that wherever he might be, he would always have the interest of India at heart, the India which he has so well served.

After listening yesterday to the interesting and illuminating speech of my Honourable friend, Sir Frank Noyce, I thought that my friends opposite would change their mind and not press just now at any rate for the reduction in the price of the postcard. It is true that a three pice postcard is too expensive, but you will have to bear in mind that you cannot have it

both ways. You want an increase in the number of post offices and revert to the position as it was 15 years ago. That is quite natural. What is the use of the one pice postcard if the man has to walk for miles and miles to post it? It is no use to have the pice postcard without a post box near by to post it. So the extension of rural post offices is a necessary preliminary to cheaper postcards. One has to remember that this is a commercial department. It must be run on a commercial basis. For the last ten years it had been running at a loss. Great credit is due to Sir Frank Noyce and Mr. Bewoor who have done splendidly to bring about a welcome change. They have succeeded in converting a losing concern into a profitable venture. Under the circumstances, a reduction in the price of the postcard will not very much benefit the villagers; thereby you will benefit mainly the commercial people. (Voices: "Question, question.") If you take statistics

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member is again not addressing the Chair.

Sir Abdul Halim Ghuznavi: I am very sorry. Sir, if statistics are taken, you will find that the commercial people use more postcards than the villagers. It is a cheap facility which the commercial community wants to secure for themselves. You do not very well get down to the villager without a post office, and, therefore, it is not a commercial proposition to ask them to reduce it from nine pies to six pies. Sir, we have a surplus budget this year (*An Honourable Member*: "Surplus?")—I mean a surplus budget for the Posts and Telegraphs for the year under discussion.

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member is again carrying on conversations.

Sir Abdul Halim Ghuznavi: Sir, the efficient way in which it is being administered now makes us hope that next year the successor to my Honourable friend, Sir Frank Noyce, will be able to find ways and means to reduce the price of the postcard as desired by all sections of the House. I do not think you will have to come before this Honourable House next year to urge this. I hope the Government will themselves provide for that, and there will be no reason for pressure. Let us just wait for one more year. Sir, the facilities that are being granted now were not being granted ten years ago.

Sir, one more factor has also to be considered. (Interruptions).

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member had better not be interrupted.

Sir Abdul Halim Ghuznavi: The interruptions I do not mind, but they are made in such a low voice that I cannot follow them.

Sir, ten years ago, or a little less than that, owing to the pressure from this very Honourable House, the Member in charge of the Posts and Telegraphs Department had to increase considerably the wages of postal peons. In Bengal, Sir, it is very difficult for a graduate to get a job for Rs. 40, but a postman draws that sum of Rs. 40 a month in Calcutta. (*An Honourable Member*: "Very improper!") Very improper. But it was the

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result of pressure from this Honourable House. That also is to be taken into consideration as an impediment in the way of any reduction in the price of the postcard. Sir, everyone agrees that the Department is run very efficiently and very honestly, and no one can make any insinuation that the Postal Department is corrupt. In the case of everyone, from the postman right up to the top, honesty prevails, and great credit is due to that Department. (*An Honourable Member*: "Competition".) What do you mean by competition? There is no competition in the Post Office. Sir, the Postal Department in India can congratulate themselves on the manner in which they discharge their duties. (Hear, hear.) Sir, every year facilities are being added (*An Honourable Member*: "Or reduced?"). See the facilities that they have added now. You can talk throughout India on the phone, which you could not do in 1922. You can now talk, not only throughout India, but abroad, and now also to Burma! And, therefore, I say, very great credit is due to them. They have reduced the postage from five pice to one anna, and it is hoped that next year the Member in charge will be able to find ways and means to reduce the price of postcards. Sir, I oppose this motion.

Mr. Basanta Kumar Das (Surma Valley *cum* Shillong: Non-Muhamadan): Sir, I rise to support the motion which has been moved by my Honourable friend, Mr. Sham Lal. He has delivered a speech which is quite appropriate to the cause which this amendment seeks to espouse. Sir, it is for the third time that we are moving this amendment for a reduction in the price of the postcard. We moved and carried this amendment in the year before last. There was another attempt in that direction last year also. This House fully knows how these two attempts have not been of any avail, the Government not having given effect to the vote of the House. Sir, we are here as the representatives of the people and as such it is certainly our duty to be persistent when we feel that the legitimate grievances of the people are not being removed. There are some Members in this House who twist us for this persistency by accusing us of indulging in hardy annuals; but, Sir, these hardy annuals have become necessary on account of the perpetual callousness that prevails in the Treasury Benches. (Hear, hear.) Sir, my Honourable friend, Sir Abdul Halim Ghuznavi, has put forward a request to us not to press this motion this year; but I submit that we do not find any reason to accede to his request. He started by saying that it was necessary that there should be more post offices in the country and he said what was the use of reducing the price of the postcard if there be no more post offices? Exactly, Sir, on the ground that there should be more post offices to the rural areas, can we not also urge that the reduction in the price of the postcard should be effected? We say, Sir, what is the use of having more post offices if the rural people do not get the facilities for purchasing a cheap postcard? Sir, Honourable Members know that in the current year there has been an increase of about 390 post offices, and in the coming year they have budgeted for an expenditure of about five lakhs for increase of rural post offices. So I submit that, when there are going to be more post offices, it follows as a matter of course that further facilities should be given to the rural people by reducing the price of the postcard. Sir, it is an admitted principle of taxation that high postal rates are in the nature of a transit duty, and that the imposition of such high rates are both impolitic and uneconomic, because it tends to restrain communication and ruin business. Tested in

the right of this principle, all postal rates should be lowered. But, Sir, it is not so much for the enforcement of this principle of taxation that we ask for the reduction,—rather our case is that by urging this reduction we want to remove a long standing and genuine grievance of the people of this country. Sir, it is said that a reduction in the price of the postcard to the extent of a pice would not afford really a great relief to the people, because the burden of taxation that will be thus tightened would not be appreciable. But I submit that such a statement can be made only by those who have no idea of the poverty of the people of this country. In a country where even one meal a day is not available to the poor people, to whom "tightened belt" is the sole remedy for want of food, reduction of even one pice in the price of the postcard will mean a very great relief to them. The main argument on behalf of the Government is that such a reduction in the price of the postcard would involve the Department in a loss of about 50 lakhs of rupees, and it is said that since this Department is run as a commercial department, it is our duty to see that the Department pays its way. But, Sir, it should not be forgotten that this Department is also a public utility department, and in a country where the natural resources are still undeveloped, in a country where the poverty is proverbial the State should not make a fetish of commercial principles so far as the working of the Department of public utility is concerned. Therefore, I suggest, Sir, that a departure should be made from the principle that the Department should pay its way, in order to remove this grievance of the people of this country.

Then, Sir, it is also our case that, so far as this branch of the Postal Department is concerned, a subsidy from the other revenues of the Central Government should always be obtained for the purpose of effecting this reform, and this demand is being always pressed on the attention of the Government when this motion is brought forward before this House. So I submit that the argument of the Government that really there should not be any subsidy taken from the Central Government cannot stand for a moment. Because, Sir, we know that the Telegraphs Department is also being run at a loss of about 35 lakhs of rupees a year, and that generally we find that this loss is recouped from the revenues of the Postal Department. If that be so, then I do not see any reason why a subsidy should not be taken from the other revenues of the Central Government.

Then, Sir, we find that in the coming year an estimate of about 36 lakhs has been made over and above the Revised Estimate of the current year for some items of expenditure which include Empire Airways, and telephone lines, and for these two items alone 17 lakhs have been budgeted. I submit, Sir, that this increased estimate is certainly for the purpose of satisfying Imperial requirement, and it is no wonder that the poor man's postcard is not at all thought of. Sir, I feel that the poor man's interests are being sacrificed at the altar of the Imperial necessity (Hear, hear), and I submit that that is not the solitary instance. It has always been the rule with this Government to ignore the poor man's interests wherever and whenever they found it necessary to preserve and advance Imperial interests. But, in this matter of the postcard, precaution and advancement of Imperial interests should not stand in our way. So, viewed from any standpoint, I submit that the claim of this House for a reduction in the price of the postcard cannot at all be resisted. With these words, Sir, I support the amendment.

Mr. N. M. Joshi (Nominated Non-Official): Mr. President, I listened very carefully to the speech made by my Honourable friend, Sir Frank Noyce, last evening. I must say, Sir, that his speech has not convinced me that the Honourable Member is following a sound policy in the management of the Postal Department

The Honourable Sir Frank Noyce (Member for Industries and Labour): Have I ever convinced you in any respect?

Mr. N. M. Joshi: I am open to be convinced, but some people cannot convince me, it is not my fault.

I assure you, Sir, that for the sake of this discussion, I am prepared to agree that this Department should be run on commercial lines. I again assure you that so long as the largest part of the revenue of the Government of India is derived from indirect taxation, I would not like the Postal Department to be run at a loss; I would not like the general taxpayer to bear the burden of the losses made by the Postal Department. After having given you this assurance, I feel that the policy enunciated by the Honourable Member yesterday is not a sound policy. He says his Department is run on commercial lines. In my speech on the Finance Bill, I told him what a good industrialist does in a time of depression. If a good industrialist finds that his goods are not sold on account of depression, he does not raise the prices of his goods, people will call him a fool if he raises the price of his goods in a time of depression. What he, therefore, does in a time of depression is to reduce the prices of his goods

Sir Abdul Halim Ghuznavi: He advertises more.

Mr. N. M. Joshi: I will come to that later on. But what does the Postal Department do? As soon as depression sets in, they raise the price of their services. Is that a sound commercial policy? A sound industrialist in a time of depression will try to extend his market. Now, the post offices, instead of extending the market, reduce the scope of their market. I, therefore, told the Honourable Member that he should change his policy which was a wrong one. The Honourable Member's reply was that the Government of India are not the only Government that has followed this policy. Sir, I am prepared to admit that besides the Government of India, there are other Governments in the world that follow a wrong policy, but that does not prove that this policy is the right one. I would, therefore, like the Honourable Member to reconsider the policy which is being followed in the Postal Department. The Honourable Member tells us that if the Postal Department reduce the rates and extend the facilities, they will make losses. I will again remind him that if he is running his Department on commercial lines, he should follow what a good sound commercial man will do under these circumstances. Supposing by reducing the prices of your goods, or reducing the price of the postcard, you make losses, as a good commercial man you must be prepared to make some loss for a few years till you begin to sell larger quantities of your goods and make good the losses which you may have made by reducing the prices. But the only way of securing a sound position for an industry or a commercial concern or a Department of Government is to reduce the prices of the goods and extend the market. If, for a temporary period of time, you have to make losses, you must be prepared for them, and a good industrialist and commercial man are

prepared to make losses for some time. Let the losses be paid out of a loans fund if you like, because, if you extend your market and if you reduce your prices, one day there is a chance of your making good the loss, and a good commercial man does that. For some time he pays losses out of the loans, out of the capital fund if you like. If Government are running your Department on commercial lines, you should do that. That is the only way of doing it. But, Sir, in the case of the postcard that necessity of spending money out of your loans fund may not come.

It has been pointed out more than once that the Government of India make profit out of their Postal Department; they make losses on the Telegraph Department. If the Government of India are going to run their concern on commercial lines, as all of us would like them to do, why should they continue to make losses on the Telegraph Department and pay those losses out of the profits of the Postal Department? The postal service pays you; it is a profitable side of your business. Why should you penalise this side of your business and promote some other side of the business? If your Telegraph Department is making losses take some steps to see that those losses do not occur. Herein comes the difference between the Government of India and ourselves as regards policy. The Government of India's policy is to favour the more wealthy classes, take money from the ordinary classes of people and hand over that sum for the benefit of the more wealthy classes. Now, Sir, these telegrams are not generally sent by ordinary people; they are sent by well-educated people and people who have got money. Therefore, the Government of India are willing to make losses in the Telegraph Department. Year after year they continue to make losses. There the commercial spirit does not come, because it is a question of favouring the class which the Government of India want to favour. The European Group will howl if the Honourable Member will increase the rates for telegrams or even if he reduces the facilities with regard to the sending of telegrams. There are also other commercial classes. My Honourable friend, Sir Hormusji Mody, who is also another controlling element of the Government of India, will howl; and, therefore, the Telegraph Department must continue to run as usual. Not only that, but the telegraph rates were reduced. That, Sir, is a wrong policy. The Government of India should be a fair and just Government and an impartial Government instead of a Government that favours one class at the cost of another. If the Government of India want to run their Department on commercial lines, they should see that the Telegraph Department does not make losses. The Honourable Member said yesterday: "We consider our Department as one; the rich people and the poor people as one. If there are losses on account of the poor people, then the poor people must bear"

The Honourable Sir Frank Noyce: Sir, I would ask my Honourable friend whether no poor people ever use the telegraph. We have all had experience, for instance, of telegrams to our servants, telling them to come at once to see some relative who is seriously ill, and so on.

Mr. N. M. Joshi: Sir, I am quite prepared to leave this question in the hands of the House. If generally the Members feel that the Telegraph Department is more used by the poor people than the Postal Department, let them think so, but I do not. The Telegraph Department

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is more used by the wealthier classes than the Postal Department, and, therefore, the Government of India are willing to do it. I would, therefore, like the Government of India to give up this policy. Let them take steps to see that the Telegraph Department does not make losses. I would, therefore, like the Government of India not to treat for the sake of profit and loss all these Departments as one. Let the Postal Department make its losses or profits, let the Telegraph Department make its profits and losses; and if there be a loss on the Telegraph Department, let that be borne by the Telegraph Department. There is absolutely no argument in saying that these Departments are one, and, therefore, the Telegraph Department should continue to make losses and those losses should come out of the profits made by the Postal Department.

An Honourable Member: What is the total loss on the Telegraph Department?

Mr. N. M. Joshi: The total loss this year is 35 lakhs. I, therefore, suggest to the Honourable Member that this practice should be stopped, and, if it is stopped, there will be no real difficulty in the way of the Government of India to reduce the postal rates. The post office is making profits. If the profits of the Postal Department are credited separately, if not this year, in two years' time, the postal rates would be reduced. Let the profits of the Postal Department be credited to a sort of revenue reserve fund, and I have no doubt that in a year or two the rates will be reduced. I would, therefore, suggest to the Government of India that they should separate the profits made out of the Postal Department and credit them separately. If they find out what profits they have made during the last few years, I am quite sure, they will have sufficient money to reduce the postal rates.

Then, Sir, even with regard to the financial position of the Postal Department as a whole, you have to take account of this fact that the Government of India are at present paying interest on capital which is not all borrowed. A good part of the capital at charge of the Postal Department is really capital which has really come out of revenue and may have been provided out of the profits of the Postal Department previously. All the capital is not due to the loans fund. The Government of India try to commercialise the accounts, and in doing so, they said their assets amount to so much, and, therefore, on these assets so much interest must be paid. But they forget the fact that these assets were purchased, not out of loans, but a good part of them were purchased out of the revenue. It is, therefore, wrong for the Government of India to continue to pay interest on money which has been derived out of the postal revenues, and then say that the Postal Department is making losses. I, therefore, feel that the Government of India should revise their policy. The Honourable Member says that it is a commercial department. But if it is a commercial department, what about the complaints made by my friend, Sir Henry Gidney, and the suggestions made by him? No commercial department will promise that they will engage so many Anglo-Indians although they may have to pay more for them; and no commercial department will accept a statutory restriction that they will not only give them so many posts, but even so much remuneration statutorily guaranteed. I am not against what Sir Henry Gidney

demands. If he demands certain things for his community, let him do so. But I can tell the Government that no commercial department will agree to do that. You will get your employees from where you get the best employees, and you will not make any promises that a particular community will be given so many posts. Not only that, but you will not make a promise that you will pay a particular community the remuneration which is necessary according to their standard of living. I would, therefore, like the Government of India to revise their policy. . . .

An Honourable Member: In what way?

Mr. N. M. Joshi: In the first place, they should credit all the profits made on the postal side to the Postal Department. The losses made on the Telegraph Department should be debited to the Telegraph Department; and even if they do that much, I have no doubt that there will be no difficulty in the way of the Government of India in reducing the postal rates. As regards the extension of the market, the Government of India are not spending sufficient money. They are spending this year five lakhs. I hope the Government of India will spend more money. There is no doubt there will be losses for the first year or two. But, ultimately, that is the only way of making your concern solvent. I hope, therefore, that the House will accept the proposal that the postal rates should be reduced.

Dr. P. N. Banerjea (Calcutta Suburbs: Non-Muhammadian Urban): Sir, it is claimed by the Government that the Posts and Telegraphs Department is a business concern. I agree with the Government in the view that this Department should be run as a commercial concern; but this policy should be extended further and the different branches of this Department should all be run as commercial concerns. If that is done, what will be the result? The result will be that in the Postal Department substantial profits will accrue, while there will be losses in the Telegraph Department. As a matter of fact, this has occurred year after year. For a number of years past, the Postal Department has made very large profits. This year, the profit amounts to over 26 lakhs, and, in the coming year's budget, the profit is estimated at 23 lakhs; whereas, we find that in the Telegraph Department there is a loss of 34 lakhs in the present year's budget and a loss of 36 lakhs is estimated in the ensuing year's budget. This is a very wrong policy. Surely it is impossible for Government to justify that policy. I was surprised to hear the Honourable Member for Industry defend this policy by saying that it is the poor who use the Telegraph Department. To what extent?

The Honourable Sir Frank Noyce: I am sorry to interrupt the Honourable Member, but it is an obvious fact that poor people do use the Telegraph Department.

Dr. P. N. Banerjea: They do use it; but to what extent?

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member is entitled to have his own opinion.

Dr. P. N. Banerjea: It is a question of fact; it is not a question of opinion.

[Dr. P. N. Baperjea.]

If we take the two Departments, Posts and Telegraphs, is there any difficulty in finding out which of the two Departments the poor man most uses, and which of the two Departments the rich man and the comparatively well-to-do man use? It is really taxing the poor for the benefit of the rich. Although the Postal Department was making a profit, you raised the price of the postcard 15 years ago by 100 per cent; and, again, when the Postal Department was making a profit, you raised the price of the postcard by another 100 per cent. seven years ago. Now, you come forward and say that the poorer people use the Telegraph Department to some extent. A servant of the Honourable Sir Frank Noyce sends a telegram once a year or once in three years, that is the sort of use that the poor people make of the Telegraph Department. How many cultivators in the country have any use for this Department? On the other hand, the postcards are an absolute necessity for them,—they are essential for them for carrying on correspondence with their relatives. This policy will not do. If the whole Department is to be run on commercial lines, the different branches of the Department will also have to be run on commercial lines.

What is the solicitude of Government for the poor people? It is to tax the poor in order that the rich may be benefited. This surely is a wrong policy and this policy must be ended soon. In my opinion, no imposition of the Government has created so much discontent as the raising of the price of the postcard. I will relate to this House an incident which occurred some years ago. The late Sir Surendra Nath Banerjea sought re-election in December, 1923; and it was urged by his opponents as an argument against him that he was associated with a Government which had raised the price of the postcard from one to two pice. And, what was the result? The result was that this veteran politician, this great man,—once the idol of the people, who had rendered devoted service to the country for nearly half a century, who had done his best to rouse the political consciousness of the people of India,—was defeated at the polls; and he did not long survive his defeat. This is a tragic result of the raising of the postcard rate from one pice to two pice. A few years later, the Government of India, not only did not reverse their policy but went further in their wrong policy and raised the price of the postcard again, so that today the price of the postcard is 200 per cent. more than it was before the War or during the War. Is this policy defensible at all? No one with any common sense should come forward to defend such a policy. I hope and trust that the Government will see their way to reverse their policy and go back immediately to the two pice postcard and later to the one pice postcard at as early a date as possible.

Mr. M. Ananthasayanam Ayyangar (Madras ceded Districts and Chittoor: Non-Muhammadan Rural): Sir, I expected that the Honourable Member in charge of the Post Office might have got out of the guiding influence of the Honourable the Finance Member at least this year, and that we might now go back to the country and say that the last gift of the Honourable Sir Frank Noyce to the poor people of India was that he reduced the postcard from three pice to two pice. The Honourable Member has tried to justify it, but unfortunately he has failed in that attempt. I shall come to that later. It is not in a mendicant spirit that I intend

approaching this question today. Of course, we have been approaching it in that spirit from time to time. But let us view it from the other aspect, and see on financial grounds alone whether the principles on which this Department is being run today justify the monopoly which has been created for it.

Sir, Honourable Members will be aware that a monopoly will be created for various purposes by the Government with respect to certain departments mainly for the purposes of revenue. I can understand that. In various countries, tobacco is a monopoly, here in India salt is a monopoly, opium is a monopoly. A monopoly is created if it adds considerably to the coffers of the general exchequer. This is what is happening in England today. For a long time the post office has been justifying its existence as an appendage to Government, and it has also been justifying the care and attention which has been bestowed on the post office in England. Year in and year out, it is a source of supply of income to the general exchequer. I will only ask the Honourable Member in charge of this Department and also his Commander-in-Chief or the next in command of the Department, to turn to page 35 of the book entitled "The Post Offices in England":

"Considering the industrial depression of the last few years, the growth of post office business has been encouraging. In 1925-26, on the basis of the Commercial Accounts the gross income of the Department amounted in round figures to £61,900,000 and the expenditure to £55,200,000, leaving a surplus for the exchequer of £6,700,000. With the exception of one of the war years when conditions were abnormal, this is the largest post office surplus ever realised. Each year shows a steady rise in the volume of correspondence passing through the post, which now amounts to over 6,000 million packets per annum. While the telegraph traffic is slowly dwindling under the influence of telephone competition the telephones are thriving with an annual increase of about ten per cent."

In the *Statesman's Year Book* for 1936, we find that under the head "Net Receipts from Posts and Telegraphs and Telephone Services of Great Britain", the exchequer has gained to the extent of eleven million pounds. I would ask Honourable Members to note if this Department deserves the patronage of monopoly. I was amused to find that some prosecutions were launched last year and a reference was made to that in the annual report of the Posts and Telegraphs for 1935-36. No doubt, on a strict enforcement of the rule of law, such a prosecution would lie. But I would ask the Honourable Member in charge to note it as a significant feature that if competition was there, he would certainly run his department much better and much more on a commercial basis. It is not by stifling competition that he could impose any amount of tax burden without ultimately enlarging or increasing the sources of revenue to the general exchequer. On the one side, not a single pie is added to the general exchequer, and, on the other, the poor consumer for whom so much of concern is exhibited day in and day out is not benefited, and that concern for him is not translated into action. On the other hand, the poor consumer is burdened to the hilt so much so that he may not be able to lift his head. These are the two ways in which the so-called commercial department, on which any amount of encomium is showered in this House, has been working all these years. I have absolutely nothing to say against the able and the energetic manner in which the Honourable Member in charge who is now about to retire has been devoting his attention, but unfortunately he has been clogged to the machinery from which there is absolutely no escape. Left to himself, possibly, as I understand he is a nice and good man having a large concern for the interests of this country and for the poor man of this

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country, he would have done something good for this country, but he is not allowed to have his own way. That is exactly how I understand the situation. But so far as we are concerned, be he good, or be he bad, the result is the same. That is what I find. I was referring just now to the report of a prosecution of one lady who was carrying *tapals* or mails from one place to another on a charge of one pice per postcard, instead of the usual Government rate of three pice. That poor lady was prosecuted. No doubt, strictly speaking, according to the law, she was rightly prosecuted. I would only applaud the energy and the vigilance with which the Post Master General or the Director General of Posts and Telegraphs has caught hold of this poor lady and launched a prosecution against her. I have absolutely nothing but praise for the vigilance with which this prosecution was launched. If really the Honourable Member in charge and others in his Department have eyes to see, they cannot stifle this competition for all time. Why should they have a monopoly of running this Department? It is on account of lack of competition in this field of carrying mails that the Government pay such big salaries to officers in charge of this Department. I have heard my Honourable friend saying again and again that there is absolutely no corruption in this Department. I say, it is for want of opportunities that there is no corruption in this Department. Could the postman steal postcards and try to see what is written in the postcards? What is it that can be done? Of course in dealing with money orders which are extra-postal affairs, and in dealing with savings bank which is also not a legitimate duty of the post office, in all such extra departmental matters, perhaps if a man has an itching palm, there is occasion for him to take away the money order, or, in the case of value payable parcel, the parcel clerk can temporarily misappropriate the value paid in cash for the parcel and bring it into account on the tenth day according to rules. In that manner, possibly there is occasion for corruption. In other words, ordinarily there is little or no occasion for corruption in this Department. I would, therefore, say that nobody need congratulate himself on the careful manner in which corruption has been prevented in this Department. We are not satisfied with the absence of corruption in this Department. What we want to know is whether the Government have taken any steps whereby the general exchequer will get an increased volume of inflow and would thereby get increased income while at the same time giving proper facilities for the poor. I have heard the Honourable Member in charge of this Department say that, during the past five years, he has tried to make it a self-sufficient department and that he has made this Department balance its budget. But I would say that, on the other hand, in the Memorandum which the Finance Secretary has submitted to us along with the budget, I find that even to this day there is a deficit of one crore 63 lakhs against this Department. On page 6 of this memorandum, under the head "Posts and Telegraphs", the annual profit and loss account in the working of this Department, since it was commercialised in 1925-26, is given as one crore 37 lakhs. I say that it is not by increasing the price of the postcard—or rather I would call it a duty on the postcard—that you can balance your budget. There are other means. So far as the post office is concerned, I would say—remove the monopoly and ask the telephone and the telegraph and the radio departments to reserve the monopoly system only so far as they are concerned. If you remove the monopolistic manner in which the post office is run to this day, if you will allow

free competition, I am sure, the heads of departments would not draw the fat salaries they are drawing now to this day. In various ways retrenchment could be effected, offices could be combined, the personnel could be decreased, the salaries could also be diminished. Last year, we find an abnormal increase in the staff or the establishment, and this year also they have continued in existence. I referred in my speech of last year the various ways in which additions have been made to this Department in the matter of personnel of the heads of Departments. When one Engineer could be in charge of both the telegraph and also the radio, I find more than two sets of engineers with a number of hierarchy of officials up and down to the lowest grade. Sir, in this year's report also it does not show that any retrenchment is sought to be effected in this manner.

Sir, I shall try to be brief. I would say, as regards the loss, if there is any, it can be remedied in this way. For one or two years, remove the monopolistic feature with respect to this Department. Then the persons in charge would readjust themselves and try to effect retrenchment, as no amount of preaching year in and year out from outside has done anything in this direction. It is only by removing the monopoly that you can bring home to the staff that they should make up the loss. So far as the loss is concerned, I have grave doubts if the figures that have been given by the Honourable Member in charge are correct. The Honourable Member in charge said that if the price of the postcard was reduced from three pice to two pice there would be a loss of nearly 66 lakhs, and even if a margin of ten per cent. should be allowed for increased volume of purchase of the postcards, there will still be a deficit of 50 lakhs. I have got certain figures here, and I do not know, subject to correction, if my Honourable friends are correct. In the year 1928-29, there were 590 millions of postcards purchased when the price was two pice. In 1935-36, 415 millions of postcards were purchased. Now, 415 millions and odd is roughly 416 millions and 550 millions and odd is roughly 591 millions. At the rate of three pice reduction, the deficit is 11 lakhs. If we reduce the price of the postcard to two pice we will certainly go back to the 591 million postcards that were purchased in the year 1928-29. The Honourable Member is absolutely modest in his estimate with respect to the increase and gets unnecessarily frightened regarding the volume if the reduction is made. There is absolutely no need to get into a flutter. If the rate is reduced, I am confident that you will go back to the figures of 1928-29 when nearly 600 million postcards were sold. During all these years education has increased. Whatever may be the unemployment, the people have got into a mentality in which we constantly expect a letter by the mail, and, if by any chance there is delay, we go to the Director General requesting him to ask the mail van to wait for the Grand Trunk Express. Every student who gets into a University or college expects a letter from his wife or his children. (Laughter.) Education has spread so much,—whatever the unemployment. I suggest that this should be taken into account. The money that is spent on the picture postcard is wasted. Even in the villages they have been accustomed to the cinema and are not allured by these picture postcards. So let no money be wasted on picture postcards. If you reduce the rate of the postcard there is absolutely no fear. Regarding the Telegraph Department it is quite useless to attempt to make that department self-supporting, and for this reason. The telegraph has got out of date. The telephone service has caught the imagination of the

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people, and further the radio also is having its full share of competition with the Telegraph Department. There were representations from various persons in the ceded districts of the Madras Presidency that the cotton prices should be broadcasted by the morning radio, but the Honourable Member has been consistently refusing to do so for fear that the telegraph income might go down. Therefore, it is useless to prop up this falling source of income. You must adjust the expenditure to the income and make the Telegraph Department as far as possible self-sufficient. If it is adjusted, I am sure the monopoly will continue for some time. As regards the cultural value of the postcard, enough has been said, and I do not want to waste the time of the House any more. But I say that if the Honourable Member in charge of the Department really wants to go back to his country with a feather in his cap,—before he sails for England, let him reduce the rate for the postcard, and he will go with the good wishes of millions of persons in this country who use the postcard. (Cheers.)

Mr. G. V. Bewoor (Director General of Posts and Telegraphs): Looking over the old debates, I happened to see a speech which was made by the late Sir Bhupendra Nath Mitra in connection with proposals for amendment of the postcard rate in those days from half an anna to a quarter anna. Sir Bhupendra Nath Mitra complained that Honourable Members failed to read the recorded debates on the subject. I am afraid I have to make the same complaint today. I have listened most carefully to the various arguments put forward today by the different speakers, I have been noting every one of those, but referring to the debate of last year and of the year before, I find that the same points were raised, and they were all replied to.

Mr. S. Satyamurti (Madras City: Non-Muhammadian Urban): But we hope one day to see a change.

Mr. N. M. Joshi: There is then no need of speech.

Mr. G. V. Bewoor: We took the special trouble of printing the principal speeches of the Honourable Member and of my own and supplying a special copy to each of the Members hoping that they would read what was stated last year and produce arguments against the reply given by me last year. I regret to note that I have not yet seen any reply to the arguments that were put forward last year. I quite see that Mr. Joshi is not prepared to be convinced, but I propose, all the same, to refer briefly to some of these points instead of dealing with them in detail. In doing so, I may have to repeat myself—I apologise to the House—because the speakers, on the other side, have repeated last year's arguments. But before dealing with this question, I think it is necessary to remove a misapprehension regarding the policy of the Department.

The term "commercial" has been used in a somewhat loose sense. Government have stated that the Post and Telegraphs Department is a public utility service. It is not a commercial department, but its accounts are maintained on a commercial basis in order that we may know what is the real cost of the service and then be able to judge whether the rates charged are such as to meet the cost. The basic idea of the post, telegraph and telephone rates is that the charges recovered from the public should,

on the whole, be such as to meet the cost of the service, and that the department should not be a burden on the general tax-payer. I see that my Honourable friend, Mr. Joshi, admits this principle.

Mr. N. M. Joshi: Oh, yes.

Mr. G. V. Bewoor: The department is thus a public utility service and is not a commercial service. If it had been a commercial service and if the head of such a commercial service had been given that freedom which the managing director of any concern would have in private business, it would have been quite possible to show not merely a profit but an enormous profit. I would like Honourable Members of this House to remember that we are not running the department as a purely commercial department, that is to say, for the earning of dividends on the capital invested therein. We give post offices in areas in which not only they give no profit, but they do not even meet their cost and we continue them for years and years. We have definitely accepted a loss up to a maximum of Rs. 240 per annum. We give services in villages by means of village postmen who take in a day one letter or two to a village. A commercial concern would have closed all these losing branches, would have kept a few branches in the important cities connected by cheap means of communication and would easily have shown large profits.

Mr. N. M. Joshi: They would not have got a monopoly.

Mr. President (The Honourable Sir Abdur Rahim): Let not the Honourable Member be interrupted.

Mr. G. V. Bewoor: I am merely stating for the present that the department is not being run as a commercial department. I want Honourable Members, therefore, not to understand the term "commercial" in the loose sense in which it is frequently employed. We look upon the post, the telegraph and the telephone not only as a public utility service but as an essential service for the safety and good government of the country. No Government of a country can carry on without a well established system of communications, by post, telegraph and telephone. Even if the public did not utilise the post and telegraph department, it would still be necessary for any well constituted and organised Government to have a post and telegraph service. I now come to the question of monopoly. Government have taken the monopoly for the service of post and telegraph, and, but for this monopoly, it would have been impossible to quote low rates which are uniform for all distances within the country, whether connected by fast or slow means of communication, whether by cheap means of communication or expensive ones going across deserts or jungles. Therefore, Sir, I say, this monopoly having been granted, it is the duty of the department to run its business in such a manner that the monopoly is utilised to the best advantage of the public and of the country. The rates which we adopt are partly historical and partly governed by considerations of cost. Already we have concessional rates. The unit rate, the principal rate, is the letter rate, namely, one anna for one tola but the postcard rate is lower, the book packet rate is lower and the newspaper rate is still lower. These are definite concessions which are given for political, social and industrial reasons and for the benefit of the public as a whole. These concessions would not have been possible but for the

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existence of the monopoly. It does not cost any more to the department to carry and distribute a letter than to carry and distribute a postcard. I am merely explaining the position in order to remove the misapprehension regarding what is known as the commercial working of the department.

I now come to the question of the Posts and Telegraphs, the Telephone and the Radio which all constitute one department. Honourable Members have stated that the post office is making a profit, therefore, the postal rates can be reduced. The Telephone Branch is making a profit. Therefore, the Telephone rates should be reduced. The Telegraph Branch is making a loss. Therefore, the telegraph rates should be increased. Apparently the idea is that the Postal Branch should make no profit, and if the Telegraph makes a loss, the general tax-payer should meet the cost.

An Honourable Member: You should effect economy. (Interruptions.)

Mr. President (The Honourable Sir Abdur Rahim): Honourable Members have made their own speeches. They ought to hear the other side.

Mr. M. Ananthasayanam Ayyangar: He is misrepresenting us.

Mr. President (The Honourable Sir Abdur Rahim): Then the Honourable Member can get up and make a personal explanation.

Mr. M. Ananthasayanam Ayyangar: You are wrong when you say that we wanted the general tax-payer to bear the brunt of the deficit in the Telegraph Department. We want you to effect economy here and now.

Mr. G. V. Bewoor: Thank you. If there is a loss, somebody has got to bear that loss.

Mr. M. Ananthasayanam Ayyangar: And that is you.

Mr. G. V. Bewoor: If I am to bear the loss, the Honourable Member should leave me to manage it as I think it ought to be managed. If not, he must bear the loss himself. This question of treating the different branches of the department, as independent units, was raised last year. I would like to read what I said last year, because I really cannot add anything to it.

Mr. S. Satyamurti: You never grow!

Mr. G. V. Bewoor: The Honourable Member is unable to learn.

"Vitarati guruh pradyam vidyam yathaiva tatha jadaih".

The question was dealt with by the Postal Retrenchment Committee (of which Sir Cowasji Jehangir was the President). They stated:

"We would also like to express at this stage our view on the point that has been made on several occasions from various quarters that one branch of the department is working at a loss, while another is working at a profit. Such opinions overlook the implications of the declaration of the policy of Government which was accepted by the representatives of the people constituting the Legislative Assembly. As we read the declaration, Government expect the department as a whole to be self-supporting, irrespective of the results of working of individual branches. This implication, moreover, derives support from common experience. The results of the working of a

large utility department like the Posts and Telegraphs which provides facilities of communication of a most varied nature must depend on a variety of factors some of which are almost beyond control. It is not unreasonable to expect that in such circumstances sometimes it will be one branch and sometimes another which will show a profit while other branches are showing a loss."

Mr. M. S. Aney (Berar Representative): The Honourable Member can take it from me that the passage which he has read is known to every one of us. He need not repeat it over again.

Mr. G. V. Bewoor: It is necessary for me to refer to it again, because the arguments advanced last year have been repeated again this year. It is quite a different matter if the Honourable Members say, "We don't accept your policy". If that is the position, then there is an end of the argument. I must proceed upon the accepted policy for the working of the department.

Mr. N. M. Joshi: Accepted by whom?

Mr. G. V. Bewoor: Accepted by the representatives of the people in the Legislative Assembly.

Mr. N. M. Joshi: No.

Mr. President (The Honourable Sir Abdur Rahim): If any Honourable Member wishes to put a question, he must rise in his seat.

Dr. P. N. Banerjee: In that case, I would put a question. Has the Telegraph Department been ever run at a profit?

Mr. N. M. Joshi: May I ask when this policy was accepted by the House?

Mr. President (The Honourable Sir Abdur Rahim): The Chair cannot allow these interruptions. If any point requires elucidation, and if the Honourable Member gives way, then questions can be put.

Mr. G. V. Bewoor: I will now turn to the question of the profit on the Post Office and the loss on the Telegraph Side. I have here the figures for the profit or loss on the post office for the last six years. In 1931-32, the post office worked at a loss of 51 lakhs, in 1932-33, there was a loss of six lakhs, in 1933-34, there was a loss of 11 lakhs. In 1934-35, that loss was converted into a profit of 24 lakhs. In 1935-36 it was 22 lakhs. In the revised estimate, we expect a profit of 26 lakhs. Now, the Telegraph side on the other hand has been working at a continued loss which has varied between 30 to 40 lakhs. It must however be remembered that the Telegraph Branch is an essential branch for providing quick means of communication necessary for the Government and the public, poor as well as rich. The main cost in telegraph is that of interest on capital investment and on depreciation. In the case of the post office, the material assets which require interest and depreciation are very much lower. Further, the telegraph service is not such an essential service as the post office, and consequently an increase in telegraph rates is likely to be followed by a very much larger fall, followed, therefore, by a great drop in the net revenues earned. There must be a point beyond which you cannot go in the case of the telegraph rates. If you raise your rates, your net revenue goes down and you are still left with a very large capital on which you have got to pay interest and on which you have to allow for depreciation.

An Honourable Member: Don't pay high salaries.

Mr. G. V. Bewoor: I am sorry, Honourable Members are extremely slippery. As soon as I deal with one argument, they ask something else. Another great item in the telegraph branch is the loss on press telegrams. We give to the Press an extremely cheap rate. Whereas the charge for an ordinary telegram is nine annas for eight words, for a press telegram we charge eight annas for 40 words. The loss on the press telegrams is calculated at something between 12 and 13 lakhs in 1936-37. This is a special concession given to the press in the interests of the country. It is considered necessary to do so. It is the giving of this large concession which makes the loss on the Telegraph side much heavier than it ought really to be. If you deduct that, and if you take the profits which the Telephone Branch makes, you will find that the two branches together are pretty near balancing each other. I will next come to the question of the Post Office profits. Here again you will find that the Post Office has worked at a loss for some years, and as regards the profits, those are insufficient today, as they stand, to meet the loss involved in the reduction of the postcard. Sir, questions have been raised about economy, about retrenchment, about cutting down salaries, about cutting down what is called a top-heavy administration. These points I dealt with in detail last year, and I wish now to assure the House that we do not consider that there is a top-heavy administration, or that the total salaries expended on what is called the highly-paid people are disproportionately large. I will give to the House figures for the total pay bill of the Department. Sir, the total pay bill for the Department is Rs. 774 lakhs. Out of this amount, if you take the salary paid to all people drawing more than Rs. 350 per mensem—I have been unable to obtain figures on the basis of salaries of people drawing more than Rs. 500 per mensem which is the maximum salary fixed by certain Members opposite for all officers—taking everybody drawing Rs. 350 and upwards, the total pay bill is Rs. 45 lakhs; that is to say, they constitute six per cent. of the total pay bill of the Department. Well, even if you abolish the whole of the staff drawing Rs. 350 or more, you will not be able to get enough to pay for the loss on the Post Office.

Mr. President (The Honourable Sir Abdur Rahim): It being Friday today, the House has got to rise at a quarter to one. The Honourable Member can continue his speech after lunch.

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

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

Mr. G. V. Bewoor: Sir, in my speech before the recess, I dealt with the correct interpretation of the term "commercial", as applied to this Department, and dealt with the argument advanced that each branch of the Department should be treated as a single unit instead of the Department being treated as a whole. I also gave certain figures to indicate that the Department was not top-heavy and that the salaries paid to what are

known as the supervising officers did not constitute any large burden on the revenues of the Department. I would now like, Sir, to deal very briefly with the remaining arguments advanced by various Members opposite. I do not propose to take very long over it. I do not want Members to be under any misapprehension as to the attitude of Government in this matter. The question of rates is one that receives the very careful consideration of the Government with regard to posts and telegraphs. We are fully aware that the rates which were raised in recent years require to be brought down, but financial considerations must be of primary importance. It is not possible to reduce the rates to be charged below the cost of service. My friend, Mr. Joshi, is undoubtedly a very able labour leader, but I very much doubt whether the advice which he gave to commercial concerns would be accepted by any industrialist.

Mr. N. M. Joshi: Oh, yes.

Mr. G. V. Bewoor: It may be right to sell goods cheap in a period of depression, but you cannot sell your goods below cost price. If the price is below cost price the more you sell the greater your loss. There is a limit beyond which you really cannot go. If it is done sometimes, it is done because the person later on raises the price to make up for what he has lost. We fully recognise that so far as the postcards are concerned, when finances permit, the rates should be brought down. We have given an earnest of our good faith in regard to rates, because as soon as the finances improved, we brought the letter rate down and put it on a logical basis. We have proposed this year a change in the book packet rate. We have introduced new services and we have brought down the rates for telegrams and telephones. It is not our intention to go on earning and pocketing large sums of money. There is no question here of Imperial interests as against Indian interests. There is here no question of any Machiavellian policy. Our budget is open to all of you, and we are prepared to explain every item of it. I am sure you will all admit that we have carried out retrenchment and economy to a limit which has received the severe criticism of certain Members in this House. We have pulled the Department out of a morass, from a period of recurring deficits and of huge accumulated losses, to a balanced position. We hope in the near future to be in a position to build up a revenue reserve. We have not neglected the question of expansion of postal facilities in rural areas. My friend, Prof. Ranga, who is very greatly interested in this matter, said that he was not satisfied with only 200 post offices in rural areas. He will be interested to know that as a result of the policy of expansion undertaken since the beginning of the current financial year, in the first nine months we have opened and made permanent 527 new post offices. We have in addition opened 420 experimental post offices and we have given 669 postmen and village postmen. Surely a total increase of nearly a thousand post offices and over 600 postmen in a period of nine months is proof positive of the good intentions of the Department in looking after the rural population of India. I would deprecate making rash experiments of the kind proposed by Honourable Members opposite who say that if we reduce the postcard rate, we will get more money and have no loss. Last year I took great trouble in tracing the history of the rise and fall of the postcard traffic, and I indicated that to expect anything more than a ten per cent. increase, that is to say, about 40 million postcards in a year, would be going from the realms of estimating to the realms of

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imagination. If we now embark upon an experiment, it will convert our small profit of four lakhs into a loss of nearly half a crore. We shall be floundering in this morass of debt for a long period to come, and it will be followed by a restriction of expansion of postal facilities which, I am sure, Honourable Members opposite would not like. Mr. Sham Lal, in moving the amendment, practically said: "We know that your budget is there; we know your figures are there, and that you cannot afford it; but all the same I should still like the half anna postcard. Do it somehow or other." That reminded me, Sir, of a little story which I told to an Honourable Member of this House. A wife wanted an expensive *Sari*; the husband said: "Well, I am very sorry I have not got the money. You see, we have got such and such expenses and I have got only so much income. I will put by Rs. 5 this month and I will put by another Rs. 5 next month and at the end of six months, I shall be able to buy a *Sari* for you." The wife said: "Yes, it is perfectly true your income is not very great and our expenditure is large." But after listening to the arguments of the husband and saying "yes" every time, she ultimately said: "But I would like my *Sari* all the same just now."

Mr. S. Satyamurti: Every husband yields; why don't you yield also?

Mr. G. V. Bewoor: I did not know that my friend, Mr. Satyamurti, was such a soft husband, and if a husband does yield, he either gets into debt and ultimately goes into bankruptcy or remains under a load of debt for the rest of his life. A wise husband will tell his wife—"You must learn to wait, it is no use mortgaging our future. We must earn our money before we spend it." I wish to appeal to the House

Mr. N. M. Joshi: Follow that principle in Air Mail.

Pandit Nilakantha Das (Orissa Division: Non-Muhammadan): If a divorce ensues in the meantime?

Mr. G. V. Bewoor: I wish to appeal to Honourable Members opposite—they may be sitting in the near future on this side of the House, and I may be sitting outside in the lobby giving them facts and figures with which to defend their policy,—I wish to appeal to my Honourable friends opposite and tell them that we fully recognise that for this country, though the three pice postcard is not expensive compared to the cost involved in handling it, it may be expensive considering the paying capacity of the poor man, but having admitted that, I say that today we are not in a position financially to give that concession. Sir, it is my hope, it is my aim to so work the department as to accumulate sufficient reserves before embarking upon an experiment of this large character. I would, therefore, appeal to Honourable Members opposite to put aside sentiment for the time being and to look upon the question from a purely business, or shall I say statesmanlike point of view. I know there is a strong desire in the country that there should be a reduction in the price of the postcard, and Honourable Members opposite would like to record their votes to indicate that they consider this change desirable. They have already done so by their speeches and by their votes in the last two years. This time, Sir, I appeal to them to show the same moral courage,—I know they have

on more important occasions shown their moral courage right up to the extent of accepting the greatest penalties imposed on them,—I now appeal to them to show the courage of their conviction by accepting the figures of the Department and, in the light of the explanation given in support of those figures, to record their votes against this amendment.

Mr. Sri Prakasa (Allahabad and Jhansi Divisions: Non-Muhammadan Rural): Sir, I am

The Honourable Sir Frank Noyce: Sir, I rise to a point of order. There was a definite understanding before the luncheon hour that the debate should be brought to a close after the Government spokesman had spoken. It was on that understanding that the Honourable the President called on my Honourable friend behind me to wind it up.

Mr. Deputy President (Mr. Akhil Chandra Datta): What was the arrangement?

Mr. M. Asaf Ali (Delhi: General): The arrangement was if we could divide the House before lunch, we would put up no speaker, but the Director General of Posts and Telegraphs could not finish before lunch, and he went beyond the luncheon hour, and so I say we must have another speaker.

The Honourable Sir Frank Noyce: With regard to that, I may point out that the fault is not ours. When my Honourable friend suggested to me that we should, if possible, divide before lunch, Mr. Ananthasayanam Ayyangar was on his feet. He took another ten minutes or so to finish, and, therefore, the time allowed to my Honourable friend, Mr. Bewoor, was entirely inadequate

Mr. Deputy President (Mr. Akhil Chandra Datta): There seems to be some controversy over the matter. The Chair would rather take the line of least resistance and have one more speaker, and only one.

Sir Muhammad Yakub (Rohilkund and Kumaon Divisions: Muhammadan Rural): If the arrangement is disturbed, there is no reason

Mr. S. Satyamurti: On a point of order, Sir. You have given a ruling, and my friend ought to accept it.

Sir Muhammad Yakub: I am speaking on the point of order. I do not question the ruling at all. My point is, if that arrangement is disturbed, there is no reason why Members of other Parties, who wish to speak, should not be allowed to speak.

Mr. D. K. Lahiri Chaudhury (Bengal: Landholders): Sir, it has been pointed out

Mr. Deputy President (Mr. Akhil Chandra Datta): Order, order. The question will arise when any other Honourable Member belonging to any other Party gets up to speak.

Mr. Sri Prakasa: Sir, I am sorry to say that this is the very first occasion when my Honourable friend, Sir Frank Noyce, has not been nice, but I have every desire to be nice to him. It is a curious thing that the amendment on the postcard always brings forward a supplementary budget speech from the Honourable Sir Frank Noyce reviewing the whole of the working of the Postal Department; and when he has been given so much latitude to discuss the various aspects of the Department on this particular amendment, I hope, Sir, you will permit me a certain amount of latitude as well. It is always an ungracious task to have to criticise my Honourable friend, Sir Frank Noyce, because he is always frank and always nice; and I must express my personal regret, Sir, that yesterday's speech of his was going to be his last in this House on that particular subject.

Now, before I proceed further, I shall also indulge in my annual habit of paying a tribute to the Postal Department; and I do not think I can do better than quote some of the sentences that I had occasion to utter at a Postal Conference when by an oversight they made me their President. I am repeating these words, specially to assure the House that I was not singing to the gallery; and singing to the gallery, as my Honourable and worthy opponent, the Finance Member, knows, is not in my line. I then said, and I repeat it now:

"I should like to pay my tribute of sincere admiration and affectionate respect to all those who work in this department, and help friends and relatives in distant places to keep in constant touch, one with the other; and also assist in forging loving bonds between individuals who would perhaps never have known each other otherwise. I should also like to pay my respectful tribute to the honesty, integrity and industry of the men who work in your department. It is a sad fact that dishonesty and corruption are rampant in most departments of our life, and there are incessant complaints of oppression as well against persons in authority generally and particularly the lower officials in most of the departments of Government. In the midst of this atmosphere, it is a remarkable fact that there are practically no complaints against your department on this score. In India I fear the presence of an official is always unwelcome; and in most cases the arrival of one in the neighbourhood causes alarm and not unoften brings trouble. But you are not only always welcome; you are even eagerly looked for. Will you not take it as the proudest expression of our gratitude and affection for you?"

As regards the industry of the members of your department and the risks to life and limb that they undergo, I fear, even a professional poet and panegyrist at a medieval Indian court could not do the subject full justice. When one sees telegraph wires across steep valleys, one wonders how human feet could have trod these inaccessible places, and human hands put the poles and pulled the wires; when one finds letter boxes hanging in the hearts of jungles, or hears the runner running with the post on his back and bells ringing from the top of a bamboo stick which he carries in his hand, on dark mountain slopes at midnight, then alone can we laymen understand the work of our brothers and admire their silent courage and devotion to public duty. Their tremendous industry and efficiency can also be seen if one happens to be in a post office at sorting time and sees the work of your men in running trains. My heart's sincere praise and sympathy always goes out to the post master of the small sub-office who single handed has to attend to a bewildering variety of work: despatching letters; receiving money orders; selling postal orders; attending to letters and packets meant for registration or insurance or both; weighing letters for anxious individuals; giving forms and information of all sorts; sending telegrams; receiving and giving money on savings bank accounts; and over and above all, attending to the importunate demands of the miserable censor eager to examine the letters of politicians in disfavour with the Government, just as the mail bag is about to be sealed for the train! I wonder why he does not lose his patience more often than he does."

Sir, having said that, I should like to say—speaking of the postcard—that it is essential that the postal rate on it should be reduced to two pice if the Postal Department is really anxious to help the poor people of this country. The plea is always put up that they have no money. I think, Sir, one item on which money can be saved is buildings. Last year, I complained of expensive postal buildings. In England, post offices are housed in grocers' shops or chemists' shops; but in India, in keeping with the traditions of imperialism, all public offices have to be in large houses. One of the Governors of the United Provinces, Sir Harcourt Butler, who was a descendant of Wajid Ali Shah in more ways than one, used to say that "a public authority meanly housed is meanly esteemed"; and the result is that in Lucknow we have a tremendous post office.

Sir, I will tell you a story of how sometimes useless buildings are got up. There is a post office attached to my little Hindi daily newspaper the *Aj* in Benares. The post office was there for 15 years; and there was no complaint of lack of accommodation. But one fine morning the manager suddenly receives a letter from the Post Master General saying that our post office would have to be abolished, because there was not sufficient accommodation and sufficient amenities for those members of his Department who worked there. My manager was naturally very much confused; and he saw the Inspector. The Inspector told him: "Well, if you trouble me, I am going to trouble you". "What is the matter?" my manager naturally enquired. "Well, these fellows who are in charge of the *Aj* newspaper are also in charge of the educational institution, the *Vidyapith*. I am building a house in that neighbourhood. My windows overlook your land and the *Vidyapith* are not allowing me to open windows. If they do not allow me to open windows, I am not going to allow you a post office". The result was that the man got his windows and we retained the post office. I hope the Director General will make sure that when some one asks for a building, there is not some such game in the air, and I hope some day there will not be the demand for a regular Taj Mahal for the little post office attached to my paper.

Mr. G. V. Bewoor: Sir, may I ask why the Honourable Member did not report it as soon as the Inspector held out the threat to him?

Mr. Sri Prakasa: This was many years ago, and I was a wiser man then than I am now (Laughter); and I am sure that if I had informed him, he would also have found that the post office room at the place was really very inadequate and very insufficient, even though it was as good as the editor's. But, Sir, I do not want the Honourable Member to pursue the matter any further, because I want to keep my post office. (Laughter.)

Well, Sir, it does seem rather unfortunate,—and I will close with that,—it is rather unfortunate that you should charge only one pice extra on an envelope that contains a whole tola of letter, while you charge as much as three pice for a small postcard on which only a few lines can be written. I shall have occasion, when I move my other amendments, to speak on the various aspects of this question as well as those of others; and for the present I will close with the hope that the House will carry this amendment.

Mr. N. M. Joshi: Sir, I move that the question be now put.

Mr. Deputy President (Mr. Akhil Chandra Datta): The question is that the question be now put.

The motion was adopted.

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

"That in Schedule I to the Bill, in the proposed First Schedule to the Indian Post Office Act, 1898, for the entries under the head "*Postcards*" the following be substituted:

'Single—Six pies.

Reply—One anna'."

The Assembly divided:

AYES—67.

Ahsan, Maulvi Muhammad.
Aney, Mr. M. S.
Asaf Ali, Mr. M.
Ayyangar, Mr. M. Ananthasayanam.
Azhar Ali, Mr. Muhammad.
Badrul Hasan, Maulvi.
Bajoria, Babu Baijnath.
Banerjee, Dr. P. N.
Bhagavan Das, Dr.
Bhagchand Soni, Rai Bahadur Seth.
Chaliha, Mr. Kuladhar.
Chattopadhyaya, Mr. Amarendra Nath.
Chettiar, Mr. T. S. Avinashilingam.
Chetty, Mr. Sami Vencatachelam.
Das, Mr. B.
Das, Mr. Basanta Kumar.
Das, Pandit Nilakantha.
Desai, Mr. Bhulabhai J.
DeSouza, Dr. F. X.
Essak Sait, Mr. H. A. Sathar H.
Fazli-Haq Piracha, Khan Bahadur Shaikh.
Gadgil, Mr. N. V.
Ganga Singh, Mr.
Ghiasuddin, Mr. M.
Ghulam Bhik Nairang, Syed.
Giri, Mr. V. V.
Govind Das, Seth.
Gupta, Mr. Ghansham Singh.
Hans Raj, Raizada.
Hosmani, Mr. S. K.
Ismail Khan, Haji Chaudhury Muhammad.
Jedhe, Ma. K. M.
Jehangir, Sir Cowasji.

Jinnah, Mr. M. A.
Jogendra Singh, Sirdar.
Joshi, Mr. N. M.
Kailash Behari Lal, Babu.
Khare, Dr. N. B.
Lahiri Chaudhury, Mr. D. K.
Maitra, Pandit Lakshmi Kanta.
Malaviya, Pandit Krishna Kant.
Mehr Shah, Nawab Sahibzada Sir Sayad Muhammad.
Mudaliar, Mr. C. N. Muthuranga.
Muhammad Ahmad Kazmi Qazi.
Murtuza Sahib Bahadur, Maulvi Syed.
Nageswara Rao, Mr. K.
Pant, Pandit Govind Ballabh.
Parma Nand, Bhai.
Raghubir Narayan Singh, Choudhri.
Raju, Mr. P. S. Kumaraswami.
Ranga, Prof. N. G.
Saksena, Mr. Mohan Lal.
Sant Singh, Sardar.
Santhanam, Mr. K.
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.
Umar Aly Shah, Mr.
Varma, Mr. B. B.
Vissanji, Mr. Mathuradas.
Ziauddin Ahmad, Dr.

NOES—43.

Abdul Hamid, Khan Bahadur Sir.
Ahmad Nawaz Khan, Major Nawab Sir.
Aikman, Mr. A.
Bajpai, Sir Girja Shankar.
Bansidhar, Rai Sahib.
Bewoor, Mr. G. V.
Bhide, Mr. V. S.
Buss, Mr. L. C.
Chanda, Mr. A. K.
Chapman-Mortimer, Mr. T.
Craik, The Honourable Sir Henry.
Dalai, Dr. R. D.
Ghuznavi, Sir Abdul Halim.
Griffiths, Mr. P. J.
Grigg, The Honourable Sir James.
Hands, Mr. A. S.
Hudson, Sir Leslie.
Jawahar Singh, Sardar Bahadur Sardar Sir.
Lal Chand, Captain Rao Bahadur Chaudhri.
Lalit Chand, Thakur.
Lloyd, Mr. A. H.
Mackeown, Mr. J. A.

Mehta, Mr. S. L.
Menon, Mr. K. R.
Metcalf, Sir Aubrey.
Morgan, Mr. G.
Mukherjee, Rai Bahadur Sir Satya Charan.
Nagarkar, Mr. C. B.
Naydu, Diwan Bahadur B. V. Sri Hari Rao.
Noyce, The Honourable Sir Frank.
Rau, Sir Raghavendra.
Roughton, Mr. N. J.
Row, Mr. K. Sanjiva.
Sale, Mr. J. F.
Sarma, Sir Srinivasa.
Scott, Mr. J. Ramsay.
Sher Muhammad Khan, Captain Sardar Sir.
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.

The motion was adopted.

Mr. Sri Prakasa: Sir, I move:

"That in Schedule I to the Bill, in the proposed First Schedule to the Indian Post Office Act, 1898, for the entries under the head "*Book, Pattern and Sample Packets*" the following be substituted:

'For the first five tolas or fraction thereof—Six pies.

For every additional five tolas or fraction thereof in excess of five tolas—Six pies."

In moving this amendment, I shall take up the tale that was disturbed by the exigencies of voting. But I may, for the information of the Honourable the Industries Member, tell him that his chaprassis are really as fond of the half anna postcard as we ourselves on this side of the House are. As we were filing into the lobbies, the chaprassis anxiously enquired of us whether it was going to be a two pice postcard or continue to be a three pice one. I told them with regret that though we were trying to give them a two pice postcard, the Government would see to it that the rate remains at three pice. They were distressed; and so I informed them that according to their boss they are in the habit of receiving telegrams every day, and, therefore, they should have no complaint against a three pice postcard!

Now, so far as book pattern and sample packets are concerned, if I am not mistaken, there is a story attached to this. When the postcard rate was raised to three pice, the book pattern and sample packets rate remained at two pice. Later on, it was said in this House, if I am not mistaken, by Sir Harry Haig, that this was leading to a certain amount of fraud; and that it was necessary to raise the pattern rate to three pice as well. According to him, what was happening was that receipts, notices, circulars, etc., in the form of postcards required three pice, while the same put in an envelope required only two pice. Therefore, the rate for

[Mr. Sri Prakasa.]

this also went up. I fear the same arguments can hold good when the rate is being reduced to two pice. The only cure is to reduce the postcard as well. Government themselves are proposing that for the first unit of $2\frac{1}{2}$ tolas the rate on packets should be six pies. I am proposing that the old rate of the five tola unit should be reinstated; and that five tolas of sample packets should be carried for six pies, and, for every additional five tolas or fraction thereof, there should be levied an additional six pies.

I hope the Government will see the reasonableness of my request. According to the Government proposal, for the first $2\frac{1}{2}$ tolas it is six pies, and for every additional $2\frac{1}{2}$ tolas they propose only three pies. I say, I am prepared to give them two pice instead of one for every additional five tolas or fraction thereof, if they will give us the first unit of five tolas instead of $2\frac{1}{2}$ tolas. I am sure that this argument will appeal to my Honourable friends opposite and that they will accept my amendment. Sir, it is a pity that, according to law, we cannot have private post offices at all. The Government have a monopoly of the post office, and they claim exclusive rights to carry letters. I have very often wondered whether the day will not come when the Director General of Posts and Telegraphs will jump up from his seat and insist on our putting on stamps on every little slip that we send to our friends sitting on other benches in this House itself. When they have a monopoly of carrying postal articles, they ought to be reasonable. They say that this is a commercial department of Government. First of all, a commercial department cannot be a monopolist department. In commerce, there is a certain amount of freedom of competition; but here, in the Postal Department, there is no free competition; and as my Honourable friend, Mr. Ananthasayanam, informed us, an old woman, who offered to carry letters for less than the postal rates, was prosecuted and roughly handled. Moreover, this Department is also a political department, because, if they work as a common carrier as they ought to do, they would not censor or open our letters in the manner they do at present. I do not think that a person who offers to carry my articles for a consideration can allow them to be examined by a third party. The post office in India does that, and, therefore, it cannot claim to be a commercial department; and it cannot come to us and ask us to make it self-supporting. If they took away this political side of the Department then we would have more sympathy with them than I fear we can have at the present moment. Any way, the proposal that I have made is an eminently reasonable one, namely, that instead of having two pice for the first $2\frac{1}{2}$ tolas, we should have six pies for the first five tolas, and, instead of having three pies for every additional $2\frac{1}{2}$ tolas, we can have six pies for every additional five tolas or fraction thereof. I think, according to my proposals, the loss on the first will be balanced by the gain on the other; and the Honourable Member should have no difficulty in accepting them.

Mr. Deputy President (Mr. Akhil Chandra Datta): Amendment moved:

"That in Schedule I to the Bill, in the proposed First Schedule to the Indian Post Office Act, 1898, for the entries under the head 'Book, Pattern and Sample Packets' the following be substituted:

'For the first five tolas or fraction thereof—Six pies.

For every additional five tolas or fraction thereof in excess of five tolas—Six pies'."

Babu Baijnath Bajoria (Marwari Association: Indian Commerce): Sir, I rise to support this amendment. This is a very modest amendment, and what my Honourable friend, Mr. Sri Prakasa, wants is that instead of $2\frac{1}{2}$ tolas being the unit for six pies which has been proposed in the Finance Bill, there should be a unit of five tolas for six pies. As regards additional five tolas or fraction thereof, he wants that it should remain at six pies as it is at present, though in the Finance Bill it is proposed that for additional $2\frac{1}{2}$ tolas it should be three pies. I would personally prefer that the additional weight in excess of five tolas should be in units of $2\frac{1}{2}$ tolas as proposed in the Finance Bill, but if the Government should accept our proposal and give us a unit of five tolas for six pies initially, I think we will be satisfied, because after all it is only the first unit that counts most. It is for this reason that I support this amendment. Sir, I take this opportunity of speaking a few words on the general postal matters.

Mr. Deputy President (Mr. Akhil Chandra Datta): You cannot speak on general postal matters.

Babu Baijnath Bajoria: I am referring to postal rates. The Mover of the amendment also referred to it, and this is the only opportunity for me to speak on that point.

Mr. Deputy President (Mr. Akhil Chandra Datta): But the Honourable Member must make it relevant to the amendment now under discussion.

Babu Baijnath Bajoria: Sir, the post office is the only department which is in a solvent condition, and it has not suffered on account of the separation of Burma. On the other hand, my Honourable friend, Mr. Bewoor, is in the happy position of gaining 13 lakhs by this separation. Sir, the post office as it is at the present moment is running at a profit. The only branch of this department which is running at a loss is the telegraph department, which is a millstone round the neck of the postal department. It is losing. There is a loss of 35 lakhs on telegrams alone. In my opinion, this loss in telegrams is due to a certain extent to the great use which is now being made of telephones. Say for small distances, people are now in the habit of using telephones instead of telegrams. Say from Meerut or Hapur to Delhi, they will use telephones instead of telegrams, because the telephones are much cheaper than telegrams. So in my opinion, the rates for telegrams should be reduced considerably. If it is not reduced considerably then there is no hope of regaining traffic which is being lost.

Mr. B. Das (Orissa Division: Non-Muhammadan): Then, increase the rate of telephone.

Babu Baijnath Bajoria: Certainly not. As regards telephones, I accuse my Honourable friend, Mr. Bewoor, of profiteering. He is making 50 per cent. profit. The working expense is only 55 lakhs 83 thousand and his net receipts has been 84 lakhs 33 thousand. He is thus making just 50 per cent. profit. Even if we take the interest on capital outlay . . .

Sir Leslie Hudson (Bombay: European): What has this got to do with the amendment before the House: that amendment relates to book packets. Telephones and telegrams have nothing to do with that amendment.

Mr. Deputy President (Mr. Akhil Chandra Datta): The Honourable Member may refer to them as the Honourable Member for Industries and Labour has discussed them as co-related with one another.

Mr. M. Ananthasayanam Ayyangar: The Honourable Member for Industries and Labour touched on all points yesterday, and, in fact, he made a budget speech. So my Honourable friend, Babu Baijnath Bajoria, is entitled to make a general reply with respect to all matters.

Mr. Deputy President (Mr. Akhil Chandra Datta): I have already given my ruling.

Babu Baijnath Bajoria: Thank you, Sir. Telephones are really a great boon to all communities in India, both to the people and to the Government, and the only complaint about the telephone, at the present moment, is that we cannot get connection as speedily as we should like. Furthermore, the charges are too high especially for long distances, and if the charges are reduced, especially those charges which are made during the day time, I think there will be further development in telephones. Telegrams cost more to the Government in working, they have to lay out more capital outlay, but in telephones the Government have got very little to do. The operator has only to connect the telephones and the people talk themselves.

Sir Cowasji Jehangir (Bombay City: Non-Muhammadan Urban): Sir, I rise to a point of order. The amendment that we are discussing just now is No. 39 on the agenda which relates to one specific subject. The Honourable Member is now making a speech on the Finance Bill as a whole. He will have the right of making such a speech only at the third reading. If every Member discusses the whole subject of posts and telegraphs on every amendment, it is in my humble opinion completely out of order. I would ask you, Sir, to rule this speech out of order, and you will please ask him to confine himself to the amendment like other Honourable Members.

Mr. Deputy President (Mr. Akhil Chandra Datta): The Honourable Member is certainly in order in referring incidentally, though only incidentally

Sir Cowasji Jehangir: It is not incidentally.

Mr. Deputy President (Mr. Akhil Chandra Datta): Order, order. But he should not make it the main theme of his speech.

Babu Baijnath Bajoria: What I am suggesting is that the loss incurred in accepting this amendment could be made good. That is the point I am making. My suggestion is that if they reduce the loss on telegrams, there will be no difficulty in accepting this amendment. The traffic has considerably gone down. There should be a retrenchment of the staff, there should also be a retrenchment of the pay, and there should be a reduction in the rates for telegrams, before the telegraph department can pay itself. Another department on which the Government is losing is radio. It is a luxury department.

Sir Leslie Hudson: That is also incidental!

Babu Baijnath Bajoria: These are four departments, post office, telegraph, telephone and radio. Government are losing on telegraphs and radios, that is why the post office users and the telephone users suffer.

Sir Leslie Hudson: Incidentally, of course!

Babu Baijnath Bajoria: As regards radio, it is a luxury, and Government should see that no loss is incurred on that portion of the department. The effect of this amendment will be barely a few lakhs which my Honourable friend, Mr. Bewoor, can well afford to forego in the present position of the department. I support this amendment.

Pandit Nilakantha Das: May I know from the Honourable Member what will be the loss if this amendment is carried or accepted?

Mr. G. V. Bewoor: The packet rate which has been put in the Bill deliberately fixes a lower unit of weight, and it is intended to allow the smaller weighing articles such as advertisements and catalogues of the small trader to go at a charge less than the present one. The subsequent stages have been fixed at 2½ tolas with a charge of quarter of an anna with the same object. At present the rate jumps up in half an anna stages, and we want to give benefit to people, who have not got heavy packages, to pay a little less charge. As has been already stated in the budget speech of the Honourable the Finance Member, the concession that we propose in the Bill is expected to cost Rs. 8 lakhs a year. If the present amendment is accepted, it would mean a further additional loss of revenue to the tune of Rs. 5½ lakhs. That means that the budget which has been framed with a small surplus of Rs. 4 lakhs will become a deficit of Rs. 1½ lakhs. We have been working, as I have already stated, with an attempt to balance our budget and to remain on the right side rather than on the wrong side. The argument which was put forward by Mr. Bajoria shows the risk of accepting the proposal which was made some time ago that each branch should be treated as a unit by itself. Mr. Bajoria now wants me to reduce the rates on telephones so that the loss on the telegraphs may continue. I would just make one observation in this connection. There is a great deal of misapprehension on the subject of the competition between telegrams and telephones. We made certain investigations and placed them before the Standing Finance Committee. My Honourable friend, Dr. Ziauddin Ahmad, asked us for definite figures and we put them before him. We showed that the establishment of telephone connection between two places is not necessarily followed by an equivalent fall in the telegraph traffic. On the contrary, frequently the establishment of telephone connection brings in new traffic to the telegraph and the best indication of that is in the fact that, while the telephone revenue has been going up, there has been no corresponding fall on the telegraph side. Our telegraph revenue has remained more or less steady during the last 4 or 5 years; it has varied between Rs. 266 lakhs and Rs. 267 lakhs. The subject is not quite relevant to the amendment but as you, Sir, admitted it, I just wish to reply to my Honourable friend, Mr. Bajoria, and say that I think the safest policy is to take the department as a whole. As regards the amendment, I must oppose it as it is going to convert a small surplus

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into a small loss, and it is our intention to work the Department so as to have a surplus, and, as I said, to build up a revenue reserve for any further changes in the rates. Sir, I oppose.

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

"That in Schedule I to the Bill, in the proposed First Schedule to the Indian Post Office Act, 1898, for the entries under the head '*Book, Pattern and Sample Packets*' the following be substituted:

'For the first five tolas or fraction thereof—Six pies.

For every additional five tolas or fraction thereof in excess of five tolas—Six pies.'

The motion was negatived.

Pandit Nilakantha Das: Sir, I move:

"That in Schedule I to the Bill, in the proposed First Schedule to the Indian Post Office Act, 1898, in the first and second entries under the head '*Registered Newspapers*' for the word 'eight' the word 'ten' be substituted."

I understand that my Honourable friend in charge of the Department has given notice of a similar amendment. This is the *status quo* and this was a mistake in print. I understand that it is his intention to accept this amendment. I move it.

Mr. Deputy President (Mr. Akhil Chandra Datta): Amendment moved:

"That in Schedule I to the Bill, in the proposed First Schedule to the Indian Post Office Act, 1898, in the first and second entries under the head '*Registered Newspapers*' for the word 'eight' the word 'ten' be substituted."

The Honourable Sir Frank Noyce: As this amendment also stands in my own name, I need hardly say I accept it. I can only apologise to the House for any perturbation which had been caused by the appearance of the word "eight" instead of the word "ten", due to a misprint in the Bill.

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

"That in Schedule I to the Bill, in the proposed First Schedule to the Indian Post Office Act, 1898, in the first and second entries under the head '*Registered Newspapers*' for the word 'eight' the word 'ten' be substituted."

The motion was adopted.

Pandit Nilakantha Das: Sir, I move:

"That in Schedule I to the Bill, in the proposed First Schedule to the Indian Post Office Act, 1898, after the entries under the head '*Registered Newspapers*' the following proviso be added:

'Provided that more than one copy of a Registered Newspaper of the same date shall be allowed to be sent at the above rates if the total weight is not more than given above.'

The amendment speaks for itself, and I move it. It is only a little extension of the cultural amenity for which the amendment which was just accepted was moved last year and accepted by Government. I hope

there will be no difficulty in giving this little benefit of educational culture to the poor man in the villages. I commend the amendment to the acceptance of the House.

Mr. Deputy President (Mr. Akhil Chandra Datta): Amendment moved:

"That in Schedule I to the Bill, in the proposed First Schedule to the Indian Post Office Act, 1898, after the entries under the head '*Registered Newspapers*' the following proviso be added:

'Provided that more than one copy of a Registered Newspaper of the same date shall be allowed to be sent at the above rates if the total weight is not more than given above.'

Mr. G. V. Bewoor: Sir, this question was raised some time ago by my friend, Mr. Sri Prakasa, who is extremely careful about the interpretation of the rules. The present concession which is given to newspapers is a concession for each copy of the newspaper. The proprietor or manager or publisher of a registered newspaper has the option under the rules to pay the postage on a packet containing two or more copies of the same registered newspaper either at the special rate for registered newspapers calculated on each copy according to the rate of that copy or at the rate applicable to book packets provided the conditions relating to the same are not infringed. The rate of postage for registered newspapers is already extremely low. It is in fact the lowest in the world, I think, so far as the rates I have been able to collect go. The further concession which is now asked would mean that in the case of newspaper weighing two tolas, ten copies of that can travel . . . (*An Honourable Member:* "Five copies.") Yes, five copies for one pice. Only a short time ago, the low rates given for press telegrams were criticised as an unnecessary concession. This is a further concession to the press. Newspapers get their news through press telegrams which are sent at a cheap rate. To accept this amendment would ruin the whole principle of the concession. As you will notice in the Bill, the rate is per copy of the registered newspaper. In Belgium, the rate is per copy, in Great Britain, the rate is one penny for every copy of the newspaper. In South Africa, it is the same—one penny per copy. In Australia, it is 1½d. per copy. What Honourable Members opposite are asking me to do is to permit a parcel of newspapers to go to a distributing agent at the registered newspaper rate. Our registered newspaper rate is a rate per copy sent to the subscriber. That should be the correct concession. I must oppose this as this will lead to a great number of newspapers going at an absurdly cheap rate. We are already losing on the newspaper traffic, because it is being carried at a concession rate.

Pandit Nilakantha Das: What will be the estimated loss if this amendment is accepted?

Mr. G. V. Bewoor: It is impossible to calculate the loss.

Mr. S. Satyamurti: Why not make an experiment?

Mr. G. V. Bewoor: Mr. Satyamurti is asking me to jump in the dark. The loss may be very large.

Mr. S. Satyamurti: How do you know?

Pandit Lakshmi Kanta Maitra (Presidency Division: Non-Muhammadan Rural): You are making so many experiments. Why not make another?

Mr. G. V. Bewoor: Please allow me to proceed without interruptions. Otherwise, we can as well have a discussion in the lobby. It is impossible for me to say how many copies will in future be sent in packets to local agents when the rate is changed. My point simply is this—the rate is a rate per copy. It is a rate per copy in all other countries. To make it a rate per bundle of newspapers would be wrong. It would go against the very principle. Similarly, a packet of postcards or letters might be sent and distributed at the other end. Considering the point that newspapers are already having a very big concession and knowing that the rate should and must be rate per copy, as in all other countries, I suggest that this amendment be not accepted. I oppose it.

Mr. M. S. Aney: May I ask the Honourable Member, with your permission, whether this reduction will not help the larger circulation of the newspapers.

Mr. G. V. Bewoor: I have no reason to believe that it will.

Mr. S. Satyamurti: I am surprised at the pertinacity of my friend in opposing all amendments. My friend talked of the principle. What is the principle?

Mr. G. V. Bewoor: I have already explained it. If the Honourable Member cannot understand it, I cannot make him understand.

Mr. S. Satyamurti: This is a very old joke, and a very cheap one at that. We claim to understand these things much better than those Indians sitting on the other side who are slaves of the bureaucracy. We believe newspapers ought to go about freely and that people must be educated. I do suggest that the Honourable the Finance Member must teach these Departments sometimes, I do suggest that it is unseemly that the Government should think that they can oppose all amendments to the Finance Bill; I do appeal to the Finance Member to put some sense into those Departments occasionally. He cannot become merely the coffin-bearer of all his colleagues with His Excellency the Viceroy at his back! All our amendments have been passed by this House by tremendous majorities, but the Finance Member will bring his new Finance Bill all right. Sir, out of respect for the fact that our amendments have all been carried by tremendous majorities, I do suggest that he will pay heed to them. But nothing happens! I do suggest that this amendment is a very reasonable one, a very modest one; it simply asks that, without any loss of revenue, you should prescribe a maximum weight for a particular value of postage, and up to that weight, allow any number of newspapers, and no more. Sir, let us save the cheaper newspapers which all of us want. I appeal to friends who believe in democracy, who believe in educating our masters the electorates, who believe in cheap newspapers, who believe in the spread of knowledge, to support this motion. Sir, as far as I can judge, the Government will lose no money, but the cheaper newspapers in Indian languages will then be enabled to be sent to one man with two or three copies and they will

spread knowledge. Sir, let the common folk read them, let them learn, let them become educated. Sir, we are constantly told that in this country what we want is a more educated electorate. Why then don't you give us an opportunity in this simple matter? Sir, I suggest that this House ought to pass this amendment and we expect of the Honourable the Finance Member not to "certify"—I am sorry to use that word—every word of his original Bill and bring it back. I do suggest, Mr. Deputy President, that the Director General of Posts and Telegraphs, Mr. Bewoor, has made no case against the amendment except trotting out the word "principle": and I suggest that the principle is that we must help the proprietors of newspapers to spread knowledge widely and throughout the country, I, therefore, support the amendment and would ask the House respectfully to vote for it. (Cheers.)

Sir Cowasji Jehangir: Mr. Deputy President, I am afraid I am not quite convinced as to how this amendment is going to help the villager or the agriculturist. It first provides that more than one copy of a newspaper may be sent to a man if the combined weight of all such newspapers is equal to what is supposed to be the weight of an ordinary newspaper. Well, Sir, in the first place, one man does not want two or three copies of a newspaper of the same date. Therefore, it surely means, as Mr. Satyamurti explained, that it is for more than one person. So, in principle, what this amendment requires is that we should allow for packets of newspapers printed on very flimsy paper being sent to one person in the village, who thus in effect becomes a post office for this purpose, and who would have to take two or three papers, go round and then distribute them. Well, that is certainly against the principle of a monopoly, if you look at it impartially. You might as well say that you should allow half a dozen letters to be put into one envelope addressed to one man, who then distributes those letters to several of his friends who are living in the area. Then, Sir, it says, "of the same date". Now, that imposes upon the authorities the obligation of finding out what the dates of the newspapers in a packet are. If they are of different dates, then it is illegal. If they are of the same date, it is legal. I do not see how that is practical nor can I see the reasonableness of allowing—I will repeat—two or three newspapers of the same date to be sent to one single person for the same charge as one newspaper, so that that man may be able to distribute them to his friends, it may be in a town, it may be in a village. I think the principle is wrong; besides which, may I draw the attention of my Honourable friend, Mr. Satyamurti, to the fact that he is encouraging the printing of newspapers on paper which we will not be able to handle,—newspapers printed on the thinnest and flimsiest sort of paper—and that very often, most probably, the poor villager will not even be able to read it, due to the quality of the paper on which the newspaper is likely to be printed. I would suggest, Mr. Deputy President, that this is an amendment which should not be supported, because I do not see how it will be of great advantage, nor do I see how the villager or the poor man is going to gain any advantage from it, and I see great difficulties in putting it into practice.

Mr. Mohan Lal Saksena (Lucknow Division: Non-Muhammadan Rural): Sir, I want to add a few words in support of this motion. Just now, Mr. Bewoor was pleased to tell us of the rates in various countries.

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LEGISLATIVE ASSEMBLY.

[19TH MARCH 1937.]

[Mr. Mohan Lal Saksena.]

May I inquire if the Director General will be pleased to give us the number of papers that are being published in those countries? Sir, in Japan and in fact, in every country he has mentioned, every district has got its own paper and that paper is being circulated not in thousands but in hundreds of thousands and millions. Well, it is very easy, when it suits their purpose, to compare figures and statistics with other countries. When it does not suit their purpose, they say—"the conditions in India are different". Sir, my friend, Sir Cowasji Jehangir, has pointed out that it would be very difficult for the postal authorities to find out whether the issues of the paper are of the same date or different dates. Am I to understand that he is then prepared to support the amendment which stands in my name and which says that even issues of different dates of the same newspaper might be sent in one packet? Sir, it is not a concession to the newspaper man, it is a concession to the villagers. We know that there are a number of papers, in fact most papers in Indian vernaculars cost only two pice and even one pice, and it is really a great hardship to expect these villagers to pay one pice extra in order to read this two pice papers! It is for the convenience of these villages that we have moved this amendment. We want that these papers should go to the villages in as large numbers as possible. Sir, the other day, we were told that this large expenditure is being incurred in the interest of the provincial autonomy that is coming, that it is in our own interest that it is being done, but may I know, is it not in the interest of the villagers that they should know what these Provincial Legislatures are doing, and is it not necessary that there should be as many papers reporting the proceedings of these Councils and the activities of the Government as possible? Sir, we want that villagers should take as much interest as possible in public affairs, and the only way that we can make them do that is by giving all possible facilities for the circulation of these Indian-owned papers amongst them. Then there is another thing. To my mind, this concession is a concession to vested interests. We know that the *Statesman*, which is supposed to have a circulation of hundreds of thousands, and which weighs I think more than four times that of a similar issue of an Indian paper, is being sent at the rate of one pice. Sir, the Government, therefore, do not want other papers to come into existence; they want only to help those that have already established themselves and do not want to help the new papers. Sir, if the Honourable the Member for Industries and Labour accepts this amendment, he may be able to attract a large amount of traffic to post office that is going to the railway at present; we know that if this concession is given, most of the papers will be sent by post. Sir, the Director General was pleased to give us statistics from other countries, and he said that he did not know how much loss he would suffer if he were to accept this proposed concession. Sir, it would really have been much better if he had spent one or two hours in finding out what would be the loss of the Government by accepting this proposed concession. We also know that at the expense of the tax-payer, facilities are being given so far as post by air is concerned. We know that broadcasting is being popularised at the cost of the tax-payer. But when we come to the villagers, the argument is always trotted out that the finances will suffer and the Department cannot bear the loss. With these words, I support the amendment.

The Honourable Sir Frank Noyce: Sir, my Honourable friend Mr. Satyamurti, worked himself up, if I may say so, into a state of indignation because Government were not prepared to accept this amendment.

Mr. S. Satyamurti: Or any amendment.

The Honourable Sir Frank Noyce: As far as I could gather, his only argument in favour of this one was that it was an amendment moved by the Opposition, that we on this side have not accepted any of their amendments yet, which is not quite accurate, because I accepted one just now, and that, therefore, we might as well begin doing so. I submit to the House and I submit especially to Mr. Satyamurti that that is not a very good reason for accepting this amendment. I could wish that some of the Honourable Members who have been arguing at great length in the course of the debate that the different branches of the Posts and Telegraph Department should be separated and should be treated accordingly would carry that principle a little further. I am afraid we could not give them very much help as the figures would be difficult to collect, but I could wish that they would carry the principle to this extent as to think a little of the relative cost of carrying the different categories which are carried by post—letters, postcards and newspapers. There is not the slightest doubt that, if they did that, they would find that we are incurring a heavy burden from newspaper traffic. I think it is perfectly obvious that that must be so. The postcard weighs, I think, about quarter of a tola, and we carry it for nine pies, whereas we are carrying ten tolas of newspaper for three pies. The House can work out that sum in arithmetic. As Mr. Bewoor said, our newspaper rate is the cheapest in the world, and yet Honourable Members are continually asking us that further concessions should be given to the Press. They secured one such concession last year when we accepted the amendment raising the first unit of weight from eight tolas to ten tolas. Not content with that, they now ask for this further concession. I can only surmise that Honourable Members opposite, like the Honourable Members on this side of the House, have a wholesome respect for the Press. In the course of this debate, the finger of scorn has been pointed at the telegraph branch of the Department. It has been urged on several occasions, notably by Mr. Joshi, that we ought to cut down the activities of that Department. But no Member of the House has recognised the fact that to a very large extent the loss on the working of that Department is due to the help we give to the Press. The state of the finances of that Department would be very different were it not for the press rates. The loss on those is estimated at Rs. 12½ lakhs. So, we are already giving the Press a subsidy of Rs. 12½ lakhs from the Department, and yet we are continually asked to do more. We have been requested by Honourable Members opposite to tell them what the loss would be if we accepted this proviso. I submit to the House that it is obvious that we can do nothing of the kind. How are we to estimate the loss? It is obvious that if one newspaper is carried for three pies, and if three newspapers were carried for the same amount, there must be a loss of six pies—the difference between three pies and nine pies. But we could only estimate the total loss to the Department by the grant of the concession if we weighed every newspaper in the country and discovered how much it costs to send it by post. Even that would not be

[Sir Frank Noyce.]

very helpful since as those Honourable Members opposite, who are interested in the despatch of newspapers, know, the weight of a newspaper varies from day to day. Finally, I would submit that it is impossible to refute Sir Cowasji Jehangir's argument that if you grant this concession to newspapers, there is no reason whatever why you should not grant it to letters also. If you allow a bundle of newspapers to be sent in one packet to be distributed at the other end why should you not allow a bundle of letters to be treated in the same manner? That, Sir, is the main answer to the arguments of my Honourable friends opposite. The further answer which I have endeavoured to emphasise is that, in the present financial condition of the Department, we are doing as much for newspapers as can be justified. Sir, I must oppose the amendment.

Mr. M. S. Aney: Sir, it was for the unexpected speech of my Honourable friend, the Deputy Leader of the Independent Party, on my right that I am prompted to rise and intervene in this debate. Besides, a few observations that have been made by the Honourable Member in charge of Industries and Labour Department have also given me further cause to make a few observations in reply. The Honourable Sir Frank Noyce has told us that the Honourable Members who have taken part in the debate on the postal question have very often insisted that each Department should be self-sufficient, and the Department that is running at a loss ought not to be allowed to continue its work at a loss, and so on. Then, he based his argument on the point that whatever help they have been giving to the newspapers is already causing them considerable loss, and, therefore, any further reduction in this direction is unjustifiable. Now, I want to assure my Honourable friend that Government have to run departments for various purposes. There are certain departments which are kept up in the interests of the public although they cause expenditure only, and not bring in any return at all. The particular purpose for which this amendment is moved relates only to newspapers, and that purpose is to help the circulation of newspapers in the villages. It is a work in the direction of educating the village public, and, so far as the educational activities of the Government are concerned, it would be wrong for Government to expect any return from such educational activities; they must be prepared to incur that expenditure as much as they can, and therefore the argument urged by my friends opposite, that because there is already some loss incurred on account of the concessions granted to newspapers, no further concessions can be granted, cannot hold water for a moment. The question is whether the loss now incurred is of such a nature that the Government under its present condition cannot bear it at all. That is the real point, and my friend, Mr. Satvamurti, put a very pertinent question to the Director General as to what is the exact loss that he expected and the reply was, he could not say, but I am sure even if the Director General makes a calculation, he will see that it will not be very much, at least it will not be such that the Government cannot bear it under present conditions.

Then, the second thing is the point which my friend, Sir Cowasji Jehangir, made, and to which approbation was given by my Honourable friend, Sir Frank Noyce. He said that if this concession were allowed, there is no reason why a similar concession should not be given to letters also. I believe the obvious distinction between a letter and a newspaper

can be appreciated by anybody. If they don't appreciate it, then they don't appreciate the purpose of the amendment we are moving. Sir, a newspaper is intended for educating the public, a letter is intended for the information of an individual. Therefore, to put these things on a par and to say that if concession is made in one case, a concession should be made in the other case as well, is confounding the real issue. We are asking that the Government should do their little bit to further the cause of popular education in the villages, it is only in that light that this amendment is moved, and it is in that light we expect the Government to accept it. But, Sir, the Government are blind in discharging their duty.

Sir, it has been stated that the Government are giving considerable subsidy to the press in regard to telegrams and newspapers, and that thereby they have suffered heavily. Now, what are the papers that generally subscribe to these telegraphic agencies? They are big newspapers which are circulated mostly in urban areas. I think that the Government are incurring 12 lakhs loss on account of that. If that is so, what is the loss you will incur by trying to extend certain educational facilities for the uplift of the rural population? What are you going to do for the uplift of the rural population about which we heard such an eloquent appeal the other day. Has all that enthusiasm for the uplift of the rural population subsided? Is it due to the result of the elections which showed a sudden awakening on the part of the Government to the needs of the rural public? Have not these elections brought the Government a little bit nearer to the village people? The people knew who were their real benefactors. Sir, if there is the slightest desire for Government to do some real, solid service, to the rural population, I feel that they should, at least as an experiment, try to give effect to the proposal which is embodied in this amendment. Therefore, I say that not only those parties who have sponsored this amendment, but even those, who had not so far understood the real purpose of it, should now appreciate the object of this amendment, and all the non-officials on this side of the House should vote for the amendment solidly.

The Honourable Sir Frank Noyce: Sir, I move that the question be now put.

Mr. M. Asaf Ali: I should just like to say . . .

Mr. Deputy President (Mr. Akhil Chandra Datta): Is it on a point of order?

Mr. M. Asaf Ali: No, Sir, I want to speak.

Mr. Deputy President (Mr. Akhil Chandra Datta): The Chair was going to put the amendment . . .

Mr. M. Asaf Ali: If you want to close the debate, you may . . .

Mr. Deputy President (Mr. Akhil Chandra Datta): If the Honourable Member is very keen, the Chair will put the closure after he has finished.

Mr. M. Asaf Ali: Thank you, Sir. I had not the slightest desire to make a speech today or participate in this debate, but the speech of the Honourable the Baronet from Bombay has persuaded me to say just a few words. He put a very simple question to the House and said that the

[Mr. M. Asaf Ali.]

proposal might be a very good one, but would the proposers say whom this proposal was going to benefit? My answer to that is, not only is it going to benefit the villager, but it is also going to benefit the railways, the post office, the Industries and Commerce Departments, all told. And how? Just look at it in a simple realistic way and with a little bit of imagination. I am rather surprised at the lack of imagination displayed by the usually very imaginative Honourable Member for Industries as also by the gentleman who sits behind him, because on this occasion they have shown an absolute lack of imagination as far as this question is concerned. I look at it in this way, Sir. You find that ten tolas can go for a quarter of an anna, which means that a newspaper like the *Statesman*, which perhaps may be weighing more than half a seer, can go for a quarter anna, whereas a vernacular newspaper like the *Tej* or the *Arjun*,—and there are many such which do not weigh even two tolas,—have to pay a quarter anna for each copy. If by chance you accept our amendment, the result will be this. Today these newspapers have got to pay as much as Rs. 6 a year to the post office for each copy. These Rs. 6 have to be paid by the subscriber and by nobody else. My Honourable friend wanted to know who was going to be benefited, whether the villager was going to be benefited or not. Each villager who takes one copy of a vernacular newspaper has to pay Rs. 6 to the post office on the top of what he has got to pay to the newspaper itself. If you take those Rs. 6 away, the newspaper naturally becomes cheaper, and as soon as it becomes cheaper, more newspapers can go to the villages, and as more newspapers will be published, the industry will flourish, more paper will be sold, there will be more printing, there will be more people employed in the newspaper industry. Not only that, but there will also be perhaps more postal traffic as far as newspapers are concerned. There will be far more postal traffic than at present, because if Rs. 6 are taken off, you can imagine how many more people would be prepared to subscribe to newspapers, and if a large number of persons are persuaded to buy newspapers, naturally the postal as well as the railway traffic will increase . . .

Mr. G. V. Bewoor: It is open to them to send them all by the book packet rate. A bundle of newspapers can be sent as a book packet which costs half anna for 2½ tolas. It is also open to them to send these by parcel post. Our point is that newspaper postage is a postage per copy; it is not a postage per bundle.

Mr. M. Asaf Ali: My friend was asking on what principle, and he got angry when Mr. Satyamurti expressed him a little indignantly about this principle. What exactly is the principle? Do you want the English newspapers like *Statesman* or any others to benefit by this particular principle which you are observing now, and not allow the vernacular press to derive any benefit whatsoever from the concession that you are going to make to the journalistic world? The net result of the concession you are making today is that a newspaper which weighs more than half a seer or about ten tolas can go for quarter of an anna, whereas other vernacular newspapers which do not weigh more than about two tolas have got to pay quarter of an anna, which means that today the rich people are benefiting by this particular concession which you say you have made to the journalistic

world, and the poor people, so far from benefiting from it, are really losing something by it, and, therefore, I really do not know what principle is being followed in this matter. It is not a question of your asking the journalistic world to stick to the principle of it by asking them to stamp each copy with quarter anna stamp. You are really asking the papers today to pay Rs. 6 a year on the top of what they have got to pay for the newspaper itself. The result is that the newspapers . . .

Mr. G. V. Bewoor: How does the Honourable Member arrive at Rs. 6 a year? There are only 365 days in a year.

Mr. M. Asaf Ali: Will you kindly multiply 60 by 6? You will get 360. Perhaps some holidays like the "Holi", etc., may be deducted, and you will find that they have got to pay Rs. 6 a year.

Mr. G. V. Bewoor: But Rs. 6 is 384 pice.

Mr. M. Asaf Ali: You see, a quarter of an anna means one pice and 60 pice means a rupee.

Mr. G. V. Bewoor: No, it is 64 pice which make a rupee and not 60 pice.

Mr. M. Asaf Ali: Oh, I am awfully sorry, my mathematics is beastly bad. You can add another four pice, it does not make much difference. My only point is that by making this concession which we are asking you to do, you will certainly benefit by increasing both postal and railway traffic. You will also certainly be stimulating the journalistic industry and you will also indirectly be helping the commerce of the country. That being so, this proposal means that you will be helping all the departments round you and you ought to have no hesitation whatsoever in accepting this amendment.

Several Honourable Members: The question may now be put.

Sir Abdul Halim Ghuznavi: Sir, it was amusing this afternoon to hear the speeches which show the most colossal ignorance as regards newspapers. The argument was put forward that if you allow a certain number of copies to be posted for one pice, you will be helping to educate the masses. First of all, I should like to ask my Honourable friends whether the masses are literate enough to read newspapers. What is the percentage of literacy? Have you ever ascertained the position from a newspaper office?

Mr. M. Asaf Ali: Have you ever seen a newspaper office? I have been in the newspaper trade, and I know what I am talking about. And you talk of colossal ignorance!

Sir Abdul Halim Ghuznavi: I am the Director of a daily newspaper, and I know more about newspapers than you do. (Voices: "What is that newspaper?") (Voices: "The Star of India", etc.)

[At this stage, Mr. President (The Honourable Sir Abdur Rahim) resumed the Chair.]

Pandit Nilakantha Das: Do not papers go by packets in thousands over the railways?

Sir Abdul Halim Ghuznavi: Sir, my experience of villages . . . (*Cries of "How many have you seen?" "Name one", etc.*)

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member should know that if he wants to address the House, he must do so through the Chair. But if he does not want to address the House and wants to carry on conversations, he must do it in the lobby and not in the House.

Sir Abdul Halim Ghuznavi: Sir, in the villages what do we find?
4 P.M. How many villagers subscribe to a daily newspaper? In Bengal, the village headman subscribes to one weekly vernacular newspaper. . . .

An Honourable Member: The *Ananda Bazaar Patrika* goes in any number.

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member need not take any notice of these interruptions.

Sir Abdul Halim Ghuznavi: . . . and what he does is that he goes with these newspapers to the *hat*. He reads to a large number of people who gather round him, because they are ignorant and cannot read or write. What earthly use will it be to the villager if you send him three copies of the same issue, either daily or weekly? The headman is the only person who can read, and the others listen to him.

Then, Sir, it was said that vested interests must be supported and it is intended to benefit the *Statesman* and other English papers with 20 pages and 8 tolas inasmuch as the vernacular papers are so light that they do not ordinarily weigh eight tolas. The latter are therefore being penalised by having to pay three pies; and that therefore the English papers should be charged more. Sir, that again shows colossal ignorance. Vernacular newspapers are nowadays heavier than even the *Statesman* or the *Times of India* or other English newspapers.

Pandit Lakshmi Kanta Maitra: That is a sweeping statement.

Sir Abdul Halim Ghuznavi: There are many vernacular newspapers which weigh much more than any English newspaper. My Honourable friend, Mr. Satyamurti, asked what principle Mr. Bewoor was fighting for. He said that the principle lay in this point. The point is that we will allow you to post a newspaper only for three pies, but we will not allow it to avail of a parcel rate or book rate. That is the principle. They have fixed three pies for a newspaper of a particular date and for one copy, and it must not be bundled up into a parcel or a packet: you cannot allow book post or parcel post to go for three pies instead of half an anna

Pandit Lakshmi Kanta Maitra: Who wants that?

Sir Abdul Halim Ghuznavi: That is what you want

Pandit Lakshmi Kanta Maitra: No.

Sir Abdul Halim Ghuznavi: Three copies of the same newspaper or as many copies as can go in within three pies—that is what you want; and as has been pointed out by my Honourable friend, the Baronet from Bombay, you want to have a local post office to distribute that and thereby allow a profit, not for the readers, but for the newspapers. I oppose the amendment.

Honourable Members: The question may now be put.

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

"That the question be now put."

The motion was adopted.

Mr. President (The Honourable Sir Abdur Rahim): Does the Honourable Member wish to reply?

The Honourable Sir Frank Noyce: Sir, I replied some time ago.

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

"That in Schedule I to the Bill, in the proposed First Schedule to the Indian Post Office Act, 1898, after the entries under the head '*Registered Newspapers*' the following proviso be added:

'Provided that more than one copy of a Registered Newspaper of the same date shall be allowed to be sent at the above rates if the total weight is not more than given above.'

The motion was negatived.

Qazi Muhammad Ahmad Kazmi (Meerut Division: Muhammadan Rural): Sir, I move:

"That in Schedule I to the Bill, in the proposed First Schedule to the Indian Post Office Act, 1898, for the first entry under the head '*Parcels*' the following be substituted:

'For a weight not exceeding twenty tolas—Two annas.

For a weight exceeding twenty tolas and not exceeding forty tolas—Four annas.'

This amendment will only take us back to the present condition. This is a new thing which has been brought in by the Department. The reason they have given for the change is that there is some difficulty in differentiating between letters and parcels: but, as a matter of fact, in actual practice, this increase in rates will very badly affect the small booksellers. I shall very briefly put before the House the amount of expenses that a subscriber has to pay for a small book costing eight annas previously and the rates he will have to pay at present if this rate comes into force. Take a book weighing 20 tolas—an ordinary vernacular book which does not cost more than eight annas. If such a book were sent previously, that is, before parcel registration came into force, the bookseller had to send the value payable parcel for eight annas for the book, *plus* six pies for the intimation card, two annas for the value payable money order, and two annas for the parcel: in all he had to send a V. P. P. for 12 annas 6 pies

[Qazi Muhammad Ahmad Kazmi.]

for a book costing eight annas. Ever since the compulsory registration was started he had to pay three annas more, and the rate also was further increased, and so the price of the book became one rupee. If the present proposal of Government is to be accepted, the result would be that an ordinary book which is sold at eight annas in the market will cost the subscriber Rs. 1-2-0 if it is sent by V. P. P. That means an increase of 125 per cent. I say, this is very hard on the smaller vernacular book-sellers. It has nothing to do with booksellers who carry on their business on a very large scale. It will be very hard hit and it is only the small book-seller who has been hit all along. I beg to submit that these changes affect the small man and the same question of rich *versus* poor comes in again. It was the same question with registered newspapers and with postcards, and now with the present parcel rates.

There is one point which was discussed in connection with the previous amendment and which is to be discussed in this connection also and which I want to put before the House. It is that in calculating the amount of loss or profit, the post office does not seem to consider the new customs that they are likely to create by these reductions. In the case of newspapers, they do not consider that if they have had to allow a particular concession, the result will be that in many places where no newspaper comes at present, in many towns where the facilities of railway are not available and railway parcels are not carried and local newspaper agents cannot be appointed, they will be appointed if more than one newspaper can be sent at cheap postal rates. Similarly, in case of parcels they do not consider that by decreasing the amount of expenses, they will encourage the sending of these books with small weights. The question is that these little pamphlets and books which are carried in small parcels are to be used by the ordinary man in the street. They are not books of any particular value, and so they could be circulated amongst the villagers. The result of increasing this weight on parcels would affect, not only the small book seller, but also the ordinary villager who will not have the courage of placing any orders with book-sellers for getting those books. As a matter of fact, ever since the post office has made registration of parcels compulsory in case of value payable parcels, the number of books which are sent for has been reduced and this further reducing of rate or rather increasing of charges by increasing the weight would affect them very adversely and would make it almost impossible for a man to send for small books. It is for this reason that I propose this amendment.

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

"That in Schedule I to the Bill, in the proposed First Schedule to the Indian Post Office Act, 1898, for the first entry under the head 'Parcels' the following be substituted:

'For a weight not exceeding twenty tolas—Two annas.

For a weight exceeding twenty tolas and not exceeding forty tolas—Four annas'."

Mr. Sri Prakasa: Sir, I rise to support the amendment moved by my Honourable friend, Mr. Kazmi. The enthusiasm with which Sir Abdul Halim Ghuznavi has been opposing all our amendments reminds me of the lines:

"'Tis all a chequer board of 'nights' and days

Where 'Goverment' with men for pieces play."

I hope that on this at least we may have his support. Sir, the speeches of the Honourable the Finance Member and of the Honourable Member in charge of Industries and Labour tried to convince us that there is an anomaly in the present arrangement, and the only purpose for which the extra charge on parcels is being proposed is to remove that anomaly. The anomaly is just this. If a letter weighs more than three tolas, instead of people sending that letter by letter post, they send it by parcel. Now, Sir, letters weighing three tolas is an anomaly in itself. So far as I can make out, the only person who could write a letter of such proportions is my interesting and Honourable friend, Mr. Chapman-Mortimer. The rest of us have long settled down to quiet domesticity. Letters weighing three tolas and more can only be love letters and a person in that interesting condition will gladly pay a little more than others do. For the sake of removing an anomaly owing to the tendency on the part of one Member of this House, the rest of us, 144 Members, are all to be penalised; and section 144 applied against us. I do not think that is right. I think the best cure for this would be to see that letters weighing three tolas and more are sent by letter post and not by parcel post so that the rest of us could send our small ordinary letters by letter post and our parcels at a cheaper rate. The whole purpose of this amendment is to maintain the rate as it is today and neither to increase it nor to decrease it. I am sure that my Honourable friend opposite will see that our claims are just; and I hope he will agree to maintain the present rate and not try to enhance the income of Government under cover of removing anomalies and in the name of standing for a principle. There is no principle in such matters except the principle of facilitating the public; and if no revenue is at stake, the only way to facilitate the public is to maintain the rate as it is at present. I hope the Government will accept this amendment and let the postage rates on parcels stand where they are today.

Babu Baijnath Bajoria: Sir, I rise to support this amendment. The Honourable the Leader of the House, the Honourable Sir Frank Noyce, has said that the more concession the Government give in postal rates, the more we.—Non-Official Members,—ask. Here in the present Finance Bill a small concession was given about book packet, and what has been given there has been taken away under another proposal. Exactly nothing has been given. In the budget speech of the Honourable the Finance Member, he said that the concessions in book packets will cost about eight lakhs, and, by increasing this rate on parcels, he expects to get eight lakhs more. So they cancel one another. I would ask the Director General to agree to this amendment, because why should we be denied the opportunity of sending small parcels weighing less than 20 tolas which is the unit even now for sending parcels. I think 20 tolas should be sent for two annas, and, over and above that, we should be charged four annas for every 40 tolas. There is no justification for enhancing the rates on parcels. Sir, I support this amendment.

Dr. Ziauddin Ahmad (United Provinces Southern Divisions: Muhammadan Rural): Sir, I would just like to point out one or two things in this connection. The concession is given for the benefit of the trade, it was intended that by parcels only the commodities should be sent and not letters. But since the rules are there, everybody has been misusing the provision. I openly say that I myself have been misusing it. If in these parcels there is no prohibition whatsoever for these letters, then whenever I have

[Dr. Ziauddin Ahmad.]

to send bundles of letters to Aligarh or whenever they have to send bundles of letters to me here in Delhi, instead of sending them by packets, they send them by parcels. Because the rule is there, people take advantage of it. Why should they not? Exclude altogether putting any letter; in that case the suggestion which is now made appears to be reasonable, and it will be on the lines followed in many other countries.

Mr. G. V. Bewoor: I am very sorry that I shall have to oppose this amendment. The Honourable Member, in his speech, gave full reasons for the modification that we have put before the House. It is really unnecessary to add anything to it. The charge of two annas for 20 tolas has been in existence since 1895. Since then, there has been an increase in the postcard rate, in the letter rate, in the book packet rate, but this one has remained unchanged. When the letter rate was half an anna for two tolas, as in the old days, there was very little diversion of the letter traffic to the parcel traffic because it was cheaper to send letters, weighing up to eight tolas, by the letter post.

With the revision in the letter rate now to one anna one tola, what happens is that as soon as a letter weighs more than three tolas, it becomes cheaper to send it by the parcel post. As a result, we find that 52 per cent of our total parcel traffic is below 20 tolas. It is not the case that there are really so many parcels of goods of small weight. The fact is that the letter traffic is being diverted to the parcel traffic and the parcel traffic was intended for the conveyance of goods and articles and not for the conveyance of communications. With the change in the letter rate, the danger of diversion to the parcel rate has become more serious. I have already explained to the House that in most of the advanced countries parcels are not allowed to contain any communication whatsoever, and all communications have got to go by the letter post. The Honourable the Mover of this amendment referred to the book trade. So far as the book trade is concerned, it is open to the book seller to send his books by the book packet rate which according to the new rate will enable him to send up to 17½ tolas for two annas, because the rate is 2½ tolas half an anna and for the subsequent 2½ tolas quarter anna. We admit that the parcel rate change is one which makes it dearer. But as I have said, we have done it for a definite and clear purpose, namely, to prevent the diversion of letters from the letter to the parcel traffic.

The suggestion made by Dr. Ziauddin Ahmad is to prohibit the sending of communications in parcels. I admit that that is a possible solution, but we carefully considered it before putting this proposal before the House. We feel that provision of such a rule would cause greater dissatisfaction among the public because parcels will have to be examined. They will be first suspected to contain communications; the addressee will have to be sent for to the post office and the parcel opened in the presence of the postmaster. This is sure to be a greater source of annoyance and dissatisfaction to the public, and it was in the interests of the public, therefore, that we thought that the change that we have put before the House, namely, of fixing four annas for the first 40 tolas, would be more welcome to the House; in fact, there was an amendment to this effect given notice of by one Honourable Member, but later on he withdrew it. I urge the House to reject this amendment, because we are really trying to put our parcel rate on a reasonable basis, and it is much better that the rate should be fixed at four annas for the first 40 tolas than that the public should be

required to have to send no communication whatsoever. My Honourable friend, Mr. Sri Prakasa, observed that very few people write letters weighing more than three tolas. That is not a fact. There are letters containing enclosures and official communications containing a number of letters replying to different communications from the same officer. As I have said, 52 per cent. of our total parcel traffic consists of parcels below 20 tolas, and one can easily understand that this is not goods traffic; it is mostly letter traffic. I would ask the House to accept the proposal made by the Government and not to accept the amendment moved by the Honourable the Mover.

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

"That in Schedule I to the Bill, in the proposed First Schedule to the Indian Post Office Act, 1898, for the first entry under the head '*Parcels*' the following be substituted:

'For a weight not exceeding twenty tolas—Two annas.

For a weight exceeding twenty tolas and not exceeding forty tolas—Four annas'."

The motion was negatived.

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

"That Schedule I, as amended, stand part of the Bill."

The motion was adopted.

Schedule I, as amended, was added to the Bill.

Clause 6 was added to the Bill.

Clause 7 was added to the Bill.

Clause 1 was added to the Bill.

The Title and the Preamble were added to the Bill.

Mr. President (The Honourable Sir Abdur Rahim): Sir James Grigg:

The Honourable Sir James Grigg: I do not move.

Mr. S. Satyamurti: May I know why?

Mr. President (The Honourable Sir Abdur Rahim): He is not bound to give any reason. Besides, the Honourable Member knows it.

STATEMENT OF BUSINESS.

The Honourable Sir Frank Noyce (Leader of the House): Sir, urgent requests have reached us to provide time for the remaining stages of the Arya Marriage Validation Bill which has, we are assured, become an agreed measure subject to agreed amendments, and I have to inform the House that this item of business will be added to tomorrow's list at the end of the Government business put down for the day. If Government business is not disposed of in time to admit of this item being taken tomorrow, we will endeavour to provide time for it on the 30th or 31st March.

The Assembly then adjourned till Eleven of the Clock on Saturday, the 20th March, 1937.

LEGISLATIVE ASSEMBLY.

Saturday, 20th March, 1937.

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. John Anderson Thorne, C.I.E., M.L.A. (Government of India: Nominated Official).

QUESTIONS AND ANSWERS.

CASE OF FRAUD IN THE LAHORE DIVISION OF THE NORTH WESTERN RAILWAY.

707. ***Bhai Parma Nand:** (a) Will Government be pleased to state whether there was a case of fraud in the Lahore Division of the North Western Railway, in which an officer and his subordinates were involved, and that the officer responsible was let off with a transfer while the subordinate staff was punished?

(b) Is it a fact that another case of undue payment of Rs. 2,000 by the same officer to a certain doctor was detected, but the papers regarding the case are kept hanging for several months?

(c) Is it a fact that the officer is in the habit of signing blank cheques, which involves a loss of public money?

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

RECRUITMENT OF SOLDIERS IN THE ARMY AND MILITARY STATIONS, ETC.

708. ***Babu Kailash Behari Lal:** (a) Will Government be pleased to state the total strength of the Indian military forces?

(b) How many military stations are there in India, and what is the number of military stationed in each military station?

(c) What is the number of soldiers recruited from each of the provinces of India?

(d) What is the number of soldiers recruited from Nepal, or from any other Indian States?

(e) Do Government make any distinction of martial or non-martial race in the matter of recruitment of soldiers from the Indian people?

(f) If the answer to the above be in the affirmative, which people in India are classed as martial?

Mr. G. R. F. Tottenham: (a) and (b). The information desired by the Honourable Member is contained in the return showing the actual strength of the Army and the Royal Air Force in India and the Indian Army List, copies of which are in the Library.

(c) and (d). I lay on the table a statement containing the required information, so far as it is available.

(e) I would refer the Honourable Member to the reply I gave to part (a) of starred question No. 649 on the 13th March.

(f) Does not arise.

Number of Soldiers recruited to the Indian Army from the various Provinces, etc., for the year ending 31st March, 1936.

North-West Frontier Province	952
Punjab	11,442
United Provinces (including Delhi)	1,347
Rajputana and Central India	795
Bombay (including Sind)	818
Madras	542
Nepal	1,679

Indian States—Separate figures not available.

Mr. S. Satyamurti: May I know what are the main considerations which are borne in mind by the military authorities, in selecting the military stations and fixing upon the number of men in each station?

Mr. G. R. F. Tottenham: I could hardly answer that in reply to a supplementary question.

Mr. S. Satyamurti: May I know whether the wishes of the Local Governments are taken into account in deciding this question?

Mr. G. R. F. Tottenham: If any new military station were to be started, the wishes of the Local Government would certainly be taken into account, but there has been no question of starting a new military station for many years.

Mr. S. Satyamurti: With reference to the internal security forces which are maintained primarily for internal security, may I know whether the wishes of the Local Government are the primary factor in locating the stations and also in deciding upon the number of men in each station?

Mr. G. R. F. Tottenham: I think generally speaking that is correct.

Mr. Ganga Singh: May I know why the subjects of a Foreign State, the Gurkhas, are recruited when Government can get any number of men for the British army from British India?

Mr. G. R. F. Tottenham: I submit that question hardly arises out of the answer I have just given.

Mr. Kailash Behari Lal: May I know if there is any class of people in Bihar which is called as a martial class?

Mr. President (The Honourable Sir Abdur Rahim): That appears to have been answered the other day.

BROADCASTING STATIONS IN INDIA.

709. *Babu Kailash Behari Lal: (a) Will Government be pleased to state how many broadcasting stations there are in India, and in which places?

(b) What is the principle of providing more than one broadcasting station in certain provinces and none in some others?

(c) Have Government obtained figures as to how many persons have got radio receivers in each province to take advantage of the broadcasting?

The Honourable Sir Frank Noyce: (a) The All India Radio maintain three stations at Delhi, Calcutta and Bombay.

(b) The location of new Broadcasting Stations has been decided with reference to density of population, linguistic factors and possibility of providing programmes, the object being to provide as good a service as can be given within the resources available to the greatest possible number of people.

(c) Yes. A statement giving the required information is laid on the table of the House.

Statement showing the total number of Broadcast Receiver Licences issued during the Twelve Months ending January 1937 in the different Provinces in India.

Name of Province.	Number of licences.	Remarks.
Bengal	10,420	
Assam	658	
Bombay	13,759	
United Provinces	2,482	
Punjab	4,889	
North-West Frontier Province	611	
Central Provinces	878	
Bihar and Orissa	971	Figures for Bihar and Orissa are not available separately.
Madras	2,728	
Burma	1,097	
Sind and Baluchistan	1,227	
Total	39,720	

CONTROL OF MUSEUMS IN INDIA.

710. ***Babu Kailash Behari Lal:** (a) Will Government be pleased to state if the museum building in Calcutta belongs to the Government of India?

(b) Are the museums in the capital town of each province under the control of the Provincial Government, or the Government of India?

(c) Do Government incur expenditure over any of the museums in the Provincial capitals? If so, what is the nature of the expenditure?

Sir Girja Shankar Bajpai: (a) I take it that the Honourable Member refers to the Indian Museum buildings at Calcutta. These buildings vest in the Trustees of the Museum who are a body corporate under the Indian Museum Act, 1910.

(b) Museums in capital towns of the Provinces are under the control of the Provincial Governments.

(c) The Government of India make grants to the Trustees of the Indian Museum because the exhibits of this museum have been mainly built up with the aid of the Government of India and the institution is of all-India importance. They do not incur expenditure on any other museums in Provincial capitals.

EXEMPTION OF THE MEMBERS OF THE INDIAN LEGISLATURE FROM TAKING LICENCE FOR THEIR ARMS.

711. ***Babu Kailash Behari Lal:** (a) Will Government be pleased to state if it is not a fact that under the Indian Arms Rules, 1924, the Members of the Indian Legislature are exempted from taking licence during their tenure of office and six months thereafter?

(b) What is the principle underlying this rule of exemption during the tenure of office only?

(c) Does this condition hold good in respect of other officials who are granted exemption similarly?

(d) Will Government please state if on the expiry of six months after the tenure of office of a Member of the Central Legislature, licence for the possession of arms is granted to him on the mere application for the same?

The Honourable Sir Henry Craik: (a) The answer is in the affirmative.

(b) The principle is to grant the privilege to the holder of the office and not to the individual.

(c) Yes, with the difference that in the case of other officials the exemption ceases as soon as the official vacates his office.

(d) According to the Home Department Resolution No. 2125-C, dated the 21st March, 1919, persons of approved character and status are entitled to receive licences for the possession of rifles (other than those of prohibited bores) and smooth bores on mere application and without previous enquiry. Past membership of the Indian Legislature is ordinarily regarded as a qualification entitling a person to this privilege.

GRACE MARKS ALLOWED TO CANDIDATES FOR RECRUITMENT AS INSPECTOR RAILWAY MAIL SERVICE.

712. ***Mr. D. K. Lahiri Chaudhury:** (a) Will Government please state on what authority can the Head of a Circle allow grace marks to candidates for recruitment as Inspector, Railway Mail Service, and what are the principles on which grace marks are given?

(b) Are Government aware that the system of giving grace marks obtains in all the Universities in India?

(c) If the reply to the above be in the affirmative, are Government also aware that the decision to give grace marks with regard to any particular University Examinations is given effect to in the case of all candidates without any discrimination, whatsoever?

The Honourable Sir Frank Noyce: (a) Government are not aware that heads of circles allow grace marks in connection with the examination mentioned by the Honourable Member. There are no orders requiring heads of circles to allow grace marks.

(b) The practice varies in different universities in India.

(c) Does not arise.

Mr. D. K. Lahiri Chaudhury: May I know from the Honourable Member if any grace marks were given to certain individuals?

The Honourable Sir Frank Noyce: I should require notice of that question. I have said that Government are not aware that heads of circles allow grace marks.

Mr. D. K. Lahiri Chaudhury: Is it a fact that some marks were allowed to certain individuals?

The Honourable Sir Frank Noyce: I have said that I have no knowledge of any such case. If my Honourable friend wants information with regard to any specific case, he should put down a question on the subject.

DEBARRING OF GOVERNMENT SERVANTS FROM JOINING POLITICAL BODIES OR ASSOCIATIONS.

713. ***Seth Govind Das:** (a) Is it a fact that Government have amended the Government Servants Conduct Rules debarring Government servants from paying subscription to or from attending meetings of associations which are political in character?

(b) Will Government be pleased to state whether they have ever defined the words "Political Association"? If not, will they be pleased to state how they differentiate between political and non-political associations?

(c) Will Government be pleased to state whether the Anglo-Indian and domiciled European Association is a political association? If not, what are the reasons for Governments' holding this Association as a non-political body?

(d) Is it a fact that this Association fights for more political rights for its members by way of extension of the rights of the community in having more representation in the Legislatures and services?

(e) Will Government be pleased to state which of the following associations are considered to be political, which Government servants are precluded from joining or paying subscriptions to:

1. Anglo-Indian and domiciled European Association;
2. Arya Samajists Associations or Organisations;
3. Anjuman-i-Islam;
4. Hindu Sabha;
5. Liberal Federation; and
6. Servants of India Society?

The Honourable Sir Henry Craik: (a) Yes: but the rules which were recently revised do not specifically mention political associations.

(b) No. The intentions of Government are sufficiently clear from another rule—namely rule 22 of those applicable to services under the control of the Secretary of State in Council.

(c) and (d). I understand that this Association has for its main purpose the moral and material progress of the Anglo-Indian community. Membership of the Association does not permit any Government servant to take part in any political activity.

(e) The Government have had no occasion to consider specifically whether any of the organisations mentioned as Nos. 2 to 6 in the question come within the prohibition.

Mr. S. Satyamurti: Will Government consider the cases of these and similar associations, so as to have a rule of uniform application?

The Honourable Sir Henry Craik: I have said that the Government had had no occasion to consider specifically whether any of the organisations mentioned as Nos. 2 to 6 in the question come within the prohibition. Presumably, no Government servant has ever joined any of these associations. If he has, it has not come to the knowledge of Government.

INCREASE IN THE PRICE OF PAPER MANUFACTURED IN INDIA.

714. ***Seth Govind Das:** (a) Are Government aware that the price of paper manufactured in India has been considerably raised by the factories established in India, and if so, is there no provision by which the price of articles which receive protection can be regulated and fixed? If not, do Government propose to take action by which the price of Indian manufactured paper may be standardised, so long as the industry is protected by tariff wall?

(b) Will Government be pleased to state the number of paper factories in India and the number which is run with major portion of Indian capital and with Indian management, and the number with majority of European shareholders and European management?

(c) Are Government aware that since the protective duty has been introduced a large number of paper factories have been started with major portion of European capital and European management? If not, will Government be pleased to state the number of paper factories in India working with major portion of, or solely with European capital and with European management and the ratio such number of factories bears to the number of paper factories with Indian capital and Indian management?

The Honourable Sir Muhammad Zafrullah Khan: (a) Government's attention has been drawn to the upward movement in the price of paper and they are watching the situation. There is no provision authorising Government to regulate and fix the sale price of articles which are protected. I would, however, refer the Honourable Member to section 4 of the Indian Tariff Act, 1934, which prescribes the action that can be taken during the currency of a period of protection in regard to a protective duty that has become excessive for the purpose of securing the protection intended to be afforded by it to a similar article manufactured in India.

(b) and (c). The information asked for is being collected as far as possible and will be placed on the table of the House in due course.

Seth Govind Das: With regard to the protection given to different industries, have Government taken any care to compile statistics showing the external capital which they have allowed to enter India for the establishment of different factories in India?

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

UNSTARRED QUESTIONS AND ANSWERS.

REMOVAL OF CERTAIN DRIVERS FROM SERVICE IN DISREGARD OF SUBSIDIARY RULES FRAMED BY THE AGENT, EASTERN BENGAL RAILWAY.

100. **Mr. Amarendra Nath Chattopadhyaya:** (a) With reference to the statements laid on the table of this House to unstarred question No. 155 on the 27th February, 1936, and to the reply to unstarred question No. 28 given on the 15th September, 1936, respectively, that it is obligatory on the Agent of the Eastern Bengal Railway and his subordinate officers to observe the rules framed by the Railway Board and the Subsidiary Rules framed by the Agent, is it a fact that these rules have been disregarded by the gazetted officers of the Railway?

(b) If the answer to part (a) be in the negative, is it a fact that three Drivers employed under the District Loco. Superintendent, Calcutta, have been removed from service under orders of gazetted officers who were not empowered to remove them?

(c) Is it a fact that the aggrieved servants have appealed to the Agent, pointing out that they had been removed from the service on the orders of gazetted officers who were not delegated with the powers to remove them? If so, what action has been taken by the Agent?

(d) Do Government propose to take disciplinary action against the gazetted officers responsible for removing employees from the service when they were not empowered to do so? If not, why not?

(e) Do Government propose to take disciplinary action against the gazetted officers responsible for declining to take action on the appeals submitted by the aggrieved employees against their removal from the service and to restore the men to their former posts? 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.

DISPOSAL OF APPEALS AGAINST ORDERS OF DISCHARGE OR DISMISSAL ON STATE RAILWAYS.

101. Mr. Amarendra Nath Chattopadhyaya: (a) With reference to the reply given in this House on the 8th October, 1936, to unstarred question No. 94, will Government please state:

- (i) whether the District Officers under the old organisation were delegated with powers to discharge employees; if so, whether such powers were limited to subordinate staff in receipt of pay below a certain amount; if so, what amount;
- (ii) whether any specific orders were issued during the period of re-organisation of the East Indian Railway on a divisional system of operation to the Divisional Superintendents, empowering them to discharge subordinate employees in receipt of pay of over Rs. 100; if so, when they were issued and in what manner they were communicated to the staff; and
- (iii) when the staff were advised that the Agent would entertain appeals regarding dismissals, discharge, and forfeiture of gratuity and in what manner?

(b) Is it a fact that the district system of operation, in so far as establishment matters were concerned, was in force till such time as the delegation of powers conferred under Circular No. 449, dated the 14th September, 1925, came into force?

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

RECRUITMENT OF GUARDS TO THE GAZETTED SERVICE ON THE EASTERN BENGAL RAILWAY.

102. Mr. Amarendra Nath Chattopadhyaya: (a) With reference to the reply given in this House to unstarred question No. 96 (c) on the 8th October, 1936, will Government please state whether direct recruitment to the gazetted service on the Eastern Bengal Railway is made to the junior scale or to the senior scale?

(b) If direct recruitment is made to the junior scale of gazetted officers on the Eastern Bengal Railway, will Government please state why a distinction is made in the case of guards on that Railway who are recruited direct to class "B", the senior class?

(c) Is it a fact that there are numerous guards on that Railway who are on the maximum pay of the lower class "A" for several years and to whom promotions to class "B" are denied, because it carries a higher pay, but who are utilised to officiate in senior appointments as Assistant Station Masters, Yard Foremen, etc.? If so, do Government propose to give these employees the same opportunities for advancement by promoting them to class "B"? If not, why not?

The Honourable Sir Muhammad Zafrullah Khan: (a) Direct recruitment to superior services on the State-managed Railways is normally made in the junior scale.

(b) Recruitment to the superior services and subordinate services is governed by different sets of rules. Recruitment to the category of guards is governed by rules 15 to 18 of the Rules for the recruitment and training of subordinate staff on State-managed Railways, a copy of which is in the Library of the House.

(c) Government have no information. I may, however, add that the matters mentioned by the Honourable Member relate to detailed administration and are entirely within the competence of the Agent. I am, however, sending a copy of the question to the Agent for such action as he may consider necessary.

FIXATION OF TIME-LIMIT FOR DISPOSAL OF APPEALS OF SUBORDINATE RAILWAY STAFF.

103. Mr. Amarendra Nath Chattopadhyaya: (a) With reference to the reply given in this House to unstarred question No. 172 on the 16th October, 1936, that no time limit has been fixed by the Railway Board for the appellate authorities to dispose of an appeal, are Government aware that, due to no such restrictions being applied, there are serious delays in replying?

(b) Is it a fact that all departments have a personnel section which deals with all establishment questions and that the Agent has a personnel section under the charge of a Deputy Agent to deal with establishment matters including appeals regarding discharge or dismissal from the staff?

(c) Do Government propose to examine, as examples of serious delays, cases Nos. 341-E/308 and 341-E/642 of the Eastern Bengal Railway?

(d) Do Government propose to issue instructions fixing a time limit for the disposal of appeals against discharge or dismissals?

The Honourable Sir Muhammad Zafrullah Khan: (a) Government have no reason to believe that the facts are as stated by the Honourable Member.

(b) Presumably the Honourable Member is referring to the Eastern Bengal Railway. If so, there is a common establishment section in the Headquarters Office under the charge of a Deputy Agent (Personnel), but all establishment matters including appeals are dealt with by the departmental officers concerned. In other offices, there are separate departmental establishment sections.

(c) No. These are matters of detailed administration entirely within the competence of the Agent to whom a copy of the question is being sent for such action as he may consider necessary.

(d) Government do not consider this is necessary.

LEVY OF INCOME-TAX FROM THE STAFF EMPLOYED IN THE ANGLO-INDIAN AND DOMICILED EUROPEAN ASSOCIATION, CALCUTTA.

104. Mr. Amarendra Nath Chattopadhyaya: (a) Is it a fact that the Income-tax Department, Calcutta, have exempted the staff employed in the Anglo-Indian and Domiciled European Association, Calcutta, and in receipt of pay which is taxable from the payment of income-tax? If not, will Government please state:

- (i) whether it is a fact that the staff in receipt of pay on which income-tax is leviable, have been employed and are still in employ in the said Association;

- (ii) whether income-tax has been recovered from them during the last three years; if so, from how many employees;
- (iii) whether income-tax has been recovered from those pensioners of Government who are employed by the said Association and who are in receipt of pay and/or honorarium or allowances;
- (iv) whether the Treasurer of the said Association is a Government servant;
- (v) whether the accounts of the said Association are placed monthly before the governing body and passed by them;
- (vi) whether income-tax has been levied on the *Anglo-Indian Review*; and
- (vii) whether the *Anglo-Indian Review* is the property of the said Association or of a private person?

(b) Do Government propose to take any action against the Income-tax Department for the leakage of revenue?

Mr. A. H. Lloyd: Information has been called for but not yet received, and whatever can be disclosed without an infringement of section 54 of the Indian Income-tax Act, 1922, will be embodied in a reply to be laid on the table of the House in due course.

GRANT OF UNRECORDED LEAVE ON THE EASTERN BENGAL RAILWAY.

105. Mr. Amarendra Nath Chattopadhyaya: (a) With reference to the reply given in this House to unstarred question No. 183 on the 16th October, 1936, regarding the grant of unrecorded leave on the Eastern Bengal Railway, will Government please state whether the same is applicable on the East Indian Railway?

(b) Are Government aware that such differential treatment to the staff leads to discontent?

(c) Do Government propose to issue orders to prevent such treatment to its staff? If not, why not?

Sir Raghavendra Rau: Information has been called for and will be laid on the table of the House in due course.

PROVISION OF RENT-FREE QUARTERS TO THE STAFF ON STATE RAILWAYS.

106. Mr. Amarendra Nath Chattopadhyaya: (a) Is it a fact that under the State Railways Rent Rules rent-free quarters have been sanctioned for certain posts and that the designations as shown in rule 36 are intended as a guide to the local administrations?

(b) Is it a fact that the designations for certain kinds of works differ on the various State-managed Railways?

(c) If the answers to parts (a) and (b) be in the affirmative, will Government please state whether local administrations are permitted to deprive employees of the benefits of rent-free quarters, simply because their designations are not the same as shown in rule 36?

(d) Is it a fact that in the Howrah Division of the East Indian Railway and on the Eastern Bengal Railway employees are thus deprived of rent-free quarters and are made to pay for their quarters? If so, do Government propose to issue instructions for the grant of rent-free quarters when the nature of the work is the same as shown in the State Railways Rent Rules? If not, why not?

The Honourable Sir Muhammad Zafrullah Khan: Information has been called for from the railway administrations concerned and will be laid on the table of the House in due course.

RESERVATION OF A PERCENTAGE OF DIRECT APPOINTMENTS TO GOVERNMENT SERVICE.

107. Mr. Amarendra Nath Chattopadhyaya: (a) Is it a fact that Government in the Home Department have issued a Resolution No. F.-14/17-B/33, dated the 4th July, 1934, in which directions have been given regarding the reservation of a certain percentage of direct appointments to Government service?

(b) If the answer to part (a) be in the affirmative, will Government please state:

(i) whether any definitions have been given of Anglo-Indians, Armenians, Jews and Goans, for purposes of direct appointment to Government service; if not, what the definitions are;

(ii) in what categories they will be included; and

(iii) whether any proof is required before employment as to what class or category an applicant belongs; if not, whether they propose to frame rules?

(c) What is the policy of Government in regard to those who have taken the franchise under one constituency and who are employed or who seek employment for themselves or their children for direct appointments to Government service to posts reserved for members of another constituency?

The Honourable Sir Henry Craik: (a) Yes. A copy of the Resolution is in the Library of the House.

(b) (i) and (ii). The definition of "Anglo-Indian" is given in paragraph 26 (1) of Part I of the First Schedule to the Government of India Act, 1935. The other communities mentioned have not been defined and are not recognised as minority communities for the purpose of the Resolution.

(iii) The question of proof as to the community to which a candidate belongs has arisen only in the case of those claiming to be Anglo-Indians, and Government have laid down the steps to be taken for determining whether a candidate is an Anglo-Indian or not. A copy of the Home Department letter No. F. 14/6-A/34-Ests. (S.), dated the 16th December 1935, on the subject, is laid on the table.

(c) Presumably the Honourable Member is referring to persons who seek employment on the basis of a change in religion. The practice at present followed in such cases is the same as that explained in the reply given by me on the 1st April, 1935, to starred question No. 1311.

FROM G. W. McELHINNY, ESQ., I.C.S., ADDITIONAL DEPUTY SECRETARY TO THE GOVERNMENT OF INDIA, HOME DEPARTMENT, TO THE CHIEF COMMISSIONER OF DELHI/COORG/ANDAMAN AND NICOBAR ISLANDS, NO. F.-14/6-A/34-ESTS.-(S.), DATED NEW DELHI, THE 16TH DECEMBER, 1935.

SUBJECT:—*Supplementary Instructions connected with the orders relating to communal representation in the services—appointment of Anglo-Indians.*

Representations have from time to time been received from the Anglo-Indian community to the effect that individuals who have no right to be treated as Anglo-Indians have in the past been, and may in the future be, accepted as such and appointed to vacancies reserved for members of that community.

2. The Government of India have given the matter their careful consideration and are now pleased to direct that for the purpose of appointment to the services and posts to which the orders contained in the Home Department Resolution No. F-14/17-B./33-Ests., dated 4th July 1934, apply :

- (a) An Anglo-Indian is a person who satisfies the definition of the term 'Anglo-Indian' given in paragraph 26 (1) of Part I of the First Schedule to the Government of India Act, 1935, namely, 'a person whose father or any of whose other male progenitors in the male line is or was of European descent but who is a native of India';
- (b) A candidate's own claim to be an Anglo-Indian should be accepted unless there is any reason to doubt it; and
- (c) Doubtful claims should be verified by reference to the nearest branch of the Anglo-Indian and Domiciled European Association (All-India and Burma), or by certificates from persons of responsibility and repute who are themselves Anglo-Indians, or birth certificates, baptismal certificates, school leaving certificates or any other documentary evidence which the officer making the appointment may consider sufficient to establish the candidate's claim to be an Anglo-Indian.

3. The above is in continuation of the Home Department letter of the same number, dated 17th August 1935, relating to the appointment of Sikhs.

ENDORSEMENT BY THE ADDITIONAL DEPUTY SECRETARY TO THE GOVERNMENT OF INDIA,
No. F-14/6-A/34-Ests.-(S).

A copy is forwarded to all local Governments, Departments of the Government of India, the Director, Intelligence Bureau, the Director of Public Information, the Secretary, Public Service Commission, the Registrar, Calcutta High Court, the Private Secretary to His Excellency the Viceroy, and the Military Secretary to His Excellency the Viceroy, for information (and guidance), in continuation of the Home Department endorsement No. F-14/6-A/34-Ests.-(S.), dated the 17th August 1935.

ENDORSEMENT BY THE ADDITIONAL DEPUTY SECRETARY TO THE GOVERNMENT OF INDIA,
No. F-14/6-A/34-Ests.-(S).

A copy is forwarded to the President, the Anglo-Indian and Domiciled European Association, 87-A, Park Street, Calcutta, for information.

RUNNING OF BUSINESSES BY THE WIVES OF RAILWAY SERVANTS.

108. **Mr. Amarendra Nath Chattopadhyaya:** (a) With reference to the reply given in this House to unstarred question No. 178 on the 16th October, 1936, will Government please state whether, under the Government Servants' Conduct Rules, Government presume that all business run in the names of the wives of railway servants necessarily mean that their husbands are actually conducting the business? If not, is the restriction only imposed when the competent authority is in possession of evidence that the husband is actually conducting the business?

(b) Do Government propose to limit the restrictions to such business as is likely to deprive Government of revenue, e.g., the running of lorries or buses by the wives of railway servants?

(c) Is it a fact that Government pensioners are permitted to engage in any business they choose, even though such business is likely to cause loss of revenue to Government, e.g., a pensioner from the Income-tax Department doing business as Income-tax contestant? If so, why?

The Honourable Sir Henry Craik: (a) There is no such absolute presumption. Action would be taken when it is considered that in fact the business is that of the Government servant.

(b) No.

(c) Yes. The Government Servants' Conduct Rules do not apply to pensioners.

STATEMENTS LAID ON THE TABLE.

Information promised in reply to Mr. M. Asaf Ali's starred question No. 211 on the 25th January, 1937.

PLOTS OFFERED TO PUBLIC IN NEW DELHI.

The bids received at auctions of plots in New Delhi do not show any indication of having failed to attract the middle class population of the old town. As regards the subsequent parts of the question, the position is as follows :—

- (a) Plots are auctioned in accordance with demand and other conditions prevailing, and as many as 300 plots were put to auction on one occasion.
- (b) The restriction is imposed by the Building Bye-laws framed by the New Delhi Municipal Committee.
- (c) The plans sanctioned by Government for this area, in accordance with which the houses are to be constructed, do not provide for communicating doors between adjoining houses; so far there has been no demand for such doors from the lessees.
- (d) The question of the disposal of such plots is under consideration.
- (e) to (g). No scheme of development has yet been taken in hand in the areas referred to.

Information promised in reply to starred question No. 380 asked by Bhai Parma Nand on the 8th February, 1937.

PREPONDERANCE OF MUSLIMS ON THE STAFF OF THE KILOKRI SEWAGE PUMPING STATION.

(a) The number of employees is as follows :

	Hindus.	Muslims.	Sikhs.	Christians.
(i) Permanent and quasi-permanent	10	7	1	1
(ii) Menials	3	5	..	..
(iii) Work charged	85	55	3	2
(iv) Substitute	Nil.	Nil.	Nil.	Nil.

(b) and (c). No. The staff of the Kilokri Pumping Station consists of :

Hindus.	Muslims.	Sikhs.	Christians.
37	31	2	2

(d) No preference is given to any community, but with a plant running day and night throughout the year the staff must be so composed that even on religious holidays, festivals, etc., a sufficient complement of men is available for duty.

(e) Yes.

Information promised in reply to starred question No. 469, asked by Khan Bahadur Shaikh Fazl-i-Haq Piracha on the 2nd March, 1937.

CONNECTION OF BHERA AND MONA RAILWAY STATIONS BY A RAILWAY LINE.

(a) The reply is in the negative. No such survey has been made.

(b) No.

(c) Government are aware that traffic moves by road between Bhera and Bhalwal and Bhera and Phularwan.

(d) The Agent, North Western Railway, reports that the Irrigation Department now have a system of drainage which prevents water logging of the land at Pakhowal Railway Station. The earnings of this station were Rs. 18,819 for the 12 months ending January, 1937.

(e) No.

Information promised in reply to part (h) of starred question No. 472 asked by Rai Bahadur Seth Bhagchand Soni on the 2nd March, 1937.

RECRUITMENT OF RAWAT AND MERAT COMMUNITIES OF AJMER-MERWARA IN CERTAIN BATTALIONS, ETC.

Rawats and Merats have always been recruited to the Ajmer-Merwara Police Service. Of the present Police Force in Ajmer-Merwara, one head constable and 38 constables are Merats and four head constables and 72 constables are Rawats.

Information promised in reply to parts (b), (c) and (d) of unstarred question No. 41 asked by Seth Haji Abdoola Haroon on the 2nd March, 1937.

CONCESSION IN RAILWAY FARES FOR PILGRIMS ATTENDING CERTAIN FAIRS IN SIND.

(b) Yes: for the Lalshahbaz Fair at Sehwan.

(c) The concession for the Luwari Fair near Badin was intended to test the possibility of developing *meta* traffic by the grant of concessions.

The reply to the latter part of the question is in the affirmative.

(d) The number of passengers who availed themselves of the concession in each direction was as follows:

Luwari Fair	3,977
Lalshahbaz Fair	4,150

Information promised in reply to starred question No. 548 asked by Mr. Mohan Lal Saksena on the 8th March, 1937.

RESOLUTIONS PASSED BY THE LEGISLATIVE ASSEMBLY AND THE ACTION TAKEN THEREON.

Serial No.	Date on which moved.	By whom.	Subject of Resolution.	Department concerned.	Action taken by the Government.
1	2nd September, 1935.	The Honourable Mr. D. G. Mitchell.	Ratification of the draft convention concerning employment of women during night.	Industries and Labour.	In accordance with the Resolution adopted the convention was ratified.
2	4th September, 1935.	Mr. Sami Venkatachalam Chetty.	Manufacture of Locomotive requirements on State Railways.	Railway.	After careful consideration of the question the Government of India have come to the conclusion that any scheme for the manufacture of locomotives in this country is uneconomical at present.
3	13th September, 1935.	The Honourable Sir Muhammad Zafrullah Khan.	Reduction of import duty on Carbon blocks.	Commerce	The Resolution was implemented by Finance Department (Central Revenues) Notification, No. 50, dated the 28th September, 1935.
4	18th September, 1935.	Pandit Gobind Ballabh Pant.	Position of Indian Nationals settled in Zanzibar.	Education, Health and Lands.	A copy of the debate was forwarded to His Majesty's Secretary of State for India. The Government of India have also made several subsequent representations to His Majesty's Government in the matter and are still in communication with that Government.
5	4th February, 1936.	Sardar Mangal Singh.	Appointment of a Joint Standing Army Committee.	Defence	Government's decision is stated in reply to Bhal Parmu Nand's starred question No. 524, dated the 18th September, 1936, viz., that they have decided not to set up any Standing Committee, but are prepared, as they always have been, to consult Members of the Legislature with regard to particular questions when it appears desirable to do so.
6	4th February, 1936 and 11th February, 1936.	Mr. Muhammad Azhar Ali.	State control of the Bengal and North-Western Railway, and the Madras and Southern Mahratta Railway.	Railway	It has been decided not to exercise the option in either case. The contract with the B. N.-W. Railway will automatically continue for five years on the present terms and a fresh option to purchase will be available on the 31st December, 1942. The contract with the M. & S. M. Railway Company has been extended for a period of 8 years from the 1st January, 1938, on terms much more favourable to Government than the existing arrangement.
7	11th February, 1936 and 18th February, 1936.	Mr. Ram Narayan Singh.	Extension of the same level of administration to the people of the excluded and partially excluded areas.	Home	Declaration of areas as excluded and partially excluded is a matter for decision by His Majesty in Council and a copy of the proceedings in the Assembly was forwarded to the Secretary of State for India.

Serial No.	Date on which moved.	By whom	Subject of Resolution.	Department concerned.	Action taken by the Government.
8	6th March, 1936.	The Honourable Sir Frank Noyce.	Non-ratification of the draft convention concerning the hours of work.	Industries and Labour.	In accordance with the Resolution adopted the convention was not ratified.
9	7th April, 1936 and 16th April, 1936.	Mr. Muhammad Nauman.	Import duty on unbroken rice and paddy.	Commerce.	No action taken.
10	16th April, 1936.	Sardar Mangal Singh.	Appointment of a committee on small and cottage industries.	Do.	Copies of the Resolution were forwarded to the Local Governments for such action as they might deem necessary.
11	21st April, 1936.	The Honourable Sir Frank Noyce.	Non-ratification of the draft convention concerning the reduction of hours of work in Glass Bottle Works.	Industries and Labour.	In accordance with the Resolution adopted the convention was not ratified.
12	21st April, 1936.	Ditto	Non-ratification of the draft convention limiting hours of work in coal mines.	Do.	In accordance with the Resolution adopted the convention was not ratified.
13	24th September, 1936.	Mr. N. C. Chunder	Appointment of a Committee of Enquiry to enquire into the agricultural indebtedness in India.	Education, Health & Lands.	No decision has yet been arrived at as to the action to be taken on the Resolution.

Information promised in reply to starred question No. 589 asked by Mr. Mohan Lal Saksena on the 9th March, 1937.

CLOSING OF CERTAIN RAILWAY WORKSHOPS AT LUCKNOW ON SATURDAYS.

(a) Yes. The Carriage and Wagon Workshops at Alambagh, Lucknow, have been working short time on Saturdays from 4th January, 1936.

(b) Short time working on Saturdays was resorted to as the work required to be done in the various Sections of the Shops was not sufficient to justify full time working.

(c) Yes. The staff have already been advised that full time working will be restored as soon as sufficient work offers which is expected to be in the near future.

(d) Does not arise in view of the reply to part (b) of the question.

ELECTION OF THE STANDING FINANCE COMMITTEE FOR RAILWAYS AND THE PUBLIC ACCOUNTS COMMITTEE.

Mr. President (The Honourable Sir Abdur Rahim): I have to inform the Assembly that the following Members have been elected to the Standing Finance Committee for Railways and the Committee on Public Accounts, respectively:

Standing Finance Committee for Railways.

- (1) Mr. F. E. James,
- (2) Haji Chaudhury Muharamad Ismail Khan,
- (3) Maulvi Syed Murtuza Sahib Bahadur,
- (4) Mr. Satya Narayan Sinha,
- (5) Khan Bahadur Shaikh Fazl-i-Haq Piracha,
- (6) Khan Bahadur Sir Abdul Hamid,

ELECTION TO THE STANDING FINANCE COMMITTEE FOR RAILWAYS AND THE PUBLIC ACCOUNTS COMMITTEE.

- (7) Pandit Nilakantha Das,
- (8) Sir Muhammad Yamin Khan,
- (9) Mr. K. Santhanam,
- (10) Sir Abdul Halim Ghuznavi, and
- (11) Mr. Amarendra Nath Chattopadhyaya.

Committee on Public Accounts.

- (1) Sardar Jogendra Singh,
- (2) Mr. B. Das,
- (3) Mr. J. Ramsay Scott, and
- (4) Prof. N. G. Ranga.

THE INDIAN FINANCE BILL—*concl'd.*

Mr. President (The Honourable Sir Abdur Rahim): A Message has been received from His Excellency the Viceroy and Governor General. The Message runs as follows:

"After careful consideration of the amendments adopted by the Legislative Assembly in the Finance Bill I have decided that I must use the powers vested in me by section 67 (B) of the Government of India Act for the purpose of securing the enactment of the provisions included in the Bill as introduced in respect of the enhancement of the rate of the excise and import duties on sugar and in respect of the charge for postcards. My recommendation to the Legislative Assembly has been made in pursuance of this decision.

NEW DELHI;

The 19th March, 1937.

(Sd.) LINLITHGOW,
Viceroy and Governor General."

The following is the Recommendation referred to in the Message from His Excellency:

"In pursuance of the provisions of sub-section (1) of section 67B of the Government of India Act, I, Victor Alexander John, Marquess of Linlithgow, do recommend to the Legislative Assembly that it do pass the Bill to fix the duty on salt manufactured in, or imported by land into, certain parts of British India, to vary the excise duty on sugar leviable under the Sugar (Excise Duty) Act, 1934, to vary certain duties leviable under the Indian Tariff Act, 1934, to vary the excise duty on silver leviable under the Silver (Excise Duty) Act, 1930, to fix maximum rates of postage under the Indian Post Office Act, 1898, and to fix rates of income-tax and super-tax, in the form hereto annexed.

NEW DELHI;

The 19th March, 1937.

(Sd.) LINLITHGOW,
Viceroy and Governor General."

The Honourable Sir James Grigg (Finance Member): Sir, I understand that the actual amendments required to be moved in order to bring the Bill into the recommended form have not yet been circulated to Honourable Members. Perhaps a minute or two could be allowed to allow of this being done.

Mr. President (The Honourable Sir Abdur Rahim): Honourable Members would perhaps like to have a copy of the Bill as also of the amendments? (*Honourable Members*: "Yes.")

(Copies of the Bill and of the amendments were then circulated to Honourable Members.)

The Honourable Sir James Grigg: Sir, I move:

"That after clause 2, the following be inserted as clause 3 of the Bill, namely:

'3. In sub-section (2) of section 3 of the Sugar (Excise Duty) Act, 1934,

(a) in clause (i), for the words 'ten annas' the words 'one rupee and five annas' shall be substituted, and

(b) in clause (ii), for the words 'one rupee and five annas' the words 'two rupees' shall be substituted'."

Sir, two alterations of substance were made during the consideration stage of the Finance Bill, namely, the excision of the enhanced excise duty on sugar and the reduction of the postcard rate. The first of these represented a loss of revenue of Rs. 1.15 lakhs, and the second a loss of revenue of about Rs. 50 lakhs, the two together making Rs. 1.65 lakhs. Sir, without entering into the merits of either question, it is clear that the Government of India cannot acquiesce in a budget unbalanced to this extent, and so there has been no alternative but to adopt the course we are adopting. Sir, I have not attempted to go into a rebuttal of Sir Cowasji Jehangir's theory of the old Constitution at the Centre, but in the last week or so constitutional questions have assumed a more than ordinary importance, and although there is a whole world of difference between the old Constitution at the Centre and the new Provincial Constitutions, it seems to me that, in this matter, the least said, the soonest mended; and that being so, I do no more than move the amendment which stands in my name.

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

"That after clause 2, the following be inserted as clause 3 of the Bill, namely:

'3. In sub-section (2) of section 3 of the Sugar (Excise Duty) Act, 1934,

(a) in clause (i), for the words 'ten annas' the words 'one rupee and five annas' shall be substituted, and

(b) in clause (ii), for the words 'one rupee and five annas' the words 'two rupees' shall be substituted'."

Mr. Bhulabhai J. Desai (Bombay City: Non-Muhammadan Urban): Mr. President, for the third time during the life of this Legislative Assembly, I find myself in a situation which, if we had not got used to it, would be regarded as almost tragic in the history of institutions of this nature. I wish to remind the House that during the time that the main part of the Opposition in this House was carrying on a struggle outside the House for the emancipation of this country, the not uncommon criticism was by those who sit on the other side, the Anglo-Indian press and by many candid and kind friends that we were pursuing the

path of sterile non-co-operation. I remain unconvinced as to the propriety of that criticism, but nonetheless by a series of circumstances and accidents I found myself, more or less against my wish, in the position in which I found myself a little less than two and half years ago in this House. I then still hoped—though I think it was my own fault that I should have entertained that hope at all—that their criticism had a more affirmative meaning than a mere desire to criticise whatever we do in the hope that so far as they are concerned, their condemnation has some force or meaning. Believing, therefore, that by coming here we shall find ourselves in a different atmosphere to what prevailed before, I allowed myself to think that circumstances had to some extent altered. My experience during the last three years has confirmed me in the belief which I expressed last here in the words which Mr. Dadabhoi Naoroji used some 37 years ago. This is what he said:

"The Legislative Council was (*and I say now is*) simply and solely a delusion and a farce, and its working constituted a worse despotism than was ever exercised by any native ruler even in the old days. An Oriental despot, when he misgoverned, acted, so to speak, like a butcher, and people were astounded and horrified; this new despotism of civilization rather resembled a murder effected by a clever but unscrupulous surgeon who drew all the blood from his victim while leaving scarcely a scar upon the skin."

Those words are as true today as they were when they were written 37 years ago. They talk of enlarging the liberties of the people; they talk of steps towards self-government of this country; but their action, at all events, denies any claim either to sincerity or earnestness in their professions. I am surprised that in a budget, such as we have had presented to this Assembly extending to several crores, it should be necessary for the Finance Minister to come here and tell us that it would be impossible to govern this country without loss of credit, without any detriment to the internal government of its country or its external protection, if you like to add that, if you reduce 1.65 lakhs out of the revenues. These 1.65 lakhs would have then to be reduced on the expenditure side. But we have a Government of India consisting of the real consumer for which the Honourable Sir James Grigg has a great deal of solicitude. It is not the poor Indian cultivator who is usually exploited as a consumer. It is the insatiable appetite of the consumer, being a part of his own body-politic, to which he ought to pay more attention than the consumer he talks of now and again. It is that consumer who takes all that he can rob from the already starving millions of this country. Therefore, this hydra-headed monster of Government consisting of a consumer and a robber makes it his business to see that the last ounce of blood cannot be saved.

I remember, years ago, learning the language of those who govern us, that I was told that after all even though you may demand a pound of flesh, you may at least within the category of that demand leave a jot of blood. Evidently, between the consumer who cannot be touched, the robber must have his way, for he comes to us now and tells us that the danger to India would be so serious if, for instance, the army expenditure were reduced from 45 crores by 1.65 lakhs, and if, for instance, the prodigal son, when he returned here as he has done after the last three years, had not expected, and I hope he did not, a fated calf except those who find themselves on this side of the House. He will not do anything to touch them except to keep them feeding more and more. But he must apply his knife to scrape the little ounce of fat that may be

[Mr. Bhulabhai J. Desai.]

left on skeletons, which is represented by the poor of this land. If this is what is said to be good government and its necessary requirements and implications, then I am afraid there could not be a worse abuse of that term. Therefore, it appears to me—and I commend it respectfully to the House—whether the last straw on the camel's back has not been reached in exposing the farce of this supposed democratic Government of this country, at least so far as this Assembly is concerned.

Is it really useful, I ask, that 144 or 145 men, who have some little value in true life outside this House, whose time has some purpose, whose intelligence has some meaning and some value, should be solemnly called together for a purpose worse than futile? Whether we agree or whether we disagree, it simply does not matter. The only result is the expenditure of time and money in a manner that can only be described as tragic. I would sooner, Sir, the Government of India Act will give the power to the Governor General and his advisers to take the kind of step which they are about to take and instead of recommending to us I would sooner that they became, in the language of Mr. Dadabhai Naoroji, a plain unvarnished despot without trying to garb themselves into the clothes, to borrow the language of Sir James Grigg, that do not fit them any longer. The clothes deceived the Indian people for a time. I think the better recommendation of the Governor General should have been that this House is dissolved or adjourned *sine die* until the Government come to their senses again. It would have been in the fitness of things, for, indeed, it is a disgraceful sight to see 23 men who are serving in the countryside and who are brought here to raise their hands each time the first hand goes up and take a little mild exercise by walking into lobbies. Why is this money wasted? Why is it not said and admitted that where the Leader or the other side walks, 23 other persons have also walked? My country is too poor to afford this luxury which is said to be the farce of a Constitutional Government. Then, there are 16 others who stand next to them. I wish I had words bitter enough to bring home to those gallant Captains who come here in their pride and glory of their martial race, not realising the cowardice that lies buried in their soul. If that is the way in which the Government of India are to be carried on, I, for one, would be very glad if this House were closed once and for all (Hear, hear), so that at least the world may know that the deception is not being carried on any longer. That, Sir, is the mildest criticism of the situation in which we find ourselves. For, why, we, at all events who have the capacity to render some little public service, should be called here in solemn consultation and votes recorded only to be scorned and rejected afterwards. I refuse to beg, but I still feel that the Government of India might have behaved better, might have understood, at all events, the spirit of the Act if not the letter, for it does not follow that because you have the power, therefore you must each time abuse it. I entirely sympathise and associate myself with my Honourable friend, Sir Cowasji Jehangir, when he says that the Constitution does not make it obligatory on your part that you shall be callous, cruel and indifferent to every demand of the representatives of those from whom, by an act of formal legislative measure, you do nothing else but rob them of their livelihood. For, after all, if we are going to perform our duties towards them, we would at least sooner save them the expenditure of maintaining 145 men in this House to no purpose.

Sir, coming to the amendment itself, I have no desire to add to the debate which had taken place, for what we are solemnly asked to do is to take back the vote of the House as one of the Anglo-Indian papers reported where every Indian elected Indian Member voted against it. I was told during the course of the debate that it is necessary that the weaker of these factories should be weeded out in order that the stronger children may grow. I do not wish to repeat what I said, but I will content myself by saying that if that process were to be applied to the families of those who sit on the other side, I am quite certain that they would not go to a doctor on the occasion of anæmic condition of some of their children, while others are strong. But if that were all, I would not bother about it. I am one of those who earnestly and honestly believed both as a matter of economics and finance that revenue duty should always be levied on those industries to the extent to which industries must be taxed which can bear it. But they cannot be levied for the purpose of carrying out some indirect check on over-production of a particular commodity. This is a novel and dangerous doctrine. I believe in planned economy, but I do not believe in the economy of the type where profession is one and the purpose is another. But if it were only that, I would not have objected to this measure, but there is something much more distressing, much more poignant behind this. It is to be admitted that whatever may be the future consequences which are pictured, there is immediate disaster to those farmers in the Punjab, in the United Provinces and Bihar who extended the cultivation of sugar-cane in replacement of other crops, and it must take a considerable time for them to readjust their rural economy (Hear, hear), and while it is being readjusted, lakhs and lakhs worth of cane, I am credibly informed, would probably have to be sold for nothing, if not burnt. If this is the picture the Honourable the Finance Member can contemplate with a degree of equanimity, even leavened by a certain amount of humour, I regret very much that I cannot join him. The Honourable Sir Henry Craik the other day thought I was using a strong expression when I said that Nero was fiddling when Rome was burning. But I should like to know whether even that great oft-quoted representative of despotic callousness is not being sometimes surpassed by the manner in which the Government treat measures and which, in the name, if you please, of the necessity of good government of India, we are asked to expect, we are asked to receive and we are asked to respond. It is, Sir, adding insult to injury. I wish they had found some other method instead of the one which is now being adopted in order that we may take back what we solemnly believed to be wrong. Sir, on grounds such as these and the manner in which the Government of India Act is being worked if only in order to expose the hollowness, the delusion and the farcical character of the proceedings of this House, it may legitimately be asked why is it that I have allowed myself during the last three years to participate in it. I confess I had a little faith that forms will not remain forms and they will not be reduced to a farce. And, I have more faith that the more we continue to expose the delusion the sooner I am able to convince those who stand outside this House and at our back on whom salvation of this country depends (Hear, hear) that we might, by a constant expression of our views on every public question that comes before it, and it would be, if nothing else, an education to my countrymen to the extent necessary to lay the foundation for direct action. It is in those hopes and with that belief that I associated myself for a period, because the natural constitutional life of this House would end so far

[Mr. Bhulabhai J. Desai.]

as the budget is concerned in a day, if not within an hour. I shall seriously consider if this is all the use that this great Constitution and these so-called progressive reforms are capable of being put to, if it is not worth while making an earnest appeal that that delusion would do us some good, it would save some money, and create some decency if this Constitution and its successor were withdrawn and we were governed as we were governed while we continue our struggle until it ended, as you governed us 50 or 60 years ago. For the forms deluded us for a long time, and in that snare many an Indian who calls himself educated has been trapped, and I hope and trust that my appeal will not go in vain when I point out that either we must serve and be a reality, or the farce be ended. With these words, I oppose the motion. (Applause.)

Sir Cowasji Jehangir (Bombay City: Non-Muhammadan Urban): Sir, I must admit that I did not expect a debate on the constitutional position of this country this morning. I must also admit that if a debate does take place, we cannot lay it at the door of the Honourable the Finance Member. Since the victories at the polls of my Honourable friends to my right, the Honourable the Finance Member has been cooing like a dove. We have had the pleasure of seeing him more frequently on the benches to my right than ever before, and, therefore, to be perfectly candid and honest, I cannot lay the blame for this debate at his door; and also, Sir, I cannot but in my heart of hearts excuse my Honourable friend, the Leader of the Opposition, for having initiated once again a debate on the Constitution under which we work and make us reflect a little more seriously, perhaps with a little more sadness, upon the Constitution we will be called upon to work in the Centre, perhaps in a year or a year and a half. Sir, the Honourable the Finance Member said that the least said quickest mended, and that he did not desire to go into the constitutional position which he himself raised in this Honourable House this time last year on a similar debate. Sir, I said on that occasion that I was surprised, I was shocked, at the mental attitude of my Honourable friend, and in all sincerity, in all honesty, I was prepared to put it down to his lack of knowledge of how the present Constitution under which we work came into existence. But, to my utter surprise and deepest regret, I found that, under instigation or on his own initiative, the Leader of the House of that day, whose absence we still regret, was tempted to justify actions on the part of Government taken, not in the spirit of that Act, but on the letter of the Act. And now I desire to draw the attention of the Honourable Member to the implications of that mental attitude.

Sir, in the future Constitution, that we shall be called upon to work, there are what are now called safeguards, and we have been told over and over again that those safeguards will only come into operation when the financial credit of this country is at stake due to the actions of this side of the House who will then sit on the opposite side, that those safeguards will only come into operation when law and order is at stake due to the actions of this side of the House who will then be on the other side, that those safeguards will come into operation for the ultimate safety of this country and its people. We have been told that over and over again, but we have also been told that in drafting an Act it is not possible to put it down in black and white as to what extent those in authority can use the

discretion vested in them. It can be done only by the instrument of instructions, and not even by that. It can be only done by the good sense and common sense and sense of equity and honesty of those who are put in authority. Sir, these were the very arguments used by statesmen in England when the present Constitution was mooted and discussed and considered, and we were told that the great advance of the present Constitution as compared to the Constitution that preceded it was that these powers given to Government to override the wishes of this House would be put into operation with justness, with integrity, with honesty and for the ultimate safety of this country. We were told so then; we are still told the same thing about the future Constitution. What is the inference that we should draw from the mentality exhibited by the Honourable the Finance Member and the Leader of the House this time last year? That is the question I would ask Honourable Members opposite to consider and meditate over. Sir, it was never intended, I maintain most strongly, and anybody cannot but come to the same conclusion who reads the proceedings that took place prior to the present Act coming into force, that Government should not listen to this side of the House and should not as far as possible carry out their wishes. And, if that was the spirit of the Act, I maintain that the Leader of the Opposition is absolutely within his rights and is in justice bound to read out such quotations as he has done from the speeches of men like Dadabhoi Naoroji who lived and died years ago. And if the quotation can be applicable, perhaps not so forcibly as my Honourable friend believes, but can be applicable to actions of Government today, if a book written something like 38 years ago can be read today as applying to the present Act under which we work and the present actions of Government, what advance have we made? And is that what our Honourable friends mean to tell us, that, since the Act, preceding the one under which we work, there has been no advance, that the letter of the law must be carried out? Then, how are we to contemplate the future with regard to the Act that will come into force within a year and a half? Are we to be told by those in authority four or five years hence that this is the letter of the law, that they are given the discretion of interfering with our actions and although there might be a doubt whether our actions would lead this country to ruin or not, they are going to force their will upon us, and exercise their safeguards, because that is the letter of the law? Is that what we are going to be told, and is that the inference that we should draw from the statement made this time last year by the Finance Member and by the Leader of the House? If so, it is a sad day for Government, it is a sad day for us, it is a sadder day still for those like myself who always have believed and always will believe in the British connection and those who have stood strongly and firmly by that British connection and will ever do so. It is the saddest day for those who have stood by this connection and who will stand by it for ever. My Honourable friends will be here today and will be gone tomorrow. But I and my children will remain in this country as Indians for ever and we have to contemplate that future. We look forward to a future of peace and prosperity, of concord and the best of relations between Englishmen and Indians; that is the future we are looking forward to. Do not smash our ideals. That is all I have to say, and I trust that with a little more experience, a little more knowledge of how the present Constitution came into existence, of the assurances given by British statesmen, many of whom are not in this world today, the Honourable Members opposite will familiarise themselves

[Sir Cowasji Jehangir.]

with these assurances rather than quote to us in the future what every school boy in politics knows, the letter of the Act, and read out to us sections which we know by heart and which many of us considered and discussed before they were actually drafted. It is an insult to us. I had no chance of replying to it last year: I had one chance this year, and I thank my Honourable friend, the Leader of the Opposition, for having given me another opportunity of expressing my views trusting that in the interests of the British Empire, in the interests of Englishmen in India who will live here for generations, in the interests of my school of thought, Honourable Members opposite will live and learn: and God help them.

Mr. M. S. Aney (Berar Representative): Sir, it is really sad to contemplate that we have to repeat even this year what we have been doing for the last two years in regard to the Finance Bill. This House, as you know, has been expressing its opinions and considered opinions, on the taxation proposals contained in the Finance Bill from year to year; and the reply which the Government of India have been giving to the representatives of the people on this side of the House is almost monotonous namely, "Having heard all that you have to say, having given the best of our thought to everything you have urged, we feel that there is nothing worth hearing, there is nothing worth considering in that." The introduction of a recommended Bill to my mind means nothing but a calculated insult to the representatives of the people and an attitude of defiance towards public opinion expressed and reflected in the vote of this House. The Finance Bill has been modified very slightly by the House and the points on which it has been modified are also well known to the Honourable Members of this House. The demands which those modifications really imply are demands made by the representatives of the people in the best interests of the public of India. The demand for the reduction of duty on postcards or the demand for the abolition of the increased excise duty on sugar have been demands of this House placed with all the wealth of argument, with all the cogency and all the earnestness which Honourable Members on this side of the House can command: and what is the reply? The reply is this: it is contained in the little endorsement which bears the signature of His Excellency the Governor General

Mr. S. Satyamurti (Madras City: Non-Muhammadan Urban): What is the date?

Mr. M. S. Aney: The date is in ink and the remainder is in print.

Mr. Satyamurti: You can comment on it.

Mr. M. S. Aney: This itself is a comment, and needs no further comment. What time did he take to consider these matters? Absolutely nothing. In fact, they came here with a pre-conceived idea, with a pre-determined mind to carry out their will and nothing else. Any opinion expressed by the people was only a matter which under the Constitution they had to permit, and there was no other go for it. If the law had permitted them to carry the Finance Bill in the form in which it was brought on the very first day, they would have done it and would have done away with any kind of discussion, deliberation, or consideration of the measure

by the representatives of the people on this side of the House. An attitude of this kind is not only bad in itself, but to my mind it indicates something which is worse than that. As my Honourable friend, Sir Cowasji Jehangir, has rightly pointed out, it is not bad only for the time being, but it takes away all hope of a bright future for the people of India. What can the people think of those men or persons in power who times out of number have flouted public opinion and have given not the slightest regard to the considered views of this House? How can the people expect that the new Constitution which is to come is going to be worked in any better spirit and is going to give opportunities for the representatives of the people to exercise their judgment and exert some real power and influence over the affairs of their country? I am quite sure, the attitude which the Government have shown in coming out with a recommended Bill, which show not the slightest consideration for any one of the amendments carried by this House, indicates that this is a Government which have been once rightly characterised by certain people as consisting of a steel frame only: a steel frame has neither a soul nor a spirit of sympathy: it cannot create, it cannot sympathise. It is as wooden and unchangeable as anything, and it has, therefore, got to be broken if we want to do anything with it: there is no other way: it has either to be replaced or to be broken—it cannot be bent to our will. With this attitude, the people are not going to take very kindly to the new reforms, regarding the ushering in of which so much has been spoken. This year, particularly, Members after Members of the Government of India on the Treasury Benches have, in reply to several debates, got up and spoken to us in a very patronising manner saying: "The new reforms are coming: the responsibility is going to be shouldered by Honourable Members on this side of the House", indicating thereby that there is a fund of sympathy in which the new reforms are going to be worked; and on their part they were promising at least some kind of the help and encouragement the peoples' representatives may need to secure the favourable working of the new reforms. Men are not merely judged by the words they use. I want to intimate to Honourable Members on the Treasury Benches that they are not weighed by their words. In fact, so far as word is concerned, unfortunately the whole history of India testifies that there is absolutely very little for them to claim any credit for themselves on that account and those who have preceded them. So their words never carry any weight with the people, and it was never regarded as a matter to be seriously considered at all. But if they really want their words to be seriously understood by the people of this country, if they really thought that this was an opportunity for them to create a better hope in the minds of the people about the future, then the real thing for them was to come here with a Bill which showed some consideration for the demands which the people have been making from time to time for all these years past. Particularly, I wish to refer to the demand as regards the reduction of the price of postcards.

Sir, the people have not forgotten the day when they had the one pice postcard. It was increased to two pice and then to three pice, 12 Noon. and the demand now of the people is to reduce the price of the postcard from three pice to two pice. The one pice postcard affair which they have been enjoying for a very long time has now been almost forgotten. Here it must be remembered that the price of the postcard was increased from two pice to three pice only as an emergency measure, but that emergency does not exist any longer. The present demand is for the

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reduction in the price of the postcard from three pice to two pice, because it presses the people very hard, and particularly the poor people are very hard hit by it, and the equity and justice of that demand which cannot be denied by anybody has remained unheeded for all these years. Sir, the war measures and emergency measures have all gone, but certain other emergencies have come in. Emergency relief is still continued to certain classes, but the poor man who is once crushed remains crushed for ever, and for him there is no hope at all. I think the only day when he can expect real salvation is when the steel frame goes away and real power is transferred to the representatives of the people. There is no other chance for the poor man, there is no real hope for him, until and unless the steel frame disappears from this country and power is transferred to the representatives of the people. This is the lesson which the introduction of a measure like the one Government have brought before us teaches the people, and is that the lesson which the Honourable Members of the Treasury Benches want the people to learn on the eve of the introduction of big reforms about which they have been talking so eloquently all these days? They don't create in the minds of the people a real feeling to receive and work those reforms in good grace. If the people talk harshly, Government Members complain that the people are opposed to these reforms. It is not the mere words or language of the Act that is going to create any real and substantial reform, it is the attitude of those who have to administer the Act that is going to create a real feeling and a real desire in the minds of the people to work the reforms. We do not find any indication of any change in them, any indication of even making a gesture of goodwill towards those people the leaders of whom they are asking to shoulder the new responsibilities. Under these circumstances, there is no hope for the people and no remedy but to assert and assert with all the earnestness they command that they treat a measure like that with contempt, and I, therefore, ask this House to dismiss it, to reject it without giving the slightest consideration.

Sir Muhammad Yamin Khan (Agra Division: Muhammadan Rural): Sir, one feels very pained to see that the action of the Government is calculated to destroy the very thing they wanted to build. When the Government advise the Governor General wrongly, it is really a calamity to the country. Now, Sir, what do we find? What was going on in this city of Delhi during the last few days? They held a Congress meeting a few days ago, and they discussed the question whether the Congress should accept office or not. Opinion was naturally divided very strongly, but the saner elements in the Congress, or the right wing section prevailed, and they persuaded the other side to accept office. Now, when they have decided to accept office and work the reforms, here comes the death blow from the Government to destroy the good atmosphere that has been created by the Congress decision to work the reforms. Here diplomacy would have had a better effect than thrusting on the people a measure like the one we have before us. What do we find? We find that the Honourable the Finance Member alone wants to rule the whole country by his will. It is not the will of the Government, it is the will of the Finance Member that has prevailed. He may have been advised by his Department, but it is his will he wants to enforce on the country as a whole. It is not the views of the Honourable Members sitting over there which will decide the

issue, because they are bound to vote according to the instructions issued to them. If the Honourable Members on the Treasury Benches had been given free choice to vote as they liked, I am sure that at least half the Members on that side would most readily have voted with this side of the House. It is a misfortune, Sir, that the Government, constituted as it is today, has to instruct its agents to vote in a particular manner, and the whole of the Government votes *en bloc* accordingly. But what did we find in regard to the sugar excise duty? Not a single elected Indian voted with the Government on this question. Even from the European Group we find that Mr. Ramsay Scott voted against the Government (Applause from Congress Party Benches), because, Sir, he represents the province where the sugar-cane industry has made perhaps the greatest headway. He knew what circumstances exist at present. But other members of the European Group went with the Government, but we need not take them seriously, because they are neither sugar-cane growers, nor factory owners, nor are they consumers of Indian made sugar because whatever sugar they consume is lump sugar which is imported from outside. So it does not matter to them which way they vote, and, therefore, I do not attach any importance to their votes at all,—theirs is practically no vote at all. Now, the only votes which were there were the votes of the elected Members on one side and of the Government Members on the other side,—the Government Members were, of course, forced to vote with the Government on account of the Party discipline, or according to the notions of the Honourable the Finance Member. Therefore, I think, it is undiplomatic and inopportune to advise the Governor General wrongly to make a recommendation in this matter. They have created difficulties not only for men like my friend, Sir Cowasji Jehangir, and myself, but they have created difficulties even for those who were going to bring their flock to work the new Constitution. Sir, they will have a lot of difficulties in their camp. Instead of working the reforms, now the Government have asked them to go inside the Councils and wreck the Constitution. That is forcing the hands of at least six provinces,—the Finance Member has created difficulties, not for the Government of India, but for the Provincial Governors who had no voice in the decision made by the Finance Member and which is being thrust on the country today. I wonder what the Provincial Governors would be feeling about this action, especially the Governors of those provinces where the Congress are in a great majority and their votes count a great deal. I do not know how the Government make up their minds. Have they got only one thing, namely that they must carry their own will, that they must enforce their own will on the people like Mussolini or Hitler? They must at least care for the good of their Constitution and of their Government too. They must see what difficulties they are creating for the other side, for their own friends, for their own people who are running their show in other places. It is absolutely ignored. I would certainly pity the position of His Excellency Sir Harry Haig and the Governors of the other provinces. The point is this, whether the unanimous voice of the people should prevail, or the voice of one single man who is controlling should prevail, because I refuse absolutely to believe that it is the voice of anybody else except that of the Finance Member and his Department. He may think that it will prove a boon later on. He is a very shrewd man, he is a very able man, he is a very intelligent man, he can understand many things. We may be dull people, we may not have got brains like his.

Mr. S. Satyamurti: Speak for yourself. (Laughter.)

Sir Muhammad Yamin Khan: But I can say this that, when we support the Government, we do so with the utmost sincerity, and, equally, when we oppose the Government, we do so with the greatest sincerity. The Government should have considered that when we give them advice, it is worthy a little

An Honourable Member: For their own good.

Sir Muhammad Yamin Khan: for their own good. If it is good for the country, it is good for the Government also. Think of the political effect, leaving aside the economic side—I have already said that economically it will bring ruination in spite of the Honourable Member thinking that it will prove a boon to the country, and that ruination will be reflected in the country later on. Policy and diplomacy should be such as to succeed, but if it leaves bitterness, it should not find a place. When the historian will write the history of this period, he will write with the greatest bitterness. To carry one's will through in spite of the peoples' opposition is a thing to be greatly deplored. If the Government had listened to the voice of their friends in the past, they would not have been in the position in which they find themselves today, and, if they go on ignoring them, they will be in a worse position hereafter. I do not know when the advice was given to His Excellency the Viceroy, the date has been put in by pen, and it shows that the whole thing should have been printed long before the date that is put down there. But whenever it may have been given, it was a wrong advice and should not have been given to His Excellency the Governor General, especially at this time when he is thinking of bringing in the Indian States. I do not know what effect this will have on the minds of the rulers of the Indian States when they come to join hands with the Government. They will be wondering whether their voice will prevail or the voice of one man who goes up to advise the Governor General in future. These things ought to have been foreseen. Wise men foresee a long way ahead, not the momentary effect. With these words, I oppose the amendment. (Applause.)

Pandit Govind Ballabh Pant (Rohilkund and Kumaon Divisions: Non-Muhammadan Rural): After the speech of my Honourable friend, Sir Muhammad Yamin Khan, I think it is unnecessary for anybody else to advance any further argument in support of the attitude taken by the Leader of the Opposition. I would not have got up if I had not had a very strong feeling on the subject, as much on its merits as on constitutional grounds. I do not know if the benches opposite realise the deep agony and the galling mortification that the repeated reminders of our utter helplessness must be causing us. I do not know if they can form any measure or any idea of it. After all, are we to continue to be pawns in a political game in this international pursuit of the consuming ambitions of Great Britain for ever. That is the main problem. Will they ever continue to fiddle with us in order that they may grow fat and fatter? But I do not intend to address myself to these aspects of the question at any length today. As I said, I am really sad, sad to find with what utter contempt the collective opinion of the elected Members of this House is treated by the

benches opposite, sad to realise that things like this must be happening and yet we should still continue acquiescing in the present system! Every nation deserves the Government that it has, and if we had the power to rebel, we would have broken our shackles long ago. Still we were satisfied with pious denunciations but that cannot carry us further. What we have to do today is to steel our hearts and to reaffirm our determination to adopt practical measures in order to bring foreign domination to an end, in order to destroy the monstrosity of alien rule and to secure for ourselves the God-given right of ordering the affairs of our country according to our own wishes,—not only inside, but also of determining our relations with the people abroad as it suits the best interests of our country. We again stand here today to reaffirm our determination to attain independence, to prepare the ground for that assembly in which the elected Members of the people of this country will determine the Constitution suited to their genius, so that this country may advance forward, not only to improve the lot of the starving millions in this land, but also to restore peace in this tormented world. That is the lesson that we once again learn today. But this absolute despotism has to be ended, and every step leading to its speedy end has to be taken to achieve this purpose. We are here today again reminded of the despotism and monstrosity of the present order of things, but it is not only that. Even judging this issue according to their own standards, in the terms of their own Constitution, in the light of their oft-repeated declarations, this step is indefensible.

Sir, we were told that the fiscal autonomy convention was a reality. Does this attitude of this Government conform with that declaration? Is it in accord with their declarations regarding fiscal autonomy? Have not the Government declared again and again that, so far as matters of this type are concerned, so far as matters relating to the imposition of import duty, excise and other things are concerned, the wishes of the representatives of the people in this House, even in the crippled state in which we are expected to work here, will be respected? Had they not again and again declared their willingness to drop the Bills relating to the imposition of import duties even in the matter of British textiles and other things if the elected representatives in this House did not approve of those Bills by a majority? Did not the Government in fact actually withdraw a Bill once when the elected representatives did not support it? Have the Government then abandoned that convention of fiscal autonomy? If it has, then let them candidly declare that they are moving backwards and their preparation for so-called Swaraj is only a preparation for further tightening of our fetters. It is unthinkable that in a matter of this type the Government, throwing to the winds all their solemn promises, should have trampled upon this convention which they had repeatedly accepted in unqualified language. Sir, what has the Honourable the Finance Member done. He has in relative terms reduced the import duty on sugar and increased the excise duty. The difference between the excise duty and the import duty was larger to this time than it will be under the change suggested by him. Is it in any way defensible? I ask the Honourable the Finance Member—can there be any justification for bringing down the import duty relatively in terms of the excise duty? He was telling us the other day that he had increased excise duty only by five or ten per cent. of the import duty—I do not exactly remember—but he meant to convey that the increase in the duty was very small, that it bore a very small proportion, but can

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he deny that he has made the position and the lot of the indigenous producer and manufacturer of sugar much worse? The increase on excise duty is 50 per cent, the increase on import duty hardly three per cent, and the increase of excise duty on *khandsari* sugar more than 100 per cent. He has adopted the reverse order of things, smallest increase of import duty and biggest increase on *khandsari* sugar, proportionately and relatively. Can he defend such a step?

Then, Sir, we were told and we have been reminded again and again that the present Government of India are the trustees of the dumb driven people, as they are called, of this land. We have been reminded again and again that the Government of India take a special interest in the welfare of the agricultural classes. Looked at from the farmer's point of view, nothing could be more brutal, more callous than this increase in excise duty. The Honourable the Finance Member knows that the Local Governments have encouraged the cultivation of cane, especially in the United Provinces. They have exacted a considerable amount in the form of irrigation rates through the extension of cultivation of cane. The poor cultivators whom they managed to keep ignorant and illiterate all the time have been duped by them into extending the cultivation of cane. They have been promised higher prices and asked to give up their original natural rotation of crops and to take to cane. This year, about five lakhs of tons of additional cane are standing in the fields. That is, according to the prevailing rate, worth at least 50 lakhs of rupees. The Honourable the Finance Member tells us that the sugar industry is heading towards a disaster. If not so, it is at least facing a great deal of difficulty today. He says that the income-tax receipts have come down, that the sugar industry is today faced with a crisis. Obviously, in the circumstances it will be difficult for the manufacturer to purchase even the quantity of sugar-cane that he purchased last year. In the circumstances, instead of giving some sort of relief to these people, in order to enable them to make use of the sugarcane produced by them, here, at this eleventh hour, when it is not possible for the agriculturists to find any other means for crushing their cane, he hurls this bolt upon them in order to blast them completely. Can there be any justification for it? What does this attitude towards the agriculturist mean? We are told that it is the function of the Government of India to protect the rural classes, that they take the greatest interest in the weak, starving and suffering people, yet their declarations and their professions are entirely opposed to their real practical activities. What is the use of these Agricultural Commissions, what is the use of these stud bulls, if these people are to starve, if their crops are to rot and if, after being deceived into a plan of action engineered by this Government, they are thrown overboard at the eleventh hour? Can any Government elsewhere behave in such a callous, brutal and dishonest manner? These sugarcane planters and farmers are now being thrown into the wilderness. They will not have anything to pay their rents. They will not have anything to purchase their loin cloth. They will have nothing to feed their starving children with. The only profitable crop in my part of the province today is the sugarcane. It is only through sugarcane that the heavy burdens that the agriculturists have to face have been discharged partially, and now, at this hour, these agriculturists are being crushed. These farmers are being thrown into the sea and their interests are being trampled upon in a ruthless manner. I do not very

much worry about the manufacturer. I am interested in him, but I cannot tolerate this state of affairs in which this skeleton is bundled up and thrown into the grave although he can be saved.

Sir, we are told by the Honourable the Finance Member that the sugar industry is suffering from a glut, a surfeit, that idle stocks are lying here and there. Assuming that that is correct, what would a national Government do in these circumstances? Would it make the state of affairs still more difficult and worse, or would it ease the situation and give appropriate assistance to the growers? And what is the fault of these sugar manufacturers? Only this that they have developed this industry at a quicker speed, that they have developed it at a more accelerated rate than had been expected by the Tariff Board. Sir, does it not amount to a breach of faith? Government had promised them that at least for seven years they would have a certain rate of protection; but their success has aroused the jealousy and envy of the Government of India and they have adopted a step-motherly attitude towards them. Sir, the Government of India have a very queer and strange way of looking at things. They grudgingly grant some protection to an industry. If it succeeds then they must take action against it in order that its progress may be arrested; if an industry fails, then also they must take action against it, because the policy of tariff protection had not proved fruitful! Sir, in every way the Honourable the Finance Member will manage it according to his own capricious whims—"heads I win, tails you lose". That is his method.

Now, Sir, can this excise duty be helpful to anybody except the Government? For the consumer, he is going to raise the price by imposing this excise duty; for the manufacturer, he is cutting down his profit, as the rise in price is never proportionate to the duty levied; and, so far as the agriculturist is concerned, he is cutting down the price of the cane, as it has to bear some relation to the net price that the manufacturer gets: with the result that all the three classes must suffer, only so that he may have this crore and a quarter of rupees. But at what cost! Can it be of any advantage to any Government to draw money like this when the reaction of it is this that it dries up the springs from which alone money can ooze out?

Sir, it is a suicidal policy that the Government are adopting. Sir, the Honourable the Finance Member could have found his money in various other ways. If there had been a national Government, I think the easiest thing to find this money today would have been by means of the imposition of an export duty on gold. If even that did not suit his country's interests, I do not understand why he should not have devised some means by virtue of which he could get enough of money from steel and iron. He knows that there is a boom in the steel and iron industry, he knows that the profits there are enormous, he knows that the value of shares has gone up by leaps and bounds, by hundreds. In these circumstances, he could have laid a sort of tax on the transfer of shares; he could have laid an excess profits duty on steel and iron, and thus he would have left alone this skeleton in the village. He would have raised the money he needed, and nobody would have been much worse. The period of boom is not of much advantage even to the steel industry. If, in these circumstances, the industry gets a reasonable rate of profit and not an excessive rate of profit, such a thing would have arrested the tendency towards extravagance and would have kept the industry in a sound condition. We

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could have easily found money in other ways for meeting this deficit, if it was inevitable. But was this deficit inevitable? Was it not possible for him to cut down the extravagant expenses of the administration further?

Sir, we have been told that there has been an addition to our burdens because of the separation of Burma. Is it not a legitimate question to ask that, if Burma has been separated, what *pro tanto* reduction should have been made in the expenditure of the Central Government? Burma had so far been under the supervision, direction and control of the Central Government. We were told that we are to lose several crores because of the separation of Burma. Why did the Government not cut down its expenses on account of this separation? Assume for a moment that Burma had not been separated but annexed to India, the Government would have placed before us new estimates to the extent of no less than a crore or two to meet the expenditure in Burma, but when Burma is being separated, when Aden is separated, their expenditure must continue as it was, they will not make any economy, any retrenchment on that account, but on the other hand they impose additional burdens on the poor man who cannot afford to part with even a penny, because he has no more than a penny as the wherewithal of his existence today? Sir, it is my grievance that apart from the constitutional aspect of this question, there are several points involved. The Tariff Board are to make an inquiry into this matter, and it is prejudicial to that inquiry to raise the rates of excise and import duty in this manner beforehand. No man in his senses could have adopted such a course. No Government responsible to any people on the face of the earth could have adopted such a monstrous course, but here they are irresponsible; they are parts of a machine which is grinding us, and will continue to grind us so long as we do not break it. But the sighs of the poor, their tears, and our own prayers and our determination will put an end to this system (Hear, hear), will bring the day of redemption soon, and we will attain that stage of complete independence which alone can befit a self-respecting nation,—the members of which are the descendants of the harbingers and of the torch-bearers of civilization in this world: and I hope and trust that with the collective efforts of the Indian nation this day of redemption and complete independence will be attained much earlier than our enemies imagine. (Loud Applause.)

Honourable Members: The question may now be put.

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

"That the question be now put."

The motion was adopted.

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

"That after clause 2, the following be inserted as clause 3 of the Bill, namely:

'3. In sub-section (2) of section 3 of the Sugar (Excise Duty) Act, 1934,

(a) in clause (i), for the words 'ten annas' the words 'one rupee and five annas' shall be substituted, and

(b) in clause (ii) for the words 'one rupee and five annas' the words 'two rupees' shall be substituted'."

The Assembly divided:

AYES—40.

Abdul Hamid, Khan Bahadur Sir.
Ahmad Nawaz Khan, Major Nawab Sir.
Aikman, Mr. A.
Bajpai, Sir Girja Shankar.
Bansidhar, Rai Sahib.
Bewoor, Mr. G. V.
Bhide, Mr. V. S.
Buss, Mr. L. C.
Chanda, Mr. A. K.
Chapman-Mortimer, Mr. T.
Craik, The Honourable Sir Henry.
Dalal, Dr. R. D.
Gidney, Lieut.-Colonel Sir Henry.
Griffiths, Mr. P. J.
Grigg, The Honourable Sir James.
Hudson, Sir Leslie.
James, Mr. F. E.
Jawahar Singh, Sardar Bahadur Sardar Sir.
Lal Chand, Captain Rao Bahadur Chaudhri.
Lalit Chand, Thakur.

Lloyd, Mr. A. H.
Mackeown, Mr. J. A.
Mehta, Mr. S. L.
Menon, Mr. K. R.
Metcalfe, Sir Aubrey.
Morgan, Mr. G.
Mukherjee, Rai Bahadur Sir Satya Charan.
Nagarkar, Mr. C. B.
Naydu, Diwan Bahadur B. V. Sri Hari Rao.
Noyce, The Honourable Sir Frank.
Rau, Sir Raghavendra.
Roughton, Mr. N. J.
Row, Mr. K. Sanjiva.
Sale, Mr. J. F.
Sher Muhammad Khan, Captain Sardar Sir.
Spence, Mr. G. H.
Thorne, Mr. J. A.
Tottenham, Mr. G. R. F.
Witherington, Mr. C. H.
Zafrullah Khan, The Honourable Sir Muhammad.

NOES—67.

Aney, Mr. M. S.
Asaf Ali, Mr. M.
Ayyangar, Mr. M. Ananthasayanam.
Azhar Ali, Mr. Muhammad.
Badrul Hasan, Maulvi.
Bajoria, Babu Baijnath.
Banerjee, Dr. P. N.
Bhagavan Das, Dr.
Bhagchand Soni, Rai Bahadur Seth.
Chaliha, Mr. Kuladhar.
Chettiar, Mr. T. S. Avinashilingam.
Chetty, Mr. Sami Vencatachelam.
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.
Gadgil, Mr. N. V.
Ganga Singh, Mr.
Ghiasuddin, Mr. M.
Ghulam Bhik Nairang, Syed.
Giri, Mr. V. V.
Govind Das, Seth.
Gupta, Mr. Ghansham Singh.
Hans Raj, Raizada.
Hosmani, Mr. S. K.
Ismail Khan, Haji Chaudhury Muhammad.
Jedhe, Mr. K. M.
Jehangir, Sir Cowasji.
Jinnah, Mr. M. A.
Jogindra Singh, Sirdar.
Joshi, Mr. N. M.

Kailash Behari Lal, Babu.
Khare, Dr. N. B.
Lahiri Chaudhury, Mr. D. K.
Maitra, Pandit Lakshmi Kanta.
Malaviya, Pandit Krishna Kant.
Mudaliar, Mr. C. N. Muthuranga.
Muhammad Ahmad Kazmi, Qazi.
Murtuza Sahib Bahadur, Maulvi Syed.
Nageswara Rao, Mr. K.
Pant, Pandit Govind Ballabh.
Parma Nand, Bhai.
Raghubir Narayan Singh, Choudhri.
Rajah, Raja Sir Vasudeva.
Raju, Mr. P. S. Kumaraswami.
Ranga, Prof. N. G.
Saksena, Mr. Mohan Lal.
Sant Singh, Sardar.
Santhanam, Mr. K.
Satyamurti, Mr. S.
Scott, Mr. J. Ramsay.
Sham Lal, Mr.
Shaukat Ali, Maulana.
Sheodass Daga, Seth.
Singh, Mr. Ram Narayan.
Sinha, Mr. Anugrah Narayan.
Sinha, Mr. Satya Narayan.
Sinha, Mr. Sri Krishna.
Som, Mr. Suryya Kumar.
Sri Prakasa, Mr.
Umar Aly Shah, Mr.
Varma, Mr. B. B.
Vissanji, Mr. Mathuradas.
Yamin Khan, Sir Muhammad.

The motion was negatived.

The Honourable Sir James Grigg: Sir, in accordance with sub-rule (5) of Rule 36-B of the Indian Legislative Rules, I have now to request you to endorse on the Bill a certificate to the effect that "the Chamber has failed to pass the Bill in the form recommended".

(The Secretary then placed an endorsement on the certificate to that effect and the Chair signed it.)

DEMANDS FOR SUPPLEMENTARY GRANTS.

CUSTOMS.

The Honourable Sir James Grigg (Finance Member): Sir, I move:

"That a supplementary sum not exceeding Rs. 69,000 be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending the 31st day of March, 1937, in respect of 'Customs'."

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

"That a supplementary sum not exceeding Rs. 69,000 be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending the 31st day of March, 1937, in respect of 'Customs'."

Mr. S. Satyamurti (Madras City: Non-Muhammadan Urban): I have an amendment to this demand.

The Honourable Sir Henry Craik (Home Member): I rise to a point of order, and it is this. The amendment proposed to be moved seeks to censure the action of Government in censoring foreign letters.

Mr. President (The Honourable Sir Abdur Rahim): Is this a new service?

The Honourable Sir James Grigg: No, Sir.

Mr. S. Satyamurti: You will find, Sir, in the Supplementary Grants, page 1, a note to the effect that "Rs. 22,400—Cost of collection of customs duty on articles of inward foreign letters and parcels".

Mr. President (The Honourable Sir Abdur Rahim): The Chair takes it that this head was in the budget.

The Honourable Sir James Grigg: Yes, Sir.

Mr. President (The Honourable Sir Abdur Rahim): It is a well established rule that the Honourable Member cannot discuss questions of policy on supplementary grants.

Mr. S. Satyamurti: Sir, I wish to point out that the authoritative ruling on this point is contained in Ruling No. 510, page 431 of "A Selection from the Decisions from the Chair". The President ruled:

"Debate on supplementary and excess grants is restricted to the particulars contained in the estimates on which those grants are sought and to the application of the items which compose those grants; and the debate cannot touch the policy or the expenditure sanctioned on other heads, by the estimate on which the original grant was obtained, except so far as such policy or expenditure is brought before the committee by the items contained in the supplementary or excess estimates."

This is based on May's Parliamentary Practice. I submit that they are asking for this money and I come within the exception, that is to say, this policy of censoring letters is brought before the House by the explanation proposed in the Supplementary Demands, that is Rs. 22,400, cost of collection of customs duty on articles of inward foreign letters and parcels. I submit, therefore, that I am entitled to raise this question within the scope of this rule which has been followed consistently in this House. I refuse to vote this grant, unless they give up censoring letters.

Mr. President (The Honourable Sir Abdur Rahim): The expenditure is not for that purpose.

Mr. S. Satyamurti: The expenditure is in connection with foreign letters.

The Honourable Sir Henry Craik: This demand has nothing to do with censoring letters, that is my point. It has merely to do with collecting customs duty on dutiable articles contained in letters.

Mr. S. Satyamurti: What is meant by dutiable articles? How do you find out whether there are any dutiable articles inside letters?

The Honourable Sir Henry Craik: This relates merely to the cost of collecting customs duty on articles contained in foreign letters, it has nothing to do with censoring at all.

Mr. President (The Honourable Sir Abdur Rahim): The Chair rules the amendment out of order.

Mr. S. Satyamurti: Then, I will speak against the motion. I should like to know from my Honourable friend, the Finance Member, if I can, exactly the scope of A.10 in this Supplementary Demand. That is the only point I want to raise. My Honourable friend, the Home Member, referred to certain dutiable articles contained in foreign letters. I should like some elucidation of that matter. I am anxious that we should know exactly the procedure, by which this extraction of articles contained in foreign letters takes place, and how customs are levied. Is it a case of the department finding out illicit articles being tried to be smuggled by means of letters, or is it a case of articles sent in the form of letters? I want to know really exactly what is meant by this phrase "cost of collection of customs duty on articles of inward foreign letters and parcels". In view of your ruling, that is the only point I want to raise.

Mr. G. V. Bewoor (Director General of Posts and Telegraphs): As it pertains to my Department, I wish to explain the procedure. The procedure is that, when articles of the letter mail and of the parcel mail containing dutiable articles come from foreign countries, they are all required to bear upon them a declaration of their contents. It is not prohibited to send in a letter dutiable articles. All such articles are collected in the Office of Exchange, either in Bombay or Calcutta, where the customs authorities assess the customs duties on those articles on the value declared on the declaration form which is affixed to the article. Apart from this, certain suspected articles, that is articles which might

[Mr. G. V. Bewoor.]

be suspected to contain dutiable goods, but not so declared by the sender, are also taken out and opened and assessed. The post office then sends the articles to destination and recovers from the addressee the customs duty which is then paid to the Customs Department. For the expenditure incurred in connection with the performance of this work, the customs authorities pay the Postal Department certain sums of money. That amount is a percentage of the total customs revenue collected by the post office. If unexpectedly larger amount is collected by the post office, the customs authorities have got to pay a larger amount to the post office, and this amount which has been asked for is in connection with work done by the post office.

Mr. M. Ananthasayanam Ayyangar (Madras ceded Districts and Chittoor: Non-Muhammadan Rural): Sir, under the same head, I wish to bring to the notice of the Honourable Member who moved this grant, as well as to the Honourable Member who just spoke, that some inconvenience is felt regarding refunds. When I was in Simla last, I was told by a number of persons receiving parcels from foreign countries that the customs duties are collected by the post office, but if there is any dispute about the value, even if they show the bill which has been sent to them, and in case there should be a difference regarding the value or the assessment, they have to apply to the customs authorities either at Bombay or at any other place. That is the difficulty; they have to pay the money to the post office, and for a refund they have to apply to the Customs authorities. This inconvenience has been felt, and for a long time they have been paying what ordinarily is not incumbent upon them to pay. It is collected in advance on arrival, and for a refund they have to undergo a good deal of difficulty. That is what I desire to bring to the notice of the authorities in this connection, and I await their explanation.

Then, as regards clause (c), it is explained in the footnote that this relates to additional payment to the members of the staff on account of certain overtime fees in connection with the increase of traffic and arrival of vessels outside the usual working hours. In regard to this, I find that almost every year a large amount is spent by way of fees for overtime work. I suggest that an average may be struck and additional hands may be employed by way of a reserve for this purpose in order to relieve congestion, instead of paying some men who are already receiving fat salaries and giving them some additional salaries. I should like to know from the Honourable Member what attempt has been made in this direction, and what inconvenience will arise if such a step is adopted. These are the two matters with respect to which I want some elucidation from the other side.

Mr. A. H. Lloyd (Government of India: Nominated Official): Sir, as regards the first point which my Honourable friend has inquired about, the position is that the assessment of Customs duties on dutiable articles imported by letter or parcel post is performed by Customs Officers. The post office merely act as their agents to collect money and remit it. Consequently, it follows that any disposal of a claim for refund, which is a continuation of the process of assessment, must be referred to the same

officers who made the assessment, that is to say, the Customs Department. I think it will be generally agreed that there is no other alternative and no other procedure is really possible. You cannot expect postmasters all over the country to be experts in the tariff; we have had plenty of complaints in recent years that the tariff has become so complicated that it can only be worked by experts.

As regards the second point, that I venture to submit, is one which does not arise in connection with the present demand which is merely supplementary to a grant which has been already given. And I frankly confess that I am not prepared off-hand to deal with it as I did not expect to have to deal with questions of general principle applicable to the whole field in connection with a supplementary demand. There are plenty of opportunities that are afforded to the House for considering this matter, both in connection with the demands for grants (which is, I admit, only a formal occasion), and also in connection with the report of the Public Accounts Committee, and Honourable Members frequently avail themselves of those opportunities.

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

"That a supplementary sum not exceeding Rs. 69,000 be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending the 31st day of March 1937, in respect of 'Customs'."

The motion was adopted.

TAXES ON INCOME.

The Honourable Sir James Grigg: Sir, I beg to move:

"That a supplementary sum not exceeding Rs. 2,63,000 be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending the 31st day of March, 1937, in respect of 'Taxes on Income'."

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

"That a supplementary sum not exceeding Rs. 2,63,000 be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending the 31st day of March, 1937, in respect of 'Taxes on Income'."

Mr. S. Satyamurti: Sir, I do not intend to move the motion of which I have given notice, but I want to raise a point on this. You will notice that there is a footnote on page 5 to the effect that a sum of Rs. 37,000 is required:

"to meet excesses due mainly to the payment of leave salary to a large number of persons who proceeded on leave on reversion to their substantive posts consequent on the abolition of tax on lower incomes."

I want to raise a point, if I may, as a matter of financial propriety and possible retrenchment, that there seems to be a habit among a section,—I will not say large or small,—of Government servants to go on leave, whenever it benefits them; and there are certain leave rules, which enable certain officers in certain contingencies to get more pay when on leave, than when they are not on leave. No doubt, there is a rule which says that no leave can be claimed as a matter of right. Therefore, in connection with the above note, I should like to ask this: Why did they go on leave? Was it for any reasons of a substantive character to

[Mr. S. Satyamurti.]

justify their going on leave, such as sickness or private affairs or any other considerations which are relevant to the granting of leave to a public servant? Or was it to enable them to accumulate more money by way of going on leave? That is a point which affects the entire leave rules, and I am suggesting to the Honourable the Finance Member that these leave rules deserve to be examined, with a view to seeing that no leave is allowed to be taken by any public servant, on the ground that it benefits him financially. It ought to be given only on account of sickness or private affairs or leave earned in the natural course of things, according to the substantive rules governing the same.

The Honourable Sir James Grigg: The Honourable Member has raised a point which is one of substance, though I think not quite of the substance that he imagines. A number of these people went on leave pending final retirement or final discharge owing to the abolition of the work which they were doing. A number of them went on leave pending reversion to lower jobs from higher jobs that they had occupied during the currency of the tax on lower incomes. I gather that the leave rules do operate so as to give people leave pay based on the average of the preceding period. So that, if people are acting in higher posts than their substantive posts, they can, by going on leave before reversion, get higher leave pay than they otherwise would get. At the moment I do not see how you can prohibit that with any degree of fairness. But at the same time, as the Honourable Member has pointed out, it is a matter that requires looking into, and I shall be glad to give him an assurance that we will look into it and see if it is not possible to stop any abuse of the leave rules in that way.

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

"That a supplementary sum not exceeding Rs. 2,63,000 be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending the 31st day of March, 1937, in respect of 'Taxes on Income'."

The motion was adopted.

SALT.

The Honourable Sir James Grigg: Sir, I beg to move:

"That a supplementary sum not exceeding Rs. 90,000 be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending the 31st day of March, 1937, in respect of 'Salt'."

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

"That a supplementary sum not exceeding Rs. 90,000 be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending the 31st day of March, 1937, in respect of 'Salt'."

Mr. S. Satyamurti: Sir, I am not moving the token out of which I gave notice, but will try to make a suggestion under this head. You will find a footnote on page 7 to the effect that a sum of Rs. 45,000 is required to meet excess due to the reorganisation of the preventive measures round the Pondicherry and Karaikal frontiers. I think I am right in thinking

that it refers to the Customs administration to prevent smuggling of dutiable goods. I have made the suggestion more than once before—and I should like to make it again—I do not know if it is practical politics, but it does seem to me, that until we are able, by some arrangement with the French and the Dutch Governments, to get some form of uniformity or unified administration of customs in Pondicherry, Karaikal, Chandernagore and a large number of small French possessions scattered over the coastline, as also Dutch possessions, we shall never be able to deal with the smuggling on the scale we ought to. My information is that these steps have resulted in the putting down of smuggling to a considerable extent. I am glad to hear that, and I hope that we shall be able to eradicate smuggling altogether; but it does seem to me that, unless you are going to keep up this armed police and armed launches and all sorts of things, you can never get to the bottom of this problem; and the more permanent and satisfactory remedy seems to me that we should acquire these rights paying compensation once for all or year after year. Similarly, I want to give a friendly warning, if I may, to my Honourable friend, that he is letting himself in for a great deal of difficulty in customs administration, if these Indian States people do not come into line on this question completely. I mean to say that we are losing all along the line, and I suggest that, although my Honourable friend may not be able to take me or the House into confidence, he must remember that, after all, he is at present the Finance Member for British India and not Finance Member of the Federation, and he should deal with it as such: the incoming Finance Minister may deal with it as he likes—but the present Finance Member is there to protect my interests, and I hope that he will take care to see that we do not surrender too much of our customs revenue or our rights. There is a great deal of abuse already, and it may get worse. I am raising that point, as a matter of friendly suggestion to my friend, to see that the customs administration becomes uniform and effective, and does not operate to the benefit of the dishonest amongst the importers.

The Honourable Sir James Grigg: Sir, to take the second point raised by the Honourable Member, first, as he surmised it is impossible at this stage to take the House any more into confidence, but he can rest assured that that particular point is not being overlooked and indeed it is one which is very constantly before our eyes. To take the first point, no doubt the Government of India would be extremely glad if there could be a readjustment of territory so that the problem of dealing with French enclaves in Madras could be easier, and Government have certainly no objection in principle to acquiring rights; but you can only acquire them voluntarily and my information is—and it is only natural after all—that the foreign countries which have territory in India are extremely tenacious of their sovereignty and I cannot hold out to the Honourable Member any hope that within any measurable range of time the Government of India will be able to acquire those rights.

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

"That a supplementary sum not exceeding Rs. 90,000 be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending the 31st day of March, 1937, in respect of 'Salt'."

The motion was adopted.

OPIUM.

The Honourable Sir James Grigg: Sir, I move:

"That a supplementary sum not exceeding Rs. 25,000 be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending the 31st day of March, 1937, in respect of 'Opium'."

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

"That a supplementary sum not exceeding Rs. 25,000 be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending the 31st day of March, 1937, in respect of 'Opium'."

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.

Prof. N. G. Ranga (Guntur cum Nellore: Non-Muhammadan Rural): Mr. Deputy President, I want to oppose this supplementary demand, because I find that Government have not taken proper steps till now to adequately restrict the consumption of opium in this country. They have been producing smaller and smaller quantities of opium, because they were obliged, under the League of Nations Convention, not to export or to bring to a stop as soon as possible their exports to China, but, as far as the consumption of opium in this country is concerned, they have not placed any restriction either upon the production of it, or the consumption of it. Sir, when the League of Nations decided upon the initial restriction on the consumption of opium with the object of finally abolishing the consumption of opium except for absolutely medicinal purposes, it was done for health reasons, and when the Government of India were good enough to agree with the rest of the world that the consumption of opium for ordinary purposes should be abolished, they had to agree to co-operate with the rest of the world in trying to check the imports of opium into China, and I do not know why the Government of India have so far failed to prepare a proper scheme of restriction of the production, distribution and consumption of opium in this country. I may be told it is because the Central Government is concerned only with the production of opium, and not with its distribution, and the question of distribution will have to be settled by Provincial Governments, but, Sir, certainly the Central Government has its responsibilities towards the maintenance of the health and hygiene of the masses of this country, and, therefore, it is the duty of the Central Government to try and evolve some central machinery by which it may be possible for it to persuade those Provincial Governments to adopt the necessary measures for the proper distribution of opium in this country. I find that although the total consumption of opium has been coming down rather considerably, the average consumption per 1,000 of the population calculated on the census figures of 1931 and 1911 has not fallen to the extent we would have liked. Even today it is '77 per every thousand of the population. Of course, the people can consume this opium only in very small quantities, even at that the consumption of it has been considered to be unhealthy and bad for human beings, and it is for that reason I want the Government to put a restriction. I may

he told that they are certainly taking serious steps to restrict the number of shops at which opium can be made available, but I find that the average area for which shop can be opened has not very much increased within the last 22 or 25 years. In 1912-13, it was (?) square miles per shop, whereas it has increased only to 178.78 miles and nothing more. I find from this that neither the Government of India nor the Provincial Governments have been taking sufficient steps to restrict the consumption of it or the availability of opium for consumption. I, therefore, appeal to the Government of India that they ought to try and convene a conference of the provincial authorities concerned at the earliest possible moment at a central place, so as to come to a definite decision in order to restrict the consumption of opium, the only exception being that it should be used only for medicinal purposes. I hope I shall get a satisfactory reply from the Honourable Member in charge of this Department.

Mr. Kuladhar Chaliha (Assam Valley: Non-Muhammadan): Sir, I find that the other day a communiqué was issued by the Government of India to the effect that the Provincial Governments had done nothing to reduce their revenue from the consumption of opium and that they were so much absorbed with other questions in it that they were unable to think of reducing the consumption, but in one case, I mean in the province of Assam, the revenue from opium has come down to about 15 lakhs. Therefore, the communiqué which was issued by the Government of India saying that the Provincial Governments had not sacrificed their revenue, so far as Assam is concerned, is unjustifiable.

With regard to the steps taken to reduce the consumption of opium, I find that different provinces have taken different steps, but the Central Government are so fond of deriving their revenue from opium that they are not willing to restrict the cultivation of poppy in the Ghazipur district agency, because we find that about 9,000 acres of land is still under cultivation. This Government which announced to the world that it had done their very best to abolish the cultivation and consumption of opium, in accordance with the wishes of the people of this country, has not tried to abolish the internal consumption itself. We must take credit for the fact that in 1928 the Government of India sent up to China a huge quantity of opium from this country, but in 1936 the trade has gone out, but it has done nothing to eradicate the evil of internal immoral traffic in opium. My submission is, Sir, that the Government of India should take immediate steps to terminate the internal consumption of opium at least at the rate of six per cent. per year and reduce the cultivation of poppy under the Ghazipur opium agency, say, within a period of 16 years. That would be in conformity with the wishes of the people. In that case, the Provincial Governments will be able to adjust their revenue by finding out some other new source. I trust in the new autonomy or the so-called autonomy, the Ministers will fall in line with the popular demand for the complete eradication of the use of opium in this country and they will take definite steps for restricting the production and cultivation of poppy in areas under their control.

Mr. A. H. Lloyd: Sir, my Honourable friend from Madras, in his anxiety to point an antithesis between our action regarding external trade and internal traffic in opium has, I am afraid, not given an absolutely accurate picture. It was a voluntary act and it was not under the force

[Mr. A. H. Lloyd.]

of any definite obligation incurred at Geneva that the Government of India decided to terminate the export of opium to the Far East. As regards internal traffic, what my Honourable friend from Assam has said and what the Honourable Member himself said later in his speech are enough to show that it is untrue to say that there are no restrictions on the consumption of opium in force in India.

Prof. N. G. Ranga: I said they are not enough.

Mr. A. H. Lloyd: That is quite a different story; what the Honourable Member said was that there were no restrictions. The Honourable Member is fully entitled to his views that there are not enough restrictions. One province has certainly gone very much further than others in its sacrifice of revenue as a result of introducing restrictions on the use of this drug. May I, in passing, express my regret if there was anything in the press note which appeared to belittle the action of the Government of that province in this matter? That was not the intention with which the press note was written. The point of the reference was that the matter was in the hands of the Local Governments and that no Local Government had yet shown itself prepared entirely to abolish its revenue from this source. My Honourable friend from Assam made one observation which I cannot pass over. He said that the Government of India was so fond of its revenue that it would not think of making a reduction in the consumption of opium. I cannot too strongly emphasise the fact that we do not make revenue out of opium now. We sell our opium at cost price to the Local Governments, except, of course, in the centrally administered areas—it is an unnecessary complication to mention those small areas. But speaking of British India by and large, the revenue from opium is entirely provincial. We recover the cost of the opium, we control the cultivation and manufacture, distribute it to the provinces and recover the cost of production. There may be an occasional year when the accounts show a profit, but that is because of our system of calculating the price. Sometimes a change in the price lags behind the actual figures. When we are charging a certain price for one year, we are working on the production cost of the year before and that price may be higher than the price according to the production of another year. But to speak as if we are getting revenue from the production of opium for consumption in the provinces is entirely and utterly misleading. So that the matter is one really of the relations between the Government of India and the Local Governments. Under the Government of India Act which will be in force in ten days, the subject of production, manufacture, possession, transport, purchase and sale of opium subject to the proviso which I shall quote in a minute, is a provincial subject as also duties on excise opium.

Prof. N. G. Ranga: Is not health a concurrent subject?

Mr. A. H. Lloyd: When you are dealing with a specific entry like opium, you cannot bring in indirect allusions to other heads; otherwise, no Act, no constitution would conceivably be workable. The only exception is as regards cultivation and manufacture, or sale for export, of which there is now none except for medicinal purposes. Cultivation and manufacture are in the hands of the Central Government. It is perfectly

true, as my Honourable friend from Madras said, that we hold the whip hand, because we can say to the provinces: "We will not allow cultivation of the amount of opium you require. We will not manufacture the amount of opium you ask for". But I do submit to the House that there could never have been a more unfortunate time for suggesting that the Government of India should apply that measure of coercion to Provincial Governments than this very day when the Government of India has been very severely reprimanded for exercising its irresponsible powers and within 11 days of the day when the Provincial Governments will pass into the hands of Ministers responsible to elected Legislatures. I do feel, without further going into the merits of the case, that it will be agreed that it is not the Central Government that should make the first move in the direction of restricting the supplies to Local Governments in accordance with their indents in respect of a commodity which is a source of revenue to those Local Governments, during the period when the Central Government is not responsible to the Legislature and the Local Governments are. I submit that the first move in this respect must indubitably come from Local Governments, whatever might have been the position under any other circumstances. Therefore, if there is to be a conference, I have no doubt that the Government would be quite willing as always to offer its services as a medium of exchange of views, but if there is to be any such arrangement, that must be on the invitation and on the request of Local Governments and not on the initiative of the Government of India.

Prof. N. G. Ranga: On a point of personal explanation, Sir. I want to say that I never suggested that the Central Government should coerce the Local Governments into a particular action. I simply suggested that the Central Government should take the initiative and convene a conference of the representatives of Provincial Governments at the earliest possible moment, and help them to come to a reasonable decision in regard to the restriction of consumption of opium.

Mr. A. H. Lloyd: I fully understood that, and I said whatever might be the position at any other time, the present was quite an impossible moment for the Central Government to take the initiative. The initiative must come from the Local Governments.

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

"That a supplementary sum not exceeding Rs. 25,000 be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending the 31st day of March, 1937, in respect of 'Opium'."

The motion was adopted.

FINANCE DEPARTMENT.

The Honourable Sir James Grigg: Sir, I beg to move:

"That a supplementary sum not exceeding Rs. 21,000 be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending the 31st day of March, 1937, in respect of 'Finance Department'."

Mr. Deputy President (Mr. Akhil Chandra Datta): Motion moved:

"That a supplementary sum not exceeding Rs. 21,000 be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending the 31st day of March, 1937, in respect of 'Finance Department'."

Mr. S. Satyamurti: Sir, I beg to move:

"That the demand for a supplementary grant of a sum not"

The Honourable Sir James Grigg: May I take a point of order that this raises a question of policy which cannot be raised on a supplementary estimate according to the ruling given this morning?

Mr. S. Satyamurti: On that point, I submit that this demand, you will notice at page 9 of the blue book, is required "to meet expenditure in connection with the employment of additional and officiating Financial Adviser whose pay is voted, and is counterbalanced by a corresponding saving under non-voted". My cut motion simply raises the question of Europeanising the Department. I want to persuade the House, if I may, not to vote this money, unless we get an assurance from the Finance Member that there will be no further Europeans appointed to this Department.

Mr. Deputy President (Mr. Akhil Chandra Datta): This is a different matter. This is on the merits of the amendment. So far as the point of order is concerned, the motion is out of order.

Mr. S. Satyamurti: I suggest that this demand which is asked for ought not to be voted by this House, unless some more information is placed at the disposal of this Honourable House. My Honourable friend, knowing that this is a tired House, knowing that some of us have other pre-occupations, knowing that this is a somewhat warm afternoon, wants really to pursue the game which he pursued in our absence. I think he owes it to himself and this House to explain in a very few words why this additional and officiating Financial Adviser is wanted.

The Honourable Sir James Grigg: To the best of my recollection, it is merely a question of the substitution of a voted for a non-voted officer. It is not an additional Financial Adviser.

Mr. S. Satyamurti: My second point is the more important point.

The Honourable Sir James Grigg: I forgot to mention that there was an overlap for a few weeks.

Mr. S. Satyamurti: I am very grateful to my Honourable friend. It is really a small matter. I wish this meticulous accuracy had been shown on more important matters. I am raising a more important point. I am credibly informed that my Honourable friend, the Finance Member, in spite of the charge of the Honourable the Baronet from Bombay that he is cooing with us nowadays, is a gentleman who does not believe in Indians being members of his department. Of course, he is very nice to us.

Sir Cowasji Jehangir (Bombay City: Non-Muhammadan Urban): I did not say that.

Mr. S. Satyamurti: You simply said "cooing like a dove". I will say the rest of it. I feel that, while the Honourable the Finance Member is very nice to us in this House, there is something in his make-up which

makes him go to Europeans to serve him in the various capacities of Adviser, Assistant, and so on. I will not tell the House the numerous consultations I have had with him because my experience is bad.

Sir Muhammad Yakub (Rohilkund and Kumaon Divisions: Muhammadan Rural): What about Mr. Sanjiva Row?

Mr. S. Satyamurti: I am not going to spoil any officer's chances, by bringing in personalities into the discussion. The position is already difficult enough. I am not here to advocate the cause of A, B or C. I am raising a large impersonal question. I say that, in this country which is after all Indian, all the appointments should be held by Indians, unless a strong case is made out for any appointment being filled by an European. I can understand if the Honourable the Finance Member gets up and says 'I cannot get a suitable Indian. I am therefore going to appoint a non-Indian' but I am told that, since the Honourable Sir James Grigg's entry into the Finance Department, the anti-Indian knife has become sharper and sharper, and Indians one after the other are being removed, in order to be replaced by men who do not belong to this country. I am not now raising the larger question of independence or the question of India for Indians. I am raising the narrow, administrative question as to whether the Honourable the Finance Member is pursuing the right policy, in trying to Europeanise the Department, if I may use the phrase. Whatever may be the case in other departments, I may tell this House that so far as the Finance Department is concerned, Indians have given a very good account of themselves in various capacities and every predecessor of the Honourable the Finance Member has borne public testimony to that fact.

Mr. F. E. James (Madras: European): Especially, the South Indian?

Mr. S. Satyamurti: I personally feel that a slow and imperceptible process of Europeanisation is going on in the Finance Department. I may also claim and very rightly that we in South India have produced and will continue to produce a large tribe of good financiers, Accountants General, and so on, on whose probity, honesty, efficiency, and loyalty to public service any Finance Member can confidently depend. I therefore want the Honourable the Finance Member to give us an assurance that there is no ground for this fear of gradual Europeanisation, and that Indians are being shoved out. Why should not the Honourable the Finance Member utilise the services of honest and efficient Indians in his Department? I think that this House, every section of it, is entitled to get a satisfactory answer on this point from the Honourable the Finance Member.

The Honourable Sir James Grigg: The Honourable Member asks for a satisfactory answer to a charge in favour of which he has not produced any evidence whatever. (*Prof. N. G. Ranga:* "O Ho!") Making animal noise does not alter the fact that no evidence whatever has been produced.

Sir Cowasji Jehangir: The voice comes from Oxford.

The Honourable Sir James Grigg: The Honourable Member said that there is an impression abroad that, ever since I came, the process of Indianisation has stopped. He cannot produce a shred of evidence in favour of that.

Mr. S. Satyamurti: On a point of personal explanation. I can produce evidence, but the traditions of public service prevent me from dragging the names on the floor of the House. I can tell the Honourable Member privately.

The Honourable Sir James Grigg: There is no such process going on. I think, if the Honourable Member retains his interest in Central affairs very much longer, he will see that his accusation is not founded. As a matter of fact, there is a difficult situation in the Finance Department for the simple reason (I need not go into the reasons at length) that the number of officers trained in the more technical processes of finance has become very short and it is extremely difficult to find from time to time properly qualified officers to fill the growing number of posts which the Finance Department has to fill. There is no doubt that special measures will have to be taken in order to secure a larger inflow of properly qualified and trained financial officers. There is no doubt about that whatever and the Honourable Member can be fully assured that in that process of training, Indians will have at least an equal opportunity with Europeans, that they will have, I should say, larger opportunities in the Finance Department than they have had in the past. Once a pool of officers, so to speak, is established, Indians will have equal chances with Europeans and, in my view, larger chances than they have had in the past. Once that special cadre of qualified financial officers is established, inside that cadre, there will be only one test for appointment and that will be fitness for the particular job, and merit will be the sole criterion and no other. That is all I have to say.

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

"That a supplementary sum not exceeding Rs. 21,000 be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending the 31st day of March, 1937, in respect of 'Finance Department'."

The motion was adopted.

AGRICULTURE.

The Honourable Sir James Grigg: Sir, I beg to move:

"That a supplementary sum not exceeding Rs. 1,000 be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending the 31st day of March, 1937, in respect of 'Agriculture'."

Mr. Deputy President (Mr. Akhil Chandra Datta): Motion moved:

"That a supplementary sum not exceeding Rs. 1,000 be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending the 31st day of March, 1937, in respect of 'Agriculture'."

Mr. M. Ananthasayanam Ayyangar: On a point of information, Sir, I would like to know if there is any branch of this Technological Institute to be opened in Madras Presidency at Coimbatore. That is No. 1. Number two is—I think the Honourable Member for Industries and Labour has already opened such an institute; how did the institute come into existence before the grant was moved in this Honourable House?

Mr. S. Satyamurti: I also want to raise a few points; they are budget points really. I am glad the Finance Department is bringing into practice a recommendation which we made more than once in the Public Accounts Committee, that is to say, that, although they can meet the expenditure from savings on voted grants, still, as the expenditure is for a new service, a token demand is presented in accordance with rule 50(1) of the Legislative Rules. There are just two or three other points which were raised in the Public Accounts Committee. I am raising them now, in order that the Finance Department may see that such mistakes do not occur in the future. Now, the first point is that "the expenditure in both cases can be met from savings that have accrued owing mainly to an unexpected delay in the construction of buildings for the Anand Creamery". We have found more than once, especially with regard to public works, that they often put in their demands for grants, much more than they ever hope to spend during the year, and I should like to hear from somebody as to why this money was put in, and whether the delay was unforeseen, and if it was unforeseen why the delay occurred, and if it was foreseen, why budget provision was made. Another point is with regard to the last two lines:

"The variations from the estimates furnished to the Committee are due to the schemes coming into force later than anticipated."

I again raise a Public Accounts Committee point: if you can save money because your schemes are not ready, I submit it is not right to put provision for the schemes throughout the year in the budget. I plead really for a little more foresight and a little more accurate budgeting, in respect of these matters. I am raising this, not on the merits of the grants, but merely by way of finance or budget points.

Prof. N. G. Ranga: Sir, I would like to ask a few questions with regard to the Central Jute Committee. What is the total amount of money that is granted to it per annum to maintain it and to finance its operations, and what are its functions, and whether the peasants of Bengal are represented on it.

Sir Girja Shankar Bajpai (Secretary, Department of Education, Health and Lands): Mr. Deputy President, I think the best procedure that I can follow is to answer the questions asked by Honourable Members *opposite seriatim*.

My friend, Mr. Ananthasayanam Ayyangar, wanted to know whether a branch of the Sugar Technological Institute is going to be opened in Madras. No, Sir, there is no intention of opening any branch of the Sugar Technological Institute in Madras. The Institute at Coimbatore is doing purely agricultural work, whereas the Institute at Cawnpore devotes itself to technological and industrial scientific work. Its activities have to be concentrated at Cawnpore, and they cannot be distributed or diffused. One question which my Honourable friend asked was—how did it come about that, although the institute was opened by the Honourable Member for Industries and Labour only the other day, we now ask for funds? The position is that the institute was only formally opened by the Honourable Member for Industries and Labour the other day; it has been functioning since October, and all payments that will have to be made before the end

[Sir Girja Shankar Bajpai.]

of the current financial year have to be met out of the funds which the House is called upon to vote. That disposes of the questions of my Honourable friend, Mr. Ananthasayanam Ayyangar.

Then, I come on to the general point as also the particular points raised by my Honourable friend, Mr. Satyamurti. In this particular case, the reasons why we could not proceed with the construction of the Anand Creamery are two-fold. First, the proceedings for the acquisition of land are not-controlled by us; we depended for them upon the Government of Bombay and they were not completed in time. I think it was sometime in October that we received information from the Government of Bombay that the land for the construction of the experimental factory was available. The other reason is that we thought we might profit by the presence of Prof. Wright in this country to get information regarding the merits and the organization of the scheme itself. That is the reason why we have not been able to proceed with the construction of the factory during the year 1936-37: and, inasmuch as this money was available, instead of incurring expenditure on these two other services, viz., the Sugar Technological Institute and the Jute Committee, instead of seeking funds for these two services by means of supplementary demands, we are diverting savings under the Anand Creamery for meeting this expenditure. That is the explanation of these two particular points; and I should like to inform my Honourable friend that the provision for the Jute Committee, as also for the Technological Institute could not be made in the Budget of 1936-37, because, in both cases, we had, in the interests of economy, to enter into negotiations with Local Governments,—in regard to the Cawnpore Sugar Technological Institute with the Government of the United Provinces, and in regard to the Jute Committee with the Government of Bengal as regards its composition and their representation. We did not get their replies until some time towards the end of January, 1936, when it was too late to make any provision in the budget. The Standing Finance Committee were apprised of the fact that the expenditure would have to be met either by means of a supplementary demand in the course of the year or by means of diversions. I hope the explanations that I have given will satisfy my Honourable friend that in this particular case the Department is not guilty of any charge of inaccurate budgeting.

Then, my Honourable friend, Prof. Ranga, whose solicitude for the peasants is perpetual and perennial, wanted to know what provision has been made for the representation of this category of nationals of this country on the Jute Committee. The position as regards that is that we depend upon the recommendations of the Local Governments. Bengal, which has the biggest area under jute, has eight representatives of agricultural interests on this Committee. The machinery employed by the Government of Bengal for determining what is a representative association or not is not a matter which concerns the Governor General in Council. My Honourable friend also wanted to know what money will be made available to this Committee for the purposes of its activities. The answer is a maximum of Rs. 5 lakhs. My Honourable friend's third question was—what are its functions? Its functions are technological, economic and also agricultural investigations. Sir, I think I have answered all the points.

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

"That a supplementary sum not exceeding Rs. 1,000 be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending the 31st day of March, 1937, in respect of 'Agriculture'."

The motion was adopted.

CURRENCY.

The Honourable Sir James Grigg: Sir, I move:

"That a supplementary sum not exceeding Rs. 3,53,000 be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending the 31st day of March, 1937, in respect of 'Currency'."

I notice that the Honourable Member opposite has got a cut motion in order to ask for information. Perhaps I can give a very brief resume of the case now. Sir, a defalcation of about Rs. 7 lakhs occurred from the currency chest in the Chaibasa treasury in Bihar. The defalcation was spread over a period of seven or eight years. Partly owing to carelessness on the part of the supervising and inspecting officers and partly through a wholesale process of forgery, the treasurer managed to appropriate this sum. He was arrested, but died almost immediately after. The Government of Bihar are considering what action should be taken against the supervising officers in regard to the parts they have played in the loss. The Government of India have carefully considered the relative responsibilities of the two Governments. The Government of India are responsible in so far as the regulations are defective, and the Local Government in so far as there was definite negligence on the part of their officers. We have had to consider whether the loss should be borne by the Government of Bihar or by the Government of India or jointly by both Governments and in the end we decided that the circumstances of the case can be met by the usual half and half principle so that half the loss should be borne by the Government of Bihar and the other half by the Government of India. That, Sir, is a very brief resume of the case. Honourable Members can be assured that the loss would be thoroughly investigated by the Auditor General and the Audit and Accounts Department and the circumstances reported to the Public Accounts Committee in due course. That committee can then investigate the matter as fully as they think fit and pass such comments on the conduct of individuals or of the character of the regulations that might seem fit to them.

Mr. Deputy President (Mr. Akhil Chandra Datta): Motion moved:

"That a supplementary sum not exceeding Rs. 3,53,000 be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending the 31st day of March, 1937, in respect of 'Currency'."

Mr. F. E. James: Sir, I understand the Local Government have considered the possibility of proceeding against the superior officers or the supervising staff. Is the consideration of that dependent upon the evidence available or upon the policy underlying the prosecution of superior officers in a case like this?

The Honourable Sir James Grigg: Some officers have been prosecuted, and I believe the evidence in the hearing already runs to 1,200 pages. They are considering proceeding against other officers from a disciplinary

[Sir James Grigg.]

point of view. My impression is that the hearing of the case has lightened our ideas as to the degree of responsibility or culpability of these particular officers because there is no doubt that the forgery element in the case was much bigger than we originally thought and the neglect element much smaller.

Mr. S. Satyamurti: Sir, the House is glad that the Honourable the Finance Member just told us some facts, but it seems to me that, although my Honourable friend, the Chief Whip of our Party, Mr. Asaf Ali, has permitted several of our Members to go away, this grant should be voted down by the House. The House will agree with me that this is rather a cool and calculated demand on the part of the Honourable the Finance Member, to say that he wants three lakhs odd which has been taken away by somebody, and that they are yet investigating the fraud which went on for the past seven or eight years, and there was a mistake in the Regulations and there were also mistakes on the part of the Inspecting officers. Now, Sir, I do not see any reason why Government should not wait until the results of the case are known, and they make up their minds that some at least of this money might not be recovered from the officers concerned.

The Honourable Sir James Grigg: That question is still open. The actual degree and character of disciplinary action is still open but the refund to the Reserve Bank is to be made at once and therefore the supplementary grant is required this year.

Mr. S. Satyamurti: I think the Reserve Bank can be asked to wait. Is it a statutory obligation?

The Honourable Sir James Grigg: They cannot wait. A shortage has occurred and the Government are liable to make good that shortage to the Reserve Bank.

Mr. S. Satyamurti: I should like some elucidation on this matter. I have not got a copy of the Reserve Bank Act with me. I should like the House to know some facts. It seems to me to ask us to vote a sum of three lakhs and fifty-three thousand on this evidence is somewhat audacious on the part of the Honourable the Finance Member. We do not yet know why this money is offered to the Reserve Bank. Why should the money be paid immediately to the Reserve Bank? What is the provision under which it is to be paid? Can't the bank wait for some time? Supposing we find that in our own house a theft has taken place. Before we find out as to who the thief is and before we recover the money, are we to go on making payment to people who have got some claim against us? I want to have some clearer information. What is the statutory obligation of paying this money to the Reserve Bank, before the end of the current financial year? I should like to have some information on that matter. If, on the other hand, there is no statutory obligation, I suggest that the Honourable the Finance Member will be well-advised to await the result of his investigation, and then make the necessary adjustments to the Reserve Bank. After all, the credit of the Government of India is not so poor that the Reserve Bank cannot trust them for a few months or even for a few years, even if the investigation should take long. Surely, it

would be possible, by mutual adjustment between the Government of India and the Reserve Bank, to see that this sum is kept in abeyance. We are now asked to vote straightaway three lakhs and odd. For the past seven or eight years, this fraud has been going on, at the rate of one lakh every year, money was being taken away from the treasury. I do not know the facts, but all the same, from what the Honourable the Finance Member says, it looks that in Bihar for the past seven or eight years fraud went on, which resulted in the loss of roughly speaking a lakh every year.

Prof. N. G. Ranga: How many are yet to be unearthed we know not.

Mr. S. Satyamurti: I think the House has a right to know at what stage the investigation stands. What was the mistake in the Regulations? What were the mistakes on the part of Inspecting officers? What is the fault in the whole system? I think the House ought to be satisfied on two matters of fundamental importance, firstly that investigation is being carried on in a thorough-going manner by people who will allow no *dakshinyam* to interfere in their investigation, and who will not consider the men, but who will consider merely the interest of the public finances in this country, by people who can resist all temptations and who will see that the law takes its due course, and secondly and the more important is this: are precautions being taken by the Government of India to prevent such frauds taking place in the future? After all, the Government have got treasuries all over the country, and I think we must get some assurance from the Honourable the Finance Member that loopholes in the Regulations or in other spheres which may have led to this fraud have been or will be closed shortly. Incidentally, I think this is a demand which raises the whole question of relative control of treasuries by the Government of India and the Government of Bihar. I want to know where the Government of India's responsibility arises in this matter. Was this treasury being managed by the Government of India, or by the Government of Bihar, or by both jointly? Was the Bihar Government doing it as an agent functioning on behalf of the Government of India, or was the Bihar Government functioning on its own behalf? I do not see how the Government of India come in, if it was an agency function. I do not know why this House should be asked to vote a single pie for this grant and unless and until the House is satisfied that the Government of India responsibility comes in in some definite form or manner, the House cannot vote this grant. I think these are all fundamental matters, on which we should like to have full information. Firstly, whether investigation is being carried on in the proper ruthless manner in a case of this kind, secondly whether steps have been taken or will be taken shortly to prevent such frauds in the future, and thirdly the whole question of the system of managing these currency transactions in the various provinces on behalf of the Government of India comes in. Unless therefore full information is forthcoming on all these matters, I would still plead with the Honourable the Finance Member not to promote this grant. Once this money is granted, once the money goes to the Reserve Bank, I assure my Honourable friend, especially as he goes away shortly, everybody will go to sleep afterwards, and nobody knows whether he or I will be on the Public Accounts Committee when this question comes up there. Even if we were there, we will be told that the thing is done, why beat a dead horse. After all, it is one in which money has already been voted by the Assembly. That will be the sort of argument put forward. Now this is the time if the Honourable the Finance

[Mr. S. Satyamurti.]

Member means business, if he wants this thing to be gone into thoroughly, and if he wants such frauds to be prevented he should withdraw this grant. If not, this House should vote against this grant, because then those who are affected will come forward with evidence and with their help and co-operation we will get the money out of the proper culprits. I hope that my Honourable friend, the Finance Member, will, on calmer reflection, not proceed with this grant and will be willing in his own interest as Finance Member, and in the interest of the finances of the country withdraw this demand, or in the alternative, I would appeal to the House to vote against this demand, so that we may find out the culprits and prevent such frauds in the future and put the whole system of management of currency between the Centre and the provinces on sound lines.

The Honourable Sir James Grigg: There is no doubt whatever that a liability has arisen, the reason is because of the transfer of currency reserves from the Government to the Reserve Bank on the 1st April, 1935. As money has got to be paid, there is no avoiding it however much you withdraw the vote or not. The other aspect is merely a question of assigning responsibility and taking precautionary measures for the future. The Honourable Member who is a member of the Public Accounts Committee knows that one of its most important functions is the investigation of frauds and losses from the point of view of preventing them for the future and of observing whether adequate disciplinary action was taken; and the Public Accounts Committee and the Auditor General are precisely the agents whom this House entrusts with the job of investigating losses of that sort. And I suggest that the Honourable Member is really being a little unreasonable in trying to pass a verdict on this case before it has been thoroughly investigated. The investigation is going on and it will have to be reported fully to the Public Accounts Committee by officers independent of either Government, and I suggest that the proper time for the verdict is after the Public Accounts Committee have investigated much more fully than this House can.

As regards what will happen and whose responsibility it is going to be in the future, the treasury administration will be transferred as from the 1st April to the Provincial Governments concerned, and so the new Government in Bihar will be themselves responsible for the custody of this money and for the acts of individuals which contribute to any loss. I really think that the House might agree to leave the matter there until the investigation has been fully carried out and reported to the Public Accounts Committee.

Sir Cowasji Jehangir: Sir, may I ask how long ago the embezzlement was detected?

The Honourable Sir James Grigg: I cannot say off-hand; I think a year ago.

Sir Cowasji Jehangir: So the investigation has been going on for a year now?

The Honourable Sir James Grigg: The case has been going on in the courts for very nearly a year.

Sir Cowasji Jehangir: And may I ask whose servant the man was who was accused of embezzlement? Was he the Government of India's servant or the Bihar Government's servant?

The Honourable Sir James Grigg: Of the Bihar Government. The man who was really guilty died the moment he was arrested. The people who have been under trial have been subordinate agents in the defalcation.

Mr. S. Satyamurti: They always die or go on leave!

Mr. M. Ananthasayanam Ayyangar: Sir, the Honourable the Finance Member is evidently unaware that along with the death of the individual civil liability does not disappear.

The Honourable Sir James Grigg: Civil liability is being pursued against his heirs.

Mr. M. Ananthasayanam Ayyangar: Sir, on a point of principle, I wonder why this matter was not placed before the Standing Finance Committee. This is a new service done to this country by embezzling. (Laughter.)

The Honourable Sir James Grigg: Unfortunately defalcations in this country are not new services. They are neither new nor services. (Laughter.)

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

"That a supplementary sum not exceeding Rs. 3,53,000 be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending the 31st day of March, 1937, in respect of 'Currency'."

The motion was adopted.

SUPERANNUATION ALLOWANCES AND PENSIONS.

The Honourable Sir James Grigg: Sir, I beg to move:

"That a supplementary sum not exceeding Rs. 10,72,000 be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending the 31st day of March, 1937, in respect of 'Superannuation Allowances and Pensions'."

Mr. Deputy President (Mr. Akhil Chandra Datta): Motion moved:

"That a supplementary sum not exceeding Rs. 10,72,000 be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending the 31st day of March, 1937, in respect of 'Superannuation Allowances and Pensions'."

Mr. S. Satyamurti: Sir, I believe my out motion will be ruled out of order, but I will take my chance.

Mr. Deputy President (Mr. Akhil Chandra Datta): The ruling has already been given.

Mr. S. Satyamurti: But I am moving for the first time now.

Mr. Deputy President (Mr. Akhil Chandra Datta): The principle is the same.

Mr. S. Satyamurti: My motion is to reduce the demand by Rs. 100, in order to raise the whole question of the relations of the Reserve Bank with the Government of India, and specially the resignation of Sir Osborne Smith.

The Honourable Sir James Grigg: I object to that on the ground of order that it does not arise on this supplementary demand.

Mr. S. Satyamurti: I submit that it is partly for the payment of some money to the Reserve Bank during the current year.

The Honourable Sir James Grigg: It is money to pay the pensionary liabilities of Government servants transferred to the Reserve Bank. It has nothing whatever to do with the functions of the Reserve Bank. It is merely the accumulated liabilities of Government servants transferred to the Reserve Bank.

[At this stage, Mr. President (The Honourable Sir Abdur Rahim) resumed the Chair.]

Mr. S. Satyamurti: Sir, to the Finance Member's supplementary demand No. 8 relating to superannuation allowances and pensions of Government servants transferred to the Reserve Bank, I want to move a cut, in order to raise the whole question of the relations of the Reserve Bank with the Government of India, and specially the resignation of Sir Osborne Smith. I submit I am in order, because this money is sought to be paid to the Reserve Bank during the current year.

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member cannot do that.

Mr. S. Satyamurti: Thank you, Sir.

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

"That a supplementary sum not exceeding Rs. 10,72,000 be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending the 31st day of March, 1937, in respect of 'Superannuation Allowances and Pensions'."

The motion was adopted.

REFUNDS.

The Honourable Sir James Grigg: Sir, I beg to move:

"That a supplementary sum not exceeding Rs. 1,18,000 be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending the 31st day of March, 1937, in respect of 'Refunds'."

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

"That a supplementary sum not exceeding Rs. 1,18,000 be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending the 31st day of March, 1937, in respect of 'Refunds'."

The motion was adopted.

ADEN.

The Honourable Sir James Grigg: Sir, I beg to move:

"That a supplementary sum not exceeding Rs. 50,000 be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending the 31st day of March, 1937, in respect of 'Aden'."

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

"That a supplementary sum not exceeding Rs. 50,000 be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending the 31st day of March, 1937, in respect of 'Aden'."

The motion was adopted.

COMMUTED VALUE OF PENSIONS.

The Honourable Sir James Grigg: Sir, I beg to move:

"That a supplementary sum not exceeding Rs. 13,00,000 be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending the 31st day of March, 1937, in respect of 'Commuted Value of Pensions'."

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

"That a supplementary sum not exceeding Rs. 13,00,000 be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending the 31st day of March, 1937, in respect of 'Commuted value of Pensions'."

Prof. N. G. Ranga: Sir, I want to know whether ever since this Currency Department has been transferred to the Reserve Bank of India, the Government of India have been receiving any annual reports from the Reserve Bank of India upon the manner in which they have been managing this Currency Department; and, if so, whether the Government of India will be pleased to lay those reports on the table of the House.

The Honourable Sir James Grigg: No, Sir. I take it that this Legislature, when it passed the Reserve Bank Act, did so deliberately, because it wanted to entrust the management of currency and credit to some agency other than the Government.

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

"That a supplementary sum not exceeding Rs. 13,00,000 be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending the 31st day of March, 1937, in respect of 'Commuted Value of Pensions'."

The motion was adopted.

THE ARYA MARRIAGE VALIDATION BILL.

Mr. President (The Honourable Sir Abdur Rahim): The House will now resume consideration of the Bill to recognise and remove doubts as to the validity of inter-marriages current among Arya Samajists, as reported by the Select Committee. Sir Muhammad Yakub's amendment* is under discussion.

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

Sir Muhammad Yakub (Rohilkund and Kumaon Divisions: Muhammadan Rural): Mr. President, with your permission, I would like to make a statement in respect of the amendment, and it is

Mr. President (The Honourable Sir Abdur Rahim): You have already spoken.

Sir Muhammad Yakub: I am not making a speech on the amendment: I only want to make a statement about the facts: we have come to a settlement with the Mover of the Bill and in consultation with Syed Ghulam Bhik Nairang and Mr. Kazmi we have made this settlement, that if the Mover of the Bill would accept the two amendments in the name of Mr. Kazmi, I will, with the permission of the House, withdraw my amendment. Therefore, in order to allow the Bill to be passed without any further discussion, I beg to allow Mr. Kazmi first to move both his amendments, and, when they are passed, I will withdraw mine.

Mr. President (The Honourable Sir Abdur Rahim): The Chair does not think that can be done.

Sir Muhammad Yakub: Very well, Sir. I have made my position clear, and I beg leave to withdraw my amendment.

The amendment was, by leave of the Assembly, withdrawn.

Qazi Muhammad Ahmad Kazmi (Meerut Division: Muhammadan Rural): Sir, I move:

"That in clause 2 of the Bill, after the words 'Notwithstanding any' the words 'provision of Hindu' be inserted."

The amendment is in accordance with the spirit of the law itself, because it only deals with Hindu law and not with every other law. So, I propose this amendment.

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

"That in clause 2 of the Bill, after the words 'Notwithstanding any' the words 'provision of Hindu' be inserted."

Dr. N. B. Khare (Nagpur Division: Non-Muhammadan): Sir, I accept the amendment.

Mr. Ghanshiam Singh Gupta (Central Provinces Hindi Divisions: Non-Muhammadan): In view of the agreement that has been arrived at, I support this amendment.

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

"That in clause 2 of the Bill, after the words 'Notwithstanding any' the words 'provision of Hindu' be inserted."

The motion was adopted.

Qazi Muhammad Ahmad Kazmi: Sir, I move:

"That in clause 2 of the Bill, after the words 'at any time', where they occur a second time, the words 'before the marriage' be inserted."

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

"That in clause 2 of the Bill, after the words 'at any time', where they occur a second time, the words 'before the marriage' be inserted."

Mr. Ghanshiam Singh Gupta: Sir, I support the amendment.

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

"That in clause 2 of the Bill, after the words 'at any time', where they occur a second time, the words 'before the marriage' be inserted."

The motion was adopted.

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

"That clause 2, as amended, stand part of the Bill."

The motion was adopted.

Clause 2, as amended, was added to the Bill.

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

"That clause 3 stand part of the Bill."

Mr. Ghanshiam Singh Gupta: Sir, I move:

"That clause 3 of the Bill be omitted."

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

"That clause 3 of the Bill be omitted."

The motion was adopted.

Clause 1 was added to the Bill.

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

"That the Preamble stand part of the Bill."

Mr. Ghanshiam Singh Gupta: Sir, I move:

"That in the Preamble of the Bill, for the words 'Arya Samajists' the words 'a class of Hindus known as Arya Samajists' be substituted."

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

"That in the Preamble of the Bill, for the words 'Arya Samajists' the words 'a class of Hindus known as Arya Samajists' be substituted."

The motion was adopted.

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

"That the Preamble, as amended, stand part of the Bill."

The motion was adopted.

The Preamble, as amended, was added to the Bill.

The Title was added to the Bill.

Dr. N. B. Khare: Sir, I move:

"That the Bill, as amended, be passed."

I am glad that it is an agreed measure and no speechification is necessary. I thank my Muslim brethren and the Government for their accommodating sporting spirit and also Mr. Ghansham Singh Gupta for the valuable help he has given to me. Sir, I move.

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

"That the Bill, as amended, be passed."

Mr. M. S. Aney (Berar Representative): Sir, in the first place I rise to offer my congratulations to my Honourable friend, Dr. Khare, and to Mr. Ghansham Singh Gupta on the success they have achieved in piloting this Bill so successfully through this House. It is a measure for the passing of which our friends in the Arya Samaj were anxiously waiting, and I am glad they have now succeeded in getting the relief which they wanted. I should have very much wished that the measure as it stands had been modified to slightly improve it, and notice of amendments towards improving the Bill had also been given, but considering the shortness of the time at our disposal, and considering also the fact that if the discussion had been carried on, it would never have come to an end before the end of this Session and the main object of giving some relief to the Arya Samajists would never have been achieved, we thought it better to take up these amendments at some future time, by bringing an amendment Bill, and allow this very measure to go on the Statute-book for the present. Some amendments have been moved and discussed, and accepted by the House. I do not regard some of them as formal. At the same time, I do not think that they have changed the spirit of the Bill to such an extent as to have needed any speech from me in opposition to them. Therefore, I once more congratulate my friends and the Arya Samaj on having got this little piece of legislation through so successfully, and I conclude with a hope that it will be used wisely and it will help the Arya Samaj to carry on its beneficent activities more successfully in future.

Sir Muhammad Yakub: Sir, I wish to take this opportunity to make it clear to the House that we the Mussalmans never wish to stand in the way of social or religious progress of any community in the country. We are, Sir, quite willing to co-operate with our brethren in the House and outside the House provided that our religion and our rights are protected and remain untouched. It is, Sir, in this spirit that we have come to a settlement about this Bill, and I hope that this spirit of compromise and toleration will prevail throughout the whole country if the majority community . . . ("Hear, hear" from Congress Party Benches), which is in a position to create confidence in the minds of the minority, will not tyrannise the minorities, when power comes in their hands, and their religion, culture or language do not suffer. If we are assured of all these things, I think the Muslims will march shoulder to shoulder with our brethren towards the common goal we all have in view.

Mr. N. V. Gadgil (Bombay Central Division: Non-Muhammadan Rural): Sir, I wish to associate myself with the congratulations that have been offered to my friend, Dr. Khare, by my esteemed friend, the Leader

of the Congress Nationalist Party, Mr. Aney. When this Bill was under consideration a few months ago, I was very much surprised at the attitude taken by some Hindu Members in the House, and I was equally surprised at the attitude of my friend, Mr. Aney, but I am glad that he has appreciated the good motive which lies behind the introduction of this Bill, and I am very thankful to him for showing his appreciation of the good work done by my friend, Dr. Khare. This Bill, Sir, has done one service to the Hindu community, namely, there is at present a definite tendency to have secular marriages. This measure, when it is put on the Statute-book, will definitely discourage that sort of secular marriage and will leave ample field for choice whether to have the marriage under Hindu rights or under the secular form under the Registration Act. A note of warning was sounded by my friend, Mr. Aney, that the provisions of this Bill should be wisely used. I am confident of that,—in fact, such a measure was overdue.

Then, the second point that I want to urge is this. On the last occasion, when I said that there was a definite attempt made to exclude the Arya Samajists from the Hindu fold, there was no denial from any quarter. I am glad that the amendment moved by my friend, Mr. Ghansham Singh Gupta, in the Preamble, has rendered a distinct service to Hindu community. The Arya Samajists are Hindus, they will continue to remain Hindus, and I am glad that the differentiation that was sought to be made has been done away under the present measure. I congratulate my friend, Dr. Deshmukh, because, when his Bill was being discussed, I was not present,—and I congratulate Dr. Khare on this occasion, because both of them come from the same province to which I belong, and I am glad that incidentally, at least in the matter of social legislation and uplift, my province has taken the lead, and to that extent I congratulate my friends, Dr. Deshmukh and Dr. Khare.

Mr. M. Ananthasayanam Ayyangar (Madras ceded Districts and Chittoor: Non-Muhammadan Rural): Sir, I shall not detain the House very long. As regards the reciprocal affinity of the communities, we stand next to none in our affection for all the communities in this country, and in that spirit it was that we allowed the Khwaja Bill to pass through during the last Session in the twinkling of an eye. I am glad that though my friend, Sir Muhammad Yakub, moved certain amendments, yet after a lapse of three or four months, he has considered over the matter deeply and has withdrawn them. I am prepared to reciprocate the same feelings, and I hope the same cordial feelings will run through all our activities in life. Sir, the Congress does not make any difference between one community and another. The community of the poor is the one community for which the Congress stands in this country.

Then, as regards the Bill itself, in clause 2, there were no doubt certain doubts as to whether it should apply to persons who belonged to the Arya Samaj sect before, or whether it should apply to persons who change their religion and become Arya Samajists afterwards. That doubt has now been cleared.

Then, I am not quite satisfied with clause 3, though for want of time we had to agree to it. I am afraid some complications might arise in respect of succession to property if the clause were kept as it is. In the

[Mr. M. Ananthasayanam Ayyangar.]

same family, there may be persons belonging to different castes and communities, because, under the Caste Disabilities (Removal) Act, those disabilities would not apply to any marriages which may become valid under this Act. I do not know if it is at all desirable to leave this law as it is and encourage litigation to crop up in the future, so that if perchance any inconvenience is caused, it may benefit the lawyers, yes, including myself.

Lastly, it is not for the reason that my friend, Mr. Gadgil, gave that I congratulate Dr. Khare

Dr. N. B. Khare: I belong to India.

Mr. M. Ananthasayanam Ayyangar: . . . Dr. Khare, but I congratulate him because I feel he belongs to the human kingdom to which all of us belong. I hope when he goes to his province, this measure will be a feather in his cap, and this will be followed by a series of other social legislations in his province. I hope under his leadership many such measures will be passed in his province.

Mr. Ghanshiam Singh Gupta: Sir, being primarily responsible for this Bill, I feel I have a certain claim to say a few words on this occasion, as also because I belong to the society to which this Bill specially relates. I must, on behalf of the Arya Samajists, express my gratitude to Sir Muhammad Yakub, Syed Ghulam Bhik Nairang and other Muslim Members of this House and also to the Muslim general public outside for the courtesy that they have shown, by withdrawing the amendment of Sir Muhammad Yakub and helping the passage of the Bill. (*An Honourable Member:* "And also Mr. Bajoria.") It may embarrass him. I must express my gratitude also to my respected leader, Mr. Aney, who has been generous enough to accommodate us even though he felt that there should have been some modification in this. I also thank the Government, the present Leader of the House and the permanent Leader of the House for the kindness that they have shown. (*An Honourable Member:* "And Mr. Bajoria for keeping absent.") He will feel embarrassed. I have to thank them all. As regards the Bill itself, I do not claim perfection for this Bill. There are certain orthodox Hindu friends who are not fully satisfied with the Bill. I may say that there are also certain orthodox Arya Samajists who are not fully satisfied with the Bill. I received representations from almost all the Arya Samajes in India and abroad, and I think the Government also received representations from them about the Bill, as it was originally drafted by me,—particularly about the clause about succession. They all expressed their full concurrence to the Bill in the form as originally drafted by me. There was not a single Arya Samajist in this land or outside India who was prepared to agree to clause 3 as it stands now, that is, the application of the Indian Succession Act. All of them wanted the ordinary Hindu law to apply to them in the matter of succession as Dwijas. I can say with confidence on behalf of the general body of Arya Samajists that there is no feeling among the Arya Samajists to separate from the general body of Hindus. That assurance I can give to my Honourable friend, Mr. Gadgil. With these few words, I support the motion.

Dr. Bhagavan Das (Cities of the United Provinces: Non-Muhammadian Urban): Sir, I wish to associate myself whole-heartedly with the excellent sentiments to which my Honourable friend, Sir Muhammad Yakub, gave expression. In the next place, I congratulate the House as a whole on having signalled this Session by passing two pieces of social legislation of a very important and helpful character, and passing them by the agreement of all sides of the House. Thirdly, bearing in mind that gratitude is a lively sense of favours to come, and that half a loaf is better than none, I express my personal gratitude specially to the official side of the House for having helped to give us, what I wish to regard as an earnest of future favours, about a 250th piece, which will benefit only one million Arya Samajist Hindus, out of the very large loaf I had begged for, in the shape of the Hindu Intercaste Marriage Validation Bill, for the benefit of the 250 million Hindus of India. Although, for the time being, that prayer of mine has been put aside by the House, I hope that when I again bring it forward, next Session, my official friends will be in a more generous mood, and will help the House to grant the whole of what I pray for.

Mr. Umar Aly Shah (North Madras: Muhammadian): I rise to say a word. Through this Arya Samaj Inter-Marriage Bill Hinduism will be spoiled, the Hindu breed will be spoiled. Hindus lost their own government centuries ago. From a long time Hindus wanted to establish Swaraj. If this Bill is passed, which breed will enjoy which Swaraj? Pure breed cannot be created.

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

"That the Bill, as amended, be passed."

The motion was adopted.

STATEMENT OF BUSINESS.

The Honourable Sir Frank Noyce (Leader of the House): The House is aware, Sir, that owing to a succession of holidays, there will be no further meeting till Tuesday, the 30th March. For that day and the following day, we propose to put down a motion to circulate the Commercial Documents Evidence Bill, motions to consider and pass the Indian Oaths (Amendment) Bill, the Code of Civil Procedure (Third Amendment) Bill, the Red Cross Society (Amendment) Bill, the Soft Coke Cess (Re-constitution of Committee) Bill and also the remaining stages of the Repealing and Amending Bill on which the consideration motion has already been moved. Motions will also be made for leave to introduce a Bill to amend the Payment of Wages Act and a Bill to continue the duty on rice, and the Reports of the Public Accounts Committee for two years will be put down for discussion. Thursday, the 1st, and Friday, the 2nd April, are non-official days, and no subsequent date has hitherto been appointed for the transaction of official business. There will, however, remain for disposal, apart from any items of the business for the 30th and 31st of March which may not be concluded on those days, the consideration and passing of the two Bills to be introduced on the 30th March, Sir Raghavendra Rau's Resolution on the subject of the Depreciation Reserve Fund maintained for Indian State Railways, and the Honourable the

[Sir Frank Noyce.]

Law Member's Resolution regarding the amendment of the Indian Legislative Rules in respect of the moving of motions relating to questions of privilege.

I would request you, Sir, to direct meetings of the House to be held on Saturday, the 3rd, Monday, the 5th, Tuesday, the 6th, and Wednesday the 7th April, for the disposal of these items of business. Your direction in this behalf would, of course, be subject to the possibility of the outstanding items being concluded before Wednesday, the 7th April. Honourable Members will have noticed that we are not seeking to proceed during the current Session with the Trade Disputes (Amendment) Bill or the Ticketless Travellers Bill or to take the Military Manœuvres Bill beyond the stage of presentation of the Report of Select Committee. The decision to proceed no further with the Trade Disputes (Amendment) Bill during my term of office is a matter of keen personal regret to myself but, in view of the plain impossibility of the Select Committee dealing with the Bill during the current Session in the event of a motion for reference to Select Committee being adopted during that Session, we are faced with a position in which the Select Committee, if it were appointed during the current Session and if it held its meetings before the commencement of the Simla Session, could not include my successor among its members, and the House will, I believe, agree that it would be most undesirable for a Select Committee on a Bill of this nature not to include among its members the Member of Government in charge of the Department concerned. In these circumstances, Sir, we feel that the only appropriate course is to defer the motion for reference to Select Committee to the commencement of the Simla Session.

Mr. President (The Honourable Sir Abdur Rahim): In accordance with the request made, I direct that meetings of the House be held on Saturday, the 3rd, Monday, the 5th, Tuesday, the 6th, and Wednesday, the 7th April, for the disposal of the items of business mentioned, subject to the possibility of the outstanding items being concluded before Wednesday, the 7th April.

ELECTION TO AND NOMINATIONS FOR THE STANDING COMMITTEE FOR ROADS.

Mr. President (The Honourable Sir Abdur Rahim): I have to inform the Assembly that up to 12 Noon on Wednesday, the 17th March, 1937, the time fixed for receiving nominations to the Standing Committee for Roads eight nominations were received, out of which four candidates have since withdrawn their candidature. As the Standing Committee will consist of six members and only four remain who have been duly nominated, I declare Mr. J. Ramsay Scott, Mr. Sham Lal, Dr. Ziauddin Ahmad and Maulvi Muhammad Ahsan as elected to the Committee and appoint a further period upto 12 Noon on Tuesday, the 30th March, 1937, within which nominations for the remaining two vacancies will be received. The election, if necessary, which will be conducted in accordance with the principle of proportional representation by means of the single transferable vote, will be held in the Assistant Secretary's Room in the Council House, between the hours of 10-30 A.M. and 1 P.M. on Saturday, the 3rd April, 1937.

ELECTION TO AND NOMINATIONS FOR THE STANDING COMMITTEE FOR ROADS.

Mr. Muhammad Azhar Ali (Lucknow and Fyzabad Divisions: Muhammadan Rural): There is on the anvil of this House a Bill for
4 P.M. circulation from Mr. Kazmi about the Muslim Marriage (Dissolution) Bill. I want to know from Government whether that Bill is going to be circulated this Session.

The Honourable Sir Frank Noyce (Member for Industries and Labour): I think the Honourable Member is referring to a private Bill. My statement referred only to Government business.

The Assembly then adjourned till Eleven of the Clock on Tuesday, the 30th March, 1937.

LEGISLATIVE ASSEMBLY.

Tuesday, 30th March, 1937.

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:

U Ba Nyun, M.L.A. (Burma: Non-European);
Mr. John Bartley, C.I.E., M.L.A. (Government of India: Nominated Official); and
Mr. Satyendra Nath Roy, C.I.E., M.L.A. (Government of India: Nominated Official).

QUESTIONS AND ANSWERS.

ACCIDENT ON THE KALKA SIMLA RAILWAY.

715. ***Mr. Amarendra Nath Chattopadhyaya:** (a) Are Government aware of the railway accident which occurred on the afternoon of the 8th March last, as reported in the *Hindustan Times* of the 11th March, page 4, on the Kalka-Simla Railway, when a trolley capsized and fell down a *khud*?

(b) Will the Honourable Member in charge be pleased to state if it is a fact that three coolies and a Way-Inspector, Mr. R. B. King, were injured as a result of that incident?

(c) Will the Honourable Member in charge state if it is a fact that a special rail motor was despatched from Kalka to the station of occurrence and that, while Mr. King was carried in that special rail motor, the coolies were left at the mercy of a ballast train which was expected to reach that station at some later time? Will the Honourable Member state the interval between the arrival of the two aforesaid trains at Kalka?

(d) Will the Honourable Member be pleased to state why the injured coolies were not despatched along with Mr. King in the same special rail motor?

(e) Will the Honourable Member in charge state who was responsible for this difference in treatment of the three coolies and Mr. King injured under the same circumstances?

(f) Will the Honourable Member please state if the injured are being given proper treatment, where and how they are kept and treated, how they have been keeping and whether they are improving?

The Honourable Sir Muhammad Zafrullah Khan: (a) and (b). Yes: but the number of persons injured, including Mr. King, was five.

(c) A rail motor was arranged to bring Mr. King into Kalka and a ballast train following was utilised to bring the others. The interval between the arrival at Kalka of the rail motor and the ballast train was 19 minutes.

(d) Mr. King's injuries were serious, and his leg had subsequently to be amputated: the others had simple injuries.

(e) The Assistant Operating Officer of the North Western Railway at Simla, acting in consultation with the Assistant Surgeon at Kalka.

(f) Yes. They are progressing satisfactorily: Mr. King being in the British Military Hospital at Ambala, and the others in the Railway Hospital at Kalka.

Mr. Lalchand Navalrai: May I know how long these poor coolies were in that ditch lying—for how much time were they lying there?

The Honourable Sir Muhammad Zafrullah Khan: Which ditch?

Mr. Lalchand Navalrai: The "khud", which is called a ditch?

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

Mr. Lalchand Navalrai: Can the Honourable Member say why these poor people were not taken in the same rail motor?

The Honourable Sir Muhammad Zafrullah Khan: I imagine, because there was not enough room for all; the gentleman whose injuries were serious was removed more quickly to hospital than the others whose injuries were simple.

Mr. Lalchand Navalrai: May I ask if the Honourable Member has got definite information that there was no room in the rail motor at all?

The Honourable Sir Muhammad Zafrullah Khan: No; I have said that I imagine that that was the reason.

Mr. Lalchand Navalrai: May I ask why another rail-motor was not sent there?

The Honourable Sir Muhammad Zafrullah Khan: Because a train was following; as I have said, "the interval between the arrival at Kalka of the rail-motor and the ballast train was 19 minutes".

Mr. Lalchand Navalrai: Was there any hospital assistance rendered there by any man on the spot?

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

RE-ORGANISATION OF THE GOVERNMENT OF INDIA SECRETARIAT.

716. ***Mr. C. N. Muthuranga Mudaliar:** With reference to the answer to part (a) of my starred question No. 323, asked on the 26th January last, will Government be pleased to state:

- (a) at what stage the question of the re-organisation of the Government of India Secretariat now is;

- (b) when it is proposed to effect the changes;
- (c) whether Provincial Governments have been consulted at any stage in regard to them, and if so, what their views are;
- (d) whether it is proposed to consult the new Provincial Governments which will come into existence after the 1st April in the matter, and if not, why not; and
- (e) whether they have under consideration the question of continuing the recruitment of Indian Civil Service officers from provinces for the needs of the centre, and if so, whether the wishes of the new Provincial Governments will be consulted, and if not, why not?

The Honourable Sir Henry Craik: The whole matter is still under consideration, and it is not possible to make any partial announcement at the present stage or to say exactly what further procedure will be found necessary.

Mr. Lalchand Navalrai: May I know if any progress has been made so far? May I know what approximately will be the scope of the re-organisation?

The Honourable Sir Henry Craik: The whole matter is under consideration.

REVISION OF SCALES OF PAY OF SUPERIOR OFFICERS IN THE GOVERNMENT OF INDIA SECRETARIAT.

717. ***Mr. C. N. Muthuranga Mudaliar:** With reference to the answer to part (b) of my starred question No. 323, asked on the 26th January last, will Government be pleased to state:

- (a) the reasons for deferring the question of the revision of scales of pay of superior officers, except Assistant Secretary;
- (b) the present scales of special pay attached to the different posts in the Secretariat filled by Indian Civil Service officers; and
- (c) whether it is proposed to consider the question of revising these scales of pay, and if not, why not?

The Honourable Sir Henry Craik: (a) The question of revising the pay of the superior posts under the Government of India is linked with the general question of revising the pay of the I.C.S. which has been deferred for the present.

(b) I would refer the Honourable Member to Table A of Schedule VIII of the Superior Civil Services Rules.

(c) The posts under the Government of India are some on fixed rates of pay and others on time-scale *plus* special pay, and it would be inequitable to reduce the special pay of the latter as long as the fixed rates of pay remain unchanged.

Mr. Lalchand Navalrai: May I know if the revision of the pay of these I.C.S. people will lie with the Governor General in Council or with the Secretary of State?

The Honourable Sir Henry Craik: The Secretary of State.

Mr. T. S. Avinashilingam Chettiar: May I know—in view of the fact that this question of the pay of the I.C.S. has been hanging fire for a long time—why it is deferred again?

The Honourable Sir Henry Craik: That is a separate question of which I must have notice.

REPORT ON THE ELECTION ACTIVITIES OF GOVERNMENT SERVANTS.

718. ***Mr. C. N. Muthuranga Mudaliar:** Will Government be pleased to state whether Local Governments have been asked to report to the Government of India action taken by them on their letter to them regarding the election activities of Government servants, and if so, whether the Local Governments replies will be placed on the table of the House, and if not, why not?

The Honourable Sir Henry Craik: No. The second part of the question does not, therefore, arise.

PUBLICATION OF LIST OF POST OFFICES.

719. ***Mr. Sri Prakasa:** (a) Is it a fact that besides the list of post offices printed in the alphabetical order in the *Postal Guide*, Government publish separately a list of post offices arranged division-wise?

(b) Is it a fact that this latter publication is treated as purely a private departmental publication?

(c) Are Government prepared to consider the desirability of putting this publication also for sale?

The Honourable Sir Frank Noyce: (a) and (b). Yes.

(c) No. The publication is intended for departmental use only. All the information the public are likely to require is available in the Post and Telegraph Guide which can be obtained on sale by the public.

Mr. Sri Prakasa: In view of the fact that the list of post offices given in the *Postal Guide* is arranged alphabetically and the list given in the other publication is given in accordance with the districts or divisions of the post office, will not Government reconsider the desirability of putting the latter publication also for sale in order to enable such persons as so desire to find out the names of the various post offices in the different postal divisions?

The Honourable Sir Frank Noyce: I think that the publication of two lists would only cause confusion.

Mr. Lalchand Navalrai: May I know whether or not the reason for its non-publication is that this guide contains confidential information or instructions to the officials? Is that the reason for its not being allowed to be sold?

The Honourable Sir Frank Noyce: That is not the reason; it is for departmental use.

Mr. Lalchand Navalrai: Is not the departmental publication also useful for the public?

The Honourable Sir Frank Noyce: Not necessarily.

Mr. Sri Prakasa: What is the harm in making this publication also available for sale?

The Honourable Sir Frank Noyce: It would only cause confusion.

Mr. Sri Prakasa: Confusion to the public or to the post office?
(No answer.)

CONFERMENT OF TITLES IN THE CENTRALLY ADMINISTERED AREAS.

720. ***Mr. Sri Prakasa:** (a) Is it a fact that the district officers in the centrally administered areas are approached by individuals asking for titles?

(b) Do these officers ever write to Government recommending any titles to anyone?

(c) Do Government in their turn recommend to His Majesty, or the Governor General, the desirability of bestowing any titles on any individuals?

(d) If so, what are the conditions that lead the Government to make such recommendations?

Sir Aubrey Metcalfe: (a) Government have no information

(b) and (c). No.

(d) Does not arise.

Mr. Sri Prakasa: May I take it that the Honourable Member is serious when he says that the Government have no information?

Sir Aubrey Metcalfe: Quite serious.

Mr. S. Satyamurti: With reference to clause (b) of the question, may I know whether the answer is "yes" or "no"?

Sir Aubrey Metcalfe: No.

Mr. S. Satyamurti: They do not write?

Sir Aubrey Metcalfe: No.

Mr. S. Satyamurti: With reference to the answer to clause (c) of the question, may I know whether the answer is "yes" or "no"? Do the Government recommend to His Majesty, or the Governor General, the desirability of bestowing any titles on any individuals, or do they not so recommend?

Sir Aubrey Metcalfe: The answer is no.

Mr. Lalchand Navalrai: How then are these titles conferred upon them?

Sir Aubrey Metcalfe: No, the Honourable Member may not know.

Mr. Lalchand Navalrai: May I also know if these persons who apply for these titles, do they do it directly or through any channel?

Sir Aubrey Metcalfe: I have stated that no person applies for a title.

Mr. Lalchand Navalrai: How then do they get it? (Laughter.)

Mr. K. Santhanam: May I know if the conferment of titles is a secret process?

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member says that it is not the concern of the Government.

Mr. Sri Prakasa: Are we to understand that His Majesty knows automatically on whom to bestow titles?

Mr. President (The Honourable Sir Abdur Rahim): The Chair cannot allow that sort of question. Next question.

OVERHAULING OF THE PATNA JUNCTION RAILWAY STATION.

721. *Babu Kailash Behari Lal: (a) Will Government be pleased to state if it is not a fact that in reply to a question of mine, the Honourable the Railway Member stated last year that the work of replacing the present premises of the Patna Junction Railway Station by an improved type of building is expected to be finished during 1936-37?

(b) Is it not a fact that the work has not even begun as yet, although the year 1936-37 has almost run out?

The Honourable Sir Muhammad Zafrullah Khan: An enquiry is being made from the Railway Administration, and a reply will be laid on the table in due course.

FACTORIES MANUFACTURING PALMYRA SUGAR.

722. *Mr. B. B. Varma: (a) Will Government be pleased to state the number of factories manufacturing sugar out of Palmyra jaggery in India?

(b) What is the quantity of Palmyra sugar turned out by these factories?

(c) Do these factories also manufacture sugar out of sugar-cane?

(d) If the answer to part (c) be in the affirmative, is it possible to know whether the sugar manufactured is out of Palmyra or sugar-cane?

(e) Is any excise duty imposed on Palmyra sugar? If not, why not?

(f) Are these factories Indian or European concerns?

Sir Girja Shankar Bajpai: (a) There were six such factories in 1936, five in British India and one in the Travancore State.

(b) According to the latest report, four factories in British India produced 10,721 tons of palmyra sugar in 1936.

(c) Two factories do.

(d) Palmyra sugar can be easily distinguished from cane sugar through taste and smell, unless it is highly refined.

(e) I would refer the Honourable Member to the reply given to Pandit Krishna Kant Malaviya's question No. 1 on the 4th February, 1936. Subsequent enquiry has not indicated any change in the position.

(f) Two of the six factories are managed by European concerns.

Mr. Lalchand Navalrai: May I ask the Honourable Member if this palmyra sugar is also charged an excise duty? If so, how much—less or more?

Sir Girja Shankar Bajpai: May I invite my Honourable friend to read the reply which I gave on the 4th February, 1936, to Pandit Krishna Kant Malaviya?

Mr. Lalchand Navalrai: That reply was given long ago, and I have not got it before me.

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member has been referred to the answer given.

CLASSIFICATION OF SURYAVANSHI RAJPUTS AS UNTOUCHABLES.

723. *Mr. K. M. Jedhe: (a) Are Government aware of the fact that a large number of people in the United Provinces and in the Punjab, calling themselves *Suryavanshi* Rajputs, are classed as *Khatiks* and therefore untouchables under the Census Report of 1931?

(b) Will Government be pleased to state whether this classification of *Suryavanshi* Rajputs as untouchables is done after investigating the history of the caste? If not, how?

(c) Have Government received any memorial from the All-India *Suryavanshi* Rajput Mahasabha, requesting them to call them Rajputs (*Kshatriyas*) and not *Khatiks*—untouchables?

(d) Are Government prepared to issue necessary orders to correct the mistake that has appeared in the Census Report for the year 1931?

The Honourable Sir Henry Craik: (a) Government are not aware that the facts are as stated by the Honourable Member.

(b) According to the instructions issued to the enumerators at the census of 1931, the caste recorded against each person was the caste to which that person claimed to belong.

(c) No such memorial has been received recently, but as the office of the Census Commissioner was closed some years ago, it has not been found possible to make a complete search among the records.

(d) Does not arise.

Mr. Sri Prakasa: Is it not a fact that in the Jhansi district a large number of persons applied to Government not to class them among the scheduled castes, because they did not belong to those castes, and that the Government did not listen to their request?

The Honourable Sir Henry Craik: I have no information.

Mr. Sri Prakasa: Will the Honourable Member kindly inquire in the matter?

The Honourable Sir Henry Craik: If the Honourable Member will put down a question, I will inquire.

ALLEGED INJUSTICE TO CERTAIN PUBLIC SERVICE COMMISSION EXAMINATION CANDIDATES.

724. *Bhai Parma Nand: Is it a fact that from among the candidates who qualified in the examination for Routine Division clerks of the Imperial Secretariat and Attached Offices, held by the Public Service Commission, in 1935, candidates of one community who secured lower marks than those of other communities, have been considered suitable for appointment to permanent vacancies occurring during the last few months of the financial year 1936-37, while similarly qualified candidates of the said other communities, obtaining higher marks, have been left out as unsuitable and vacancies have been reserved to be filled after the 1st April, 1937, from the 1936 examination list? If so, why have the candidates securing better marks been prejudicially treated?

The Honourable Sir Henry Craik: Vacancies are filled in order of merit and no departure is made from this order except when a vacancy is reserved for Muslims or the other minority communities, in which case candidates of the majority community have to be passed over even if they have obtained higher marks.

FACILITIES TO THE CENTRAL PUBLICATION BRANCH EMPLOYEES FOR TRANSFER TO CERTAIN OFFICES IN CALCUTTA.

725. *Pandit Lakshmi Kanta Maitra: (a) With reference to the replies to parts (a) and (d) of starred question No. 1774, dated the 20th April, 1936, will Government state whether it is a fact that the Controller of Stationery and Printing's order in respect of repatriation of the Central Publication Branch Staff concerned was actually issued in conformity with the decision of the Government of India that the permanent clerks of the Central Publication Branch who came up to Delhi from Calcutta and who belonged to the combined gradation list maintained by the Central Stationery Office, be excluded therefrom while affording *inter alia* to them facilities for transfer in their own grades as and when vacancies would occur in the different branches of the Stationery and Printing Department in Calcutta?

(b) Will Government lay on the table a copy of the relevant communication and a copy of the Controller's orders embodying the decision referred to above?

(c) Will Government state what the reasons were that actuated them to afford facilities to the staff for transfer to Calcutta offices?

The Honourable Sir Frank Noyce: (a) Yes.

(b) Government do not propose to lay copies of the orders on the table.

(c) The persons concerned generally indicated a preference for employment in Calcutta, and some had applied for retransfer to Calcutta for domestic reasons.

Pandit Lakshmi Kanta Maitra: Is it not a fact that the staff of the Central Publication Branch, when it was brought from Calcutta to Delhi was brought on the distinct understanding that at the earliest opportunity they should be repatriated back to Calcutta?

The Honourable Sir Frank Noyce: I do not think any such understanding was given.

Pandit Lakshmi Kanta Maitra: Is the Honourable Member aware that the Standing Finance Committee, while sanctioning the expenditure for the move of the staff of the Central Publication Branch, accepted that condition?

The Honourable Sir Frank Noyce: The Honourable Member evidently has more information on the subject than I have at the moment. It is possible that what I have said just now may not have been correct, because I have not refreshed my memory. But if that understanding was given, it is being fulfilled. These people are being repatriated to Calcutta as rapidly as possible.

FACILITIES TO THE CENTRAL PUBLICATION BRANCH EMPLOYEES FOR TRANSFER TO CERTAIN OFFICES IN CALCUTTA.

726. *Pandit Lakshmi Kanta Maitra: (a) Will Government state whether it is a fact that the Government of India's orders of exclusion of the Central Publication Branch staff from the combined gradation list maintained by the Deputy Controller of Stationery have had the effect of the staff concerned being deprived of opportunities for being transferred on promotion or being at all considered for purposes of promotion to the three sister offices in Calcutta when vacancies in the higher grades would occur?

(b) If so, will Government state whether the staff concerned were ever warned that the scope for promotion they had at the time of entry into service by reason of their occurrence on the combined gradation list maintained by the Central Stationery Office would be liable to mutilation or variation in a manner indicated above, which would be prejudicial to the interests of the staff concerned as a whole?

(c) Will Government state what compensatory benefits were given to the staff in lieu of withdrawal of opportunities for promotion to the three branches of the Printing and Stationery Department located in Calcutta?

(d) Are Government aware that recently an attempt is being made by the Controller to declare some higher posts of the Central Publication Branch as Selection Posts? If so, why?

The Honourable Sir Frank Noyce: (a) Yes.

(b) There was no occasion for a warning, nor does an examination of the position confirm the suggestion that the promotion of the staff as a whole has been adversely affected.

(c) None; there was no case for compensation.

(d) I understand that the Controller of Printing and Stationery is, at present, considering with reference to certain administrative instructions, what posts in the entire Stationery and Printing Department should be classified as "selection posts" and not particularly in the Central Publication Branch.

FACILITIES TO THE CENTRAL PUBLICATION BRANCH EMPLOYEES FOR TRANSFER TO CERTAIN OFFICES IN CALCUTTA.

727. ***Pandit Lakshmi Kanta Maitra:** (a) Will Government state whether it is a fact that the clerks of the Central Publication Branch who are being transferred in their own grades to any of the sister offices located in Calcutta, are being assigned the lowest position in the gradation list in those offices irrespective of length of service and pay?

(b) If so, will Government be pleased to state whether the employees of the Central Publication Branch who will go on transfer on their own grades will thereby lose their claims for promotion to higher grades on the plea of juniority in service?

The Honourable Sir Frank Noyce: (a) Yes.

(b) Those who accept transfer normally lose seniority, but promotion in the ministerial establishment of the Calcutta offices of the Stationery and Printing Department is intended to be regulated mainly by merit.

FACILITIES TO THE CENTRAL PUBLICATION BRANCH EMPLOYEES FOR TRANSFER TO CERTAIN OFFICES IN CALCUTTA.

728. ***Pandit Lakshmi Kanta Maitra:** (a) With reference to the reply to starred question No. 1774 of the 20th April, 1936, will the Honourable Member in charge of the Department of Industries and Labour be pleased to state the number of clerical vacancies that have occurred since May 1936 to date, in the Central Stationery Office, including the Stationery Store?

(b) How many of those vacancies have been filled up by repatriation of clerks of the Central Publication Branch who had to come up to Delhi in consequence of the permanent move of the office to Delhi?

(c) How many of those vacancies have been filled up by outside recruitments?

(d) Will Government please refer to the reply to parts (a) and (b) to starred question No. 1774 of the 20th April, 1936, and state whether it is a fact that the Controller of Printing and Stationery subsequently issued orders to the effect that all vacancies occurring in the three branches of the Stationery and Printing Department in Calcutta, shall be filled up by transfer of the employees of the Central Publication Branch?

(e) Will Government state how many clerical vacancies are due to occur, owing to retirement or promotion, in the Central Stationery Office in 1937-38 and 1938-39?

(f) Will Government state how many clerical vacancies are expected to occur in the Calcutta Press, either owing to retirement, or promotion, or sanction of increased staff, during 1937-38 and 1938-39?

(g) Will Government state how many clerical vacancies are expected to occur in the Forms Press either consequent on retirement or promotion or sanction of increased staff during 1937-38 and 1938-39?

(h) With reference to the replies to parts (a) and (b) of starred question No. 1774 of the 20th April, 1936, will Government indicate the exact ratio between the total number of clerks transferred so far since the date of the Controller's order of repatriation and the total number of employees who are eligible for transfer in their own grades on the strength of the repatriation order?

(i) With reference to the reply to part (a) of starred question No. 1774, dated the 20th April, 1936, will Government state whether the Controller, while issuing the repatriation order, calculated the probable period within which the staff governed by the repatriation order would be fully absorbed in the vacancies in the Calcutta offices?

(j) If so, will Government state how long it will take to repatriate the staff in full in the normal course?

(k) Are Government aware that the order of repatriation has afforded no immediate relief to all the staff at a time and that only those who have availed themselves of the order by being actually transferred have been benefited?

(l) Are Government aware that the repatriation of the staff is being regulated in order of seniority in service?

(m) Are Government inclined to consider the desirability of granting some sort of personal pay to the permanent employees eligible for transfer, to be withdrawn when the transfer actually takes place?

(n) Will Government state whether it is a fact that one Kalikrishna Mondal, the junior Addressograph Operator, died at Delhi after a brief illness and his family had to be repatriated to Bengal by raising subscription from the staff of the Central Publication Branch? If so, how much did this employee draw as salary per month?

(o) Are Government aware that the employees who had to come up to Delhi have become deeply involved in liabilities due to their endeavour to meet the barest necessities of life?

The Honourable Sir Frank Noyce: (a) Two permanent and one temporary.

(b) One.

(c) Two.

(d) Yes, only permanent vacancies, subject to the orders regarding the recruitment of minority communities and the suitability of the men for the vacancies to be filled.

(e) Eight including three in the Stationery Stores.

(f) and (g). Two, each in the Government of India Press and the Forms Store, Calcutta, excluding additions to the staff which cannot be forecasted.

(h) 7 to 30.

(i) No.

(j) It is not possible to say how long it will take to repatriate the entire staff concerned.

(k) It is evident that gradual transfers cannot confer an immediate benefit on the staff as a whole.

(l) Yes, subject to the restrictions mentioned in (d) above.

(m) No.

(n) Government have no information in regard to the first part. As regards the second part, Mr. Kalikrishna Mondal was drawing Rs. 32.

(o) No.

Pandit Lakshmi Kanta Maitra: With reference to part (c) of the question, I understood the Honourable Member to say that some vacancies have actually been filled by outside recruitment. May I know why the members of the Central Publication Branch were not repatriated when these vacancies arose?

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

Pandit Lakshmi Kanta Maitra: Is it not also a fact that by the grant of extension after extension by the present Controller of Stationery, repatriation is not making any progress?

The Honourable Sir Frank Noyce: On that point also I shall require notice.

Pandit Lakshmi Kanta Maitra: Is it not also a fact that whenever vacancies occur, there has been a sort of abnormal establishment called the "fluctuating" establishment, and people are recruited from that establishment, to these vacancies instead of speeding up the repatriation in the terms of the Resolution to which I have just referred?

The Honourable Sir Frank Noyce: I am afraid I must ask for notice of these questions. I do not carry all these details in my head.

Mr. President (The Honourable Sir Abdur Rahim): If the Honourable Member had any more points on which he wanted information, he should have given notice of them.

INCREASE IN THE CENTRAL PUBLICATION BRANCH STAFF.

729. ***Pandit Lakshmi Kanta Maitra:** (a) Will the Honourable Member in charge of the Department of Industries and Labour be pleased to state whether it is a fact that it was assured by Government before the Standing Finance Committee that sanctioned the expenditure on account of move of the Central Publication Branch from Calcutta to Delhi that by the move of the office to Delhi, imperative necessity for increased staff would be obviated?

(b) Will Government state whether it is a fact that some time ago nearly 30 permanent clerks and one Assistant (Stock-keeper) were sanctioned and employed?

(c) Are Government aware that the numerical strength of clerical staff has become entirely disproportionate in relation to the strength of the Assistants who are to supervise their work?

The Honourable Sir Frank Noyce: (a) No.

(b) Yes, 28 permanent clerical posts were sanctioned in 1936. Of these eight already existed on a temporary basis.

(c) No.

Pandit Lakshmi Kanta Maitra: Is it not a fact that, as a result of the recruitment examinations, certain hands were actually taken, and when the Superintendent of the Central Publication Branch wanted their certificates in the original, a lot of them tendered resignation?

The Honourable Sir Frank Noyce: Will the Honourable Member kindly repeat his question?

Pandit Lakshmi Kanta Maitra: After the recruitment examinations, certain hands were taken in, and when the present Superintendent called for their certificates in the original, a number of them tendered their resignation without producing the original certificates?

The Honourable Sir Frank Noyce: I am sorry I have to repeat that I must ask for notice of these very detailed questions.

EXPENDITURE INCURRED ON THE CENTRAL PUBLICATION BRANCH.

730. ***Pandit Lakshmi Kanta Maitra:** Will Government be pleased to furnish comparative statistics of actual expenditure incurred in the Central Publication Branch under different heads during the last three years of its existence in Delhi and of the last three years of its existence in Calcutta before its removal to Delhi?

The Honourable Sir Frank Noyce: A statement is laid on the table.

Statement of actual Expenditure incurred in the Central Publication Branch, during the years 1930-31 to 1935-36.

	1930-31.	1931-32.	1932-33.	1933-34.	1934-35.	1935-36.
	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.
Pay of Officers	9,252	10,065	9,054	9,715	10,070	11,155
Pay of Establishments	90,440	84,113	78,223	86,201	91,117	94,569
Allowances, Honoraria, etc.	1,418	..	18,865	1,890	1,190	450
Postage and Packing Charges	1,01,151	85,998	73,758	80,451	82,207	96,559
Supplies and Services	4,51,388	10,726	9,526	9,176	9,526	10,493
Contingencies	84,872	28,851	77,930	54,296	37,904	42,665
Establishment Charges paid to Other Government Depart- ments, etc.	310	..	..	..	..	..
Total	7,38,831	2,19,753	2,67,356	2,41,729	2,32,014	2,55,891

NOTE I.—The branch moved from Calcutta to Delhi in 1933.

NOTE II.—Certain charges shown in the years 1932-33 and 1933-34 were incurred on this account.

NOTE III.—The large expenditure in 1930-31, as compared with other years is due mainly to the branch being then on a commercial basis.

MEMORIAL BY THE WIVES OF THE CENTRAL PUBLICATION BRANCH EMPLOYEES REGARDING THEIR FINANCIAL HARDSHIPS.

731. *Pandit Lakshmi Kanta Maitra: (a) Will the Honourable Member in charge of the Department of Industries and Labour be pleased to state if it is a fact that a representation was made to him, recounting the financial hardships of the employees of the Central Publication Branch who came up to Delhi from Calcutta, by the wives of those employees?

(b) Is it a fact that those ladies also preferred an appeal to the former Viceroy and that the Memorial was returned by the Department of Industries and Labour to the memorialists with the direction that it should be submitted through proper channel?

(c) Is it a fact that the said memorial was again sent through proper channel, and the Controller of Printing and Stationery withheld it without assigning any reasons therefor?

The Honourable Sir Frank Noyce: (a) and (b). Yes.

(c) Yes. The memorial was withheld by the Controller of Printing and Stationery under instruction 7(19) of Instructions for the submission of petitions to the Governor General in Council, and this fact was intimated to the memorialists.

ADMINISTRATIVE CONTROL OF THE CENTRAL PUBLICATION BRANCH.

732. *Pandit Lakshmi Kanta Maitra: (a) Are Government prepared to consider the advisability of transferring the Central Publication Branch to the control of the Director of Public Information in the near future or simultaneously with the inauguration of the new Reforms at the Centre?

(b) Has the question of removing the Central Publication Branch from the present administrative control ever been considered before?

(c) If not, do Government propose to review this aspect of the question now in view of the impending introduction of new reforms and consequent reshuffling of portfolios?

The Honourable Sir Frank Noyce: (a), (b) and (c). No.

Pandit Lakshmi Kanta Maitra: In view of the fact that there is going to be a general re-shuffling of portfolios, does not the Honourable Member think it desirable that they should maintain this Branch as a part of the Publicity Department of the Government of India?

The Honourable Sir Frank Noyce: No, Sir. The Central Publication Branch is merely concerned with the sale of Government publications. It performs no publicity functions of any kind.

NORTH WESTERN RAILWAY SUBORDINATE ACCOUNTANTS' EXAMINATION.

733. *Mr. Lalchand Navalrai: (a) Is the Honourable the Railway and Commerce Member aware that an examination, called the North Western Railway Subordinate Accountants' Examination, was held a few months back at Lahore?

(b) Was the Examination open to Sindhis also? If so, how many Sindhis and non-Punjabis appeared at the Examination?

(e) Is it a fact that one of the papers set at the Examination was of general knowledge and that it contained questions relating to conditions, customs and rules peculiar to the Punjab only?

(d) Is it a fact that questions of the following nature were asked:

„ (1) How would you recognise a taxi (motor car) in the Punjab;

(2) What laws and acts were passed in the Punjab Legislative Council to enforce rural uplift and social improvement?

(e) Do Government propose to direct the same Examination to be re-held, or what steps do Government propose to remedy the defect and its prejudice?

(f) Do Government propose to direct that the said Examination be simultaneously taken both in the Punjab and Sind in future? If not, why not?

(g) Will Government be pleased to state if the result of the Examination has been declared and how many Sindhis have been successful? If none, when will the result be out?

Sir Raghavendra Rau: The information required is being collected, and a statement will be laid on the table in due course.

Mr. Lalchand Navalrai: Will it take long?

Sir Raghavendra Rau: I hope not. I have got most of the information, but not all.

DAMAGE DONE BY THE HAIL-STORM IN VILLAGES OF THE DELHI PROVINCE.

734. *Mr. Sri Prakasa: (a) Are Government aware that recently there has been a heavy hail-storm in various villages of the Delhi District and that the villagers have greatly suffered in consequence?

(b) What has been the extent of the damage done to crops, cattle and human beings?

(c) Is it a fact that the Chief Commissioner made a tour in the affected areas? If so, has he made any report to the Government, and what steps, if any, do Government propose to take on that report?

(d) Is it a fact that the tenants asked the Chief Commissioner for remissions? If so, has he recommended any remissions, and do Government propose to grant them?

(e) Is it a fact that when tenants told the Chief Commissioner about the hail-storm, he said he did not know what that meant, and that he would depend on the recommendations of the *patwaris* and *qanungos*?

(f) If so, do Government propose to ask the Chief Commissioner not to give them the impression that he was entirely led by *patwaris* and *qanungos*?

Sir Girja Shankar Bajpai: (a) and (b). Hail fell in several villages of the Delhi Province, as a result of which some damage was done to standing crops. No injury to cattle or human beings has been reported.

(c) Yes. It was not necessary for the Chief Commissioner to make any report to the Government of India, as he can himself pass the necessary orders.

(d) and (e). The zamindars asked for remissions in certain cases and were informed by the Chief Commissioner that, as usual, the question will be considered only after the *rabi girdawari*, which takes place when the crops mature.

(f) Government feel sure that the Chief Commissioner will himself consider all legitimate grievances of the zamindars sympathetically.

Prof. N. G. Ranga: Has any remission been granted to them by now?

Sir Girja Shankar Bajpai: In regard to this particular damage?

Prof. N. G. Ranga: Yes.

Sir Girja Shankar Bajpai: They have not been able to estimate the damage yet.

Mr. Sri Prakasa: How long will it take to come to a final decision on the subject?

Sir Girja Shankar Bajpai: I believe that the *rabi girdawari* takes place at the end of April or the beginning of May, and the Government will come to a final decision as soon after that as the proposals, if any, are submitted.

Mr. Lalchand Navalrai: Have any houses of these villagers been destroyed on account of the storm?

Sir Girja Shankar Bajpai: I do not know that houses are crops. (Laughter.)

Mr. Lalchand Navalrai: The point is whether any compensation will be given for the damage?

Mr. Sri Prakasa: What is the answer to part (e) of the question?

Sir Girja Shankar Bajpai: My answer to (e) is joined with part (d). The answer is "the zamindars asked for remissions in certain cases and were informed by the Chief Commissioner that, as usual, the question could be considered only after the *rabi girdawari*, which takes place when the crops mature". The Chief Commissioner did not say that they should apply to *patwaris* and *qanungos*.

Mr. Lalchand Navalrai: What is the answer to part (b) of the question, namely, what has been the extent of the damage done to crops, cattle and human beings?

Sir Girja Shankar Bajpai: I am afraid my Honourable friend did not listen to the reply I gave to parts (a) and (b). The concluding portion of the answer was "no injury to cattle or human beings has been reported".

Mr. Sri Prakasa: In view of the fact that I have in my possession a statement to the effect that the Chief Commissioner did say to the villagers who assembled round him that he did not know what a hail storm was and that he would depend on the recommendations of *patwaris* and *qanungos*, will Government make sure once more that this is not a fact?

Sir Girja Shankar Bajpai: I do not think that is necessary.

OVERCROWDING IN 7-UP EXPRESS TRAIN.

735. ***Mr. Ram Narayan Singh:** (a) Is the number of carriages for all four classes of passengers attached to the train known as the "Delhi Express" (7 Up) always the same, or does the number ever differ and if it differs, under what circumstances?

(b) What is the respective number of third and intermediate class carriages attached to the train referred to in part (a), and what is their respective capacity?

(c) What was the respective number of third and intermediate class tickets issued for this train from Howrah on the 20th February, 1937?

(d) How many third and intermediate class seats in the train referred to in part (a) were reserved on the 20th February, 1937?

(e) What is the respective number of tickets issued for the train mentioned in part (a) from all intervening stations on the 20th and 21st February, 1937, before its arrival in Delhi in the afternoon of the 21st February, 1937?

(f) Is it a fact that the train referred to above generally remains overcrowded?

(g) What are the steps Government generally take to avoid and discourage overcrowding of trains?

The Honourable Sir Muhammad Zafrullah Khan: (a) The number does not normally differ.

(b) Two bogies third, luggage and brakevan, three bogies third class and one bogie intermediate class, providing accommodation for 478 third class passengers and 72 intermediate class passengers.

(c) and (e). As the Booking Offices at Howrah and at several other stations *en route* are open for the issue of tickets throughout the day, it is not possible to say what tickets issued from these and several other stations also were availed of by the train referred to.

(d) 258 third class and 24 intermediate class.

(f) No.

(g) To avoid overcrowding, Railways arrange as circumstances require:

(i) to run duplicate trains;

(ii) to reduce the accommodation normally provided in those classes in which the demand can be met by a lesser number of carriages and to increase correspondingly the accommodation for the other classes in which there is a demand for more accommodation.

- (iii) to impose restrictions on short distance traffic which can conveniently be carried by other trains, so as to conserve the accommodation available in through trains for the convenience of long distance traffic.

Mr. Ram Narayan Singh: With regard to part (g) of the question, may I know what are the particular steps taken by Government to avoid overcrowding in trains?

The Honourable Sir Muhammad Zafrullah Khan: I have given the reply.

Mr. Ram Narayan Singh: I know there is always overcrowding in some trains, and I say the Government are taking no steps to avoid that.

The Honourable Sir Muhammad Zafrullah Khan: I am afraid that is argument.

GRIEVANCES OF PASSENGERS ON THE BARAKAKHANA LOOP LINE OF THE EAST INDIAN RAILWAY.

736. ***Mr. Ram Narayan Singh:** Is it a fact that the residents of Daltongunj, the headquarter of the Palamau district, submitted in the month of February, 1937, to the General Traffic Manager of the East Indian Railway at Howrah, a long petition containing a catalogue of serious grievances arising from (i) inconvenient timings of trains on the Barakakhana Loop Line, (ii) insufficient number of trains on the line, (iii) want of overbridge and raised platform at the Daltongunj Railway station, (iv) want of proper passenger sheds at the Daltongunj and the Sone-East Bank stations, and so on and so forth, and if so, with what results?

The Honourable Sir Muhammad Zafrullah Khan: I have called for the information required by the Honourable Member and will place a reply on the table when it has been received.

CONTEMPLATED DIVERSION OF THE MAIL AND EXPRESS TRAINS FROM THE MAIN AND GRAND CHORD LINES TO THE BARAKAKHANA LOOP LINE.

737. ***Mr. Ram Narayan Singh:** Is it in the contemplation of Government to divert some of the mail and express trains from the main and Grand Chord Lines to the Barakakhana Loop and if so, from which date?

The Honourable Sir Muhammad Zafrullah Khan: No. This is a matter for the East Indian Railway Administration to deal with without a reference to Government.

PENSIONS EARNED BY THE CIVIL SERVANTS OF THE CROWN IN INDIA.

738. ***Bhai Parma Nand:** Will Government please inform this House if the Civil Servants of the Crown in India earn their pensions under section 96-B of the Government of India Act, 1919?

The Honourable Sir James Grigg: The authority for determining pensions of Civil Servants of the Crown is now contained in section 96-B of the Government of India Act. From April 1st, 1937, it will be derived from corresponding sections of the Government of India Act, 1935.

PROPOSED DECENTRALISATION OF THE RAILWAY CLEARING ACCOUNTS OFFICE AND ITS AUDIT OFFICE.

739. ***Mr. Mohan Lal Saksena:** (a) Will Government be pleased to state whether they contemplate decentralising the Railway Clearing Accounts Office, Delhi, and the Audit Office attached thereto? If so, what are the reasons for decentralisation?

(b) Will the proposed decentralisation result in any retrenchment of staff? If so, how is the retrenched staff proposed to be provided?

(c) Do Government propose to send the staff of the Railway Clearing Accounts Office and the Audit Office attached thereto to the various railways from which they had come on deputation?

Sir Raghavendra Rau: (a) Government are at present considering whether decentralisation of the Railway Clearing Accounts Office, Delhi, will result in any economies. The report of the officer who was placed on special duty for the purpose of ascertaining comparative costs is under their consideration.

(b) and (c). I am unable to give a definite reply to these questions at present.

OPENING OF A BRANCH OF THE TRAFFIC ACCOUNTS OFFICE AT LUCKNOW FOR THE EAST INDIAN RAILWAY.

740. ***Mr. Mohan Lal Saksena:** (a) Will Government state the total number of employees in the Railway Clearing Accounts Office who belong to the old Oudh and Rohilkund Railway and have their homes in the United Provinces?

(b) Is it a fact that the Bombay, Baroda and Central India Railway have got their Traffic Accounts Branch at Ajmer, while their Central Office is at Bombay?

(c) Will Government be pleased to lay on the table a copy of the Financial Commissioner's letter No. 3298-F., dated the 11th September, 1926, to the Chief Accounts Officer, East Indian Railway, Calcutta, issued on the eve of the amalgamation of the Oudh and Rohilkund Railway with the East Indian Railway?

(d) Are Government prepared to consider the feasibility of opening a branch of the Traffic Accounts Office at Lucknow for the East Indian Railway?

Sir Raghavendra Rau: (a) 129.

(b) Yes.

(c) A copy of the letter has been kept in the Library of the House.

(d) The question will arise only when, and if, it is decided to decentralise the Railway Clearing Accounts Office.

GAZETTED OFFICERS GRANTED EXTENSIONS AFTER THE COMPLETION OF SUPERANNUATION AGE.

741. ***Mr. Mohan Lal Saksena:** (a) Will Government be pleased to state the number of gazetted officers under their direct control, who have been granted extension during the last year after completion of superannuation age of 55?

(b) Do Government propose to consider the advisability of issuing instructions to all the departments under them not to grant extensions to the gazetted officers after the completion of the superannuation age?

The Honourable Sir Henry Craik: (a) I presume the Honourable Member refers to gazetted officers serving in the Departments of the Government of India and their attached offices. There are only six such officers, who were granted extensions of service during the calendar year 1936 after having reached the age of 55.

(b) I would invite the Honourable Member's attention to clauses (a) and (b) of Fundamental Rule 56, which lay down that extensions of service cannot be granted except on public grounds and that ministerial officers should normally be retained in service till they attain the age of 60 years. Government do not propose to issue any further instructions in the matter.

REPRESENTATION OF INDIA AT THE IMPERIAL CONFERENCE IN LONDON.

742. ***Mr. Mohan Lal Saksena:** (a) Will Government state whether India is going to be represented at the forthcoming Imperial Conference in London? If so, by whom?

(b) What expenses, if any, will India have to incur on account of His Majesty the King's Coronation and the Imperial Conference?

The Honourable Sir Henry Craik: (a) Yes: by the Secretary of State for India, His Highness the Maharaja Gaekwar of Baroda and the Honourable Sir Muhammad Zafrullah Khan.

(b) *Coronation.*—The only expenditure to be incurred by the Government of India in connection with the Coronation will be on account of the despatch of the military and police contingents to England; but it is not at present possible to say how much expenditure will be incurred on this account.

Imperial Conference.—The expenses will be on account of pay (in the case of officials only), allowances and passages of the representatives, advisers and staff to be sent from India. The cost involved cannot be calculated at present in the absence of information as to how long the Conference will last.

CORONATION EXPENSES OF THE LAST DURBAR AT DELHI.

743. ***Mr. Mohan Lal Saksena:** What was the total Coronation expenditure on the last Durbar at Delhi?

Sir Aubrey Metcalfe: The total amount which includes all expenditure in connection with the Royal visit was about Rs. 1 crore and 81½ lakhs.

INDIANS ABROAD NOT PERMITTED TO RETURN TO INDIA.

744. ***Mr. Mohan Lal Saksena:** Will Government lay on the table a list of Indians abroad who are not permitted to return to India?

The Honourable Sir Henry Craik: I would invite the attention of the Honourable Member to the reply given by me to part (a) of Mr. Chattopadhyaya's starred question No. 219 on the 25th January, 1937. There are no other persons of Indian nationality who have been refused permission to return to India.

PERSONS REFUSED PASSPORTS.

745. ***Mr. Mohan Lal Saksena:** Will Government be pleased to lay on the table a list of persons to whom passports were refused during last year?

The Honourable Sir Henry Craik: The information is being collected and will be laid on the table in due course.

APPOINTMENT OF WHIP IN THE LEGISLATIVE ASSEMBLY.

746. ***Mr. T. S. Avinashilingam Chettiar:** Will Government state:

- (a) whether they have appointed a permanent paid Whip in the Assembly;
- (b) whether he has no other official work than that of acting as Whip; and
- (c) if so, what is his cadre and pay?

The Honourable Sir Frank Noyce: (a) Mr. J. A. Mackeown has been appointed Additional Deputy Secretary to the Government of India in the Legislative Department with a view to his becoming Chief Government Whip from the close of the current Session.

(b) Pending the replacement of Mr. Mackeown by the Department of Industries and Labour, in which he was until recently serving as Deputy Secretary, he will continue to assist that Department. Thereafter, he will be employed exclusively in duties germane to the office of Chief Government Whip.

(c) Mr. Mackeown is a member of the Indian Civil Service and will receive pay on the scale applicable to Deputy Secretaries who are members of that Service.

Mr. T. S. Avinashilingam Chettiar: May I know whether this is the first occasion that the Government are appointing a whole time Government Whip?

The Honourable Sir Frank Noyce: Yes.

Mr. T. S. Avinashilingam Chettiar: What is the necessity for a whole time man for the sole purpose of whipping?

The Honourable Sir Frank Noyce: Because Government desired that there should be more continuity in this office and thought that that would lead to greater efficiency.

Seth Govind Das: Why did they not desire it before?

The Honourable Sir Frank Noyce: It is often the case that many things are desirable, but they do not come about.

Seth Govind Das: Are Government aware that this House has been constituted for the past 17 years and that Government did not think it necessary all these years to have a whole time Whip?

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

Mr. N. M. Joshi: May I ask whether the Chief Whip will have any duties to do when the Legislature is not in Session?

The Honourable Sir Frank Noyce: He will devote himself to the business that is to be placed before the House during the following Session.

Mr. N. M. Joshi: May I ask whether the Government of India can give us some idea about the amount of work which the Whip will have to do when the Legislature is not sitting?

The Honourable Sir Frank Noyce: There is no reason to believe that he will not be fully employed.

Mr. S. Satyamurti: May I have a categorical answer to my question, as to what are the main duties of this Government Whip when the Legislature is in session and when it is not in session?

The Honourable Sir Frank Noyce: I think my Honourable friend has been a Whip himself and that he, therefore, knows what the duties attached to this post are?

Mr. S. Satyamurti: We have not got whole time Whips. We are hard working men earning our daily bread, and doing other arduous duties. I am asking the Government as to what are the duties of this Whip which justify his being made a whole time officer, especially in view of the fact that out of twelve months we are sitting only for about 3½ months or so.

The Honourable Sir Frank Noyce: I would suggest that my Honourable friend should put down a question on that subject.

Mr. S. Satyamurti: Is there any provision in this year's Budget for this whole time officer? If so, how was the money found?

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

Mr. N. M. Joshi: May I ask whether this appointment was placed before the Standing Finance Committee for their sanction?

The Honourable Sir Frank Noyce: No, Sir. The pay of this officer is non-voted, and it was, therefore, not necessary to place the matter before the Standing Finance Committee.

Mr. T. S. Avinashilingam Chettiar: What will be his work during the holidays?

The Honourable Sir Frank Noyce: I do not think he will have any holidays.

SYSTEM OF AUCTIONING CONTRACTS WITH REGARD TO REFRESHMENT ROOMS ON CERTAIN RAILWAYS.

747. ***Mr. Umar Aly Shah:** Will Government please state:

- the regulations made by the Eastern Bengal, East Indian, Great Indian Peninsula and North Western Railways for the system of auctioning contracts with regard to first and second class refreshment rooms and with regard to Indian refreshment rooms since the 8th October, 1936;
- whether the Agents of the four State railways acted upon the suggestions of the Central Advisory Committee, viz., "the contracts should be given to men locally available";
- whether any contract on the four State Railways is given to any person other than locally available since the 8th October, 1936: if so, the reasons therefor; and
- what is the policy since the 8th October, 1936, laid down by Government for the observance of the Agents with regard to such contracts?

The Honourable Sir Muhammad Zafrullah Khan: (a) Government are not aware of any regulations having been made by the Railways referred to.

(b) and (d). The views recorded at the meeting of the Central Advisory Committee for Railways in October, 1936, are under consideration, and meantime no instruction in regard to the policy to be followed has been issued.

(c) I would refer the Honourable Member to the reply I gave to Mr. Sham Lal's unstarred question No. 11 on the 25th January, 1937. Government have no information as regards any other contract.

STAFF ELIGIBLE FOR PROMOTION TO STATION MASTERSHIP ON THE NORTH WESTERN RAILWAY.

748. ***Mr. Umar Aly Shah:** Will the Honourable Member for Commerce and Railways please state whether the staff, who passed the examinations in Station Master's duties on the 20th December, 1926 and the 12th January, 1927, are eligible for promotion to station mastership on the North Western Railway? If not, how and why?

The Honourable Sir Muhammad Zafrullah Khan: Government are informed as follows:

On the North Western Railway, provision for the training of staff in the duties of station masters was made in the Walton Training School in the year 1927, when it was ruled that individuals, who had previously qualified locally as Station Masters at divisional or district examinations, but had not been promoted to Station Masters, should be required to re-qualify at the Walton Training School, before they could be considered as

fully qualified for promotion to Station Master, because experience then obtained from training of staff had shown the desirability of imparting a standard and uniform training to all, which divisions and districts could not supply as they did not possess the necessary facilities to do so. From this it will be noticed that staff who qualified locally in December, 1926, and January, 1927, are not eligible for promotion to station mastership until they have re-qualified at the school.

POLICY WITH REGARD TO DEMOTIONS ON THE NORTH WESTERN RAILWAY.

749. ***Mr. Umar Aly Shah:** Has the attention of the Honourable Member for Commerce and Railways been invited towards Circular No. 50-E/580, dated the 19th May, 1936 from the Agent, North Western Railway? If so, or otherwise, will he please state the correct interpretation of the word "demotion" as used in the terms of retrenchment of 1930-31 and their policy with regard to demotions?

The Honourable Sir Muhammad Zafrullah Khan: The reply to the first part of the question is in the affirmative. I would, however, point out to the Honourable Member that the document referred to by him was not a circular, but a letter from the Agent of the North Western Railway, addressed to the Divisional Superintendent, Delhi, only. As regards the second part, the word "demotion" used in the terms of retrenchment of 1930-31 referred to the offering of a lower post as an alternative to discharge to an employee whose post was found to be surplus to requirements.

FITTINGS AND FURNISHINGS OF REFRESHMENT ROOMS ON THE NORTH WESTERN RAILWAY.

750. ***Mr. Umar Aly Shah:** Will Government please state:

- (a) the arrangements in practice on the North Western Railway with regard to the fittings and furnishings of the first and second class refreshment rooms and of the Indian refreshment rooms;
- (b) whether the refreshment rooms, both first and second class and Indian, at Delhi were and are furnished with the material supplied by the North Western Railway;
- (c) whether the fittings and furnitures, if and when supplied by the contractors, are to be paid for by the North Western Railway or to be met by the contractors; and
- (d) whether the fittings and furnitures supplied by the North Western Railway are subject to selection by the contractors?

The Honourable Sir Muhammad Zafrullah Khan: I have called for the information required by the Honourable Member and will place a reply on the table when it has been received.

LOCATION OF REFRESHMENT ROOMS IN SPECIAL TYPE CARRIAGES ON THE NORTH WESTERN RAILWAY.

751. ***Mr. Umar Aly Shah:** Will Government please state:

- (a) the stations on the North Western Railway where refreshment rooms are located in special type carriages;

- (b) what is the cost of such special type carriages;
- (c) what rent such carriages fetch from occupation by the contractor; and
- (d) since when this practice is prevalent?

The Honourable Sir Muhammad Zafrullah Khan: (a) Refreshment rooms are not ordinarily located in carriages, but consequent on the refusal of a refreshment room contractor at Delhi to vacate the refreshment room at that station on the termination of his contract, a dining car was temporarily provided to serve as a refreshment room.

- (b) The capital cost of the car is Rs. 62,760.
- (c) No rent is being charged.
- (d) 20th February, 1937.

Mr. Lalchand Navalrai: With regard to clause (c), may I know why nothing is being charged?

The Honourable Sir Muhammad Zafrullah Khan: Because the refreshment room which otherwise this contractor would have occupied has not been vacated by the previous contractor.

GRANT OF CARD PASSES TO GUARDS ON THE EAST INDIAN RAILWAY.

752. ***Babu Kailash Behari Lal:** (a) Is it a fact that travelling ticket examiners, travelling ticket inspectors and similar other staff on running duty on the East Indian Railway are allowed card passes for their journey, while on their regular duties and in the card passes which they are allowed there is also the provision of conveyance of their personal effects, including a bicycle?

(b) Is it a fact that guards are not allowed any such card passes and they cannot, therefore, convey their bicycles, etc., to enable them to enjoy while at rest at stations away from their headquarters, or even to return to their headquarters during their off duty hours while working in relieving arrangements?

(c) Do Government propose to examine the question and allow card passes to the guards also? If not, why not?

The Honourable Sir Muhammad Zafrullah Khan: (a) Yes: but there is no endorsement on a card pass permitting the conveyance of a bicycle. The Pass Rules, however, provide for a bicycle being conveyed as part of the luggage admissible on the pass, its weight being taken as equivalent to one maund, but it is not intended that all staff travelling on duty should carry bicycles.

(b) Yes.

(c) No. The Agent, East Indian Railway, states that there is no necessity for the issue of card passes to guards.

GRIEVANCES OF EMPLOYEES OF THE MORADABAD DIVISION, EAST INDIAN RAILWAY.

753. ***Babu Kailash Behari Lal:** (a) Are Government aware that in the Moradabad Division of the East Indian Railway considerable dissatisfaction prevails, because the employees there do not receive proper consideration and response to their representations addressed to the officers concerned, including the Divisional Superintendent, even by name and sent under registered covers?

(b) Are Government aware that in the case of majority of staff, both literate and illiterate, particularly in the Loco Department, orders are usually conveyed verbally only and they are communicated in writing in very rare instances, with the result that the concerning employees have at times to suffer serious consequences specially when they are interpreted otherwise than actually communicated and meant?

(c) If Government have no information and the reply to parts (a) and (b) above be in the negative, do they propose to make necessary enquiries and issue definite instructions for representations and petitions being invariably attended to and replied and orders passed being always communicated in writing?

The Honourable Sir Muhammad Zafrullah Khan: (a) Government have no reason to believe that the facts are as stated by the Honourable Member.

(b) Government are informed that except in unimportant matters the senior subordinate in charge is informed in writing of the orders with directions to convey the same to the staff concerned. It is not practicable to carry on individual correspondence with every employee. Any cases of individual complaints, if made to any officers or inspecting staff, who frequently visit sheds, etc., receive due attention.

(c) I would refer the Honourable Member to my reply to parts (a) to (c) of starred question No. 486 asked by Dr. N. B. Khare on the 14th February, 1936.

REPRESENTATION OF INDIA AT THE INTERNATIONAL ECONOMIC CONFERENCE AT GENEVA.

754. ***Mr. M. Ananthasayanam Ayyangar:** (a) Are Government aware that the International Economic Conference is proceeding with its deliberations at Geneva, regarding the supply of raw materials to the several countries?

(b) Is there any representative of India at the Conference?

(c) If so, what instructions have been given to him regarding the question at issue there?

(d) If no person has been sent to represent India, have Government taken care to see that no conclusions adverse to India are arrived at behind her back by His Majesty's Government?

(e) Have Government received any invitation from the conveners of the Conference to send in any representative on behalf of India?

The Honourable Sir Muhammad Zafrullah Khan: (a) to (e). The Honourable Member presumably has in mind the Committee of Enquiry on Raw Materials appointed by the Council of the League of Nations. If so, I may state for his information that this Committee is a Committee of Experts, who serve in their personal capacities and not as representatives of their Governments. India is not at present directly represented on this Committee but arrangements have been made to ensure that any special Indian point of view is not overlooked. If, at a later stage, some matter of particular interest to India arises, it might be possible to secure Indian representation.

Prof. N. G. Ranga: Has any of these experts, who are sitting today on that committee, any direct or indirect experience of Indian agricultural conditions?

The Honourable Sir Muhammad Zafrullah Khan: Yes, Sir.

Mr. M. Ananthasayanam Ayyangar: Have any instructions been given to any of these experts as regards conditions here and the view point to be placed there?

The Honourable Sir Muhammad Zafrullah Khan: I have already informed the Honourable Member that arrangements have been made that the Indian point of view should not be overlooked.

Prof. N. G. Ranga: Which of the experts is supposed to know anything about India in regard to the production of raw material?

The Honourable Sir Muhammad Zafrullah Khan: I have the name in mind, but I should require notice to make quite sure. I believe one of these experts has been in India for a large number of years.

Mr. M. Ananthasayanam Ayyangar: What is the nature of the arrangements with regard to the placing of the viewpoint of India?

The Honourable Sir Muhammad Zafrullah Khan: If any special matter arises which affects India, this particular expert would be given all the information necessary to see that the Indian point of view is not overlooked.

Prof. N. G. Ranga: Who is that expert?

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member has already asked for notice.

Prof. N. G. Ranga: He has answered my question only to the extent whether there is any expert on that body with experience of Indian agricultural conditions. Later on, he said that, when the occasion arose, they would see that an additional expert was placed there to provide the necessary information to that expert committee. I want to know who that additional expert is.

The Honourable Sir Muhammad Zafrullah Khan: I have already replied that I have a recollection of the name and also that that gentleman has spent several years in India. But, in order to make quite sure, I would request the Honourable Member to put down a question to that effect, if he is anxious to obtain the information.

Mr. K. Santhanam: May I know whether the committee have sent any questionnaire to the Government of India?

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

Mr. S. Satyamurti: Have any instructions been given to any Indian representatives, with regard to questions that are likely to come up before the committee, or are the Government merely satisfied that if any reference comes to them they will send the required information?

The Honourable Sir Muhammad Zafrullah Khan: I have already explained that there is no representative of any particular Government on this committee and there is no Indian representative in that sense.

Pandit Lakshmi Kanta Maitra: I understood the Honourable Member to say that one of the members was in India for a large number of years. In what capacity was he here?

The Honourable Sir Muhammad Zafrullah Khan: I have already asked for notice of this question in order to make sure about the name of this member. Without being sure of the name, I cannot say in what capacity he was here.

Mr. M. Ghiasuddin: Will Government consider the question of giving some training to these experts?
(No reply.)

Mr. S. Satyamurti: May I know if any steps have been taken, and if so what they are, to see that, in the absence of any representation to India, no conclusions adverse to us are reached there?

The Honourable Sir Muhammad Zafrullah Khan: With regard to specific steps I have said that I would require notice. Government have taken steps to ensure that information should be supplied.

FISHING IN THE BAY OF BENGAL BY JAPANESE TRAWLERS.

755. ***Sir Abdul Halim Ghuznavi:** (a) Has the attention of Government been drawn to the article headed "Japan in Fish Market", "Catch from Bay" published in the issue of the *Statesman*, dated the 5th March, 1937?

(b) If so, will Government be pleased to state whether the Japanese trawler, the *Shinkyo Maru*, which arrived at Kidderpore Docks a few days ago laden with fish, has obtained licence for fishing in the Bay of Bengal? If so, will Government be pleased to state the terms on which the licence has been granted?

(c) Has the attention of Government been drawn to the article headed "Calcutta's Fish Supply", "Japanese Plans", "40 Trawlers for new Enterprise", published in the issue of the *Statesman*, dated the 10th March, 1937?

(d) Is it a fact that investigations were carried out in the past by Government about the possibilities of deep sea fishing in the Bay of Bengal?

(e) Will Government be pleased to state what facilities are being offered to the Japanese trawlers for fishing in the Bay of Bengal?

(f) Have Government received any communications from prospective Indian concerns about the feasibility of starting fishing in the Bay of Bengal?

(g) Will Government be pleased to state whether the grant of licence for fishing in Indian territorial waters is a central subject? If so, will Government be pleased to state the reasons for granting facilities, if any, to foreign concerns and thereby enabling them to capture Indian fish markets?

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

(b), (d), (e) and (f). Information is being collected and will be laid on the table in due course.

(g) The reply to the first part is in the negative. The question asked in the second part does not, therefore, arise.

REGISTRATION OF NEWSPAPERS IN THE POSTAL DEPARTMENT.

756. ***Bhai Parma Nand:** (a) Is it a fact that the Postal Department has got, with regard to the registration of a newly started newspaper, some old condition that it should have at least 50 subscribers?

(b) Is it a fact that the Department now is making use of this condition by employing their officers to personally go and make enquiries into the *bona fides* of the subscribers?

(c) Is it not a fact that the Postal Department is a utility service department?

The Honourable Sir Frank Noyce: (a) Yes, at least 50 *bona fide* subscribers are required in accordance with Rule 30 (2) (ii) of the Indian Post Office Rules, 1933.

(b) The Department makes such enquiries as it considers necessary to verify the statements made by the applicant for the registration of a newspaper.

(c) The Posts and Telegraphs Department is treated as a public utility service.

Mr Lalchand Navalrai: Is not the statement or declaration made by these persons applying for registration quite sufficient?

The Honourable Sir Frank Noyce: I am not aware whether any declaration is made or required. But in any case I should think it was an elementary precaution to verify the accuracy of the statement made.

Mr. Lalchand Navalrai: Instead of an officer going up there and ransacking their office, will the Honourable Member consider the question of some declaration or statement to that effect to bind them?

The Honourable Sir Frank Noyce: No, Sir; I am not prepared to issue such orders.

Mr. Lalchand Navalrai: Why not?

The Honourable Sir Frank Noyce: For the reason I have already given that it is an elementary precaution to make enquiries.

Pandit Lakshmi Kanta Maitra: With regard to part (b), did the Honourable Member say that actually the officers go about to inquire about the *bona fides* of subscribers?

The Honourable Sir Frank Noyce: No, Sir; what I said was that the Department makes such inquiries as it considers necessary to verify the statements made by the applicant for the registration of a newspaper.

REDUCTION IN THE NUMBER OF STAFF OFFICERS IN THE ARMY DURING THE SEPARATION OF BURMA.

757. ***Mr. K. Santhanam:** Will Government state:

- (a) the reduction in the number of staff officers in the Indian Army during the separation of Burma;
- (b) the reduction from the same cause in the number of other categories of officers in the Defence forces, as per classification adopted on page 12 of the Defence estimates;
- (c) whether this reduction is permanent or temporary;
- (d) whether there is any agreement or understanding by which the Indian army shall be available for the defence of Burma in any contingency;
- (e) if the answer to part (d) be in the affirmative, the terms of such agreement or understanding?

Mr. G. R. F. Tottenham: (a) The present number of staff appointments in Burma is nine of whom about six belong to the Indian Army. For some time to come, Burma will probably continue to borrow about this number from the Indian Army.

(b) The units of the Indian Army which after separation will become units of the Burman Army are as follows:

Four battalions of the Burma Rifles.

Three units of the Indian Territorial Force.

Five units of the Auxiliary Force.

The number of officers in these units is given in the Quarterly Strength Return, a copy of which is in the Library.

(c) The reduction will be permanent.

(d) and (e). The matter is under consideration.

Pandit Lakshmi Kanta Maitra: Is it under the consideration of the Government of India, or of the Home Government?

Mr. G. R. F. Tottenham: It is under the consideration of all concerned.

CREATION OF A SPECIAL POST OF ASSISTANT IN THE GENERAL BRANCH OF THE RAILWAY BOARD OFFICE.

758. ***Dr. N. B. Khare:** (a) Is it a fact that a special post of Assistant was created in the General Branch of the Railway Board Office?

(b) How was the post mentioned in part (a) filled and what special qualifications does not incumbent possess?

(c) Was the man in question rejected by many branches as unfit for Assistant's post?

(d) What average time is taken by a case now, and how long did it take for the disposal of the case during the time of:

- (i) the present Assistant Secretary, and
- (ii) his predecessor?

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

(b) By transfer within the office. No special qualifications are required.

(c) No.

(d) No such records are kept.

RULES FOR DISCHARGE OF EMPLOYEES ON STATE RAILWAYS.

759. ***Dr. N. B. Khare:** Will Government please state the procedure prevailing at present on the State Railways (during 1936-37 campaign of economy and retrenchment or reduction of staff) for men discharged and whether the staff is given any chance of defence?

The Honourable Sir Muhammad Zafrullah Khan: I would refer the Honourable Member to the reply given to part (a) of starred question No. 371, asked by Mr. Mohan Lal Saksena in the Legislative Assembly on the 14th September, 1936.

INCONVENIENCE FELT BY CANDIDATES FOR ELECTIONS AND THEIR AGENTS.

760. ***Mr. Sri Prakasa:** (a) Is it a fact that in the centrally administered areas, district magistrates are appointed Returning Officers for elections and that they perform the duties of receiving nomination papers and scrutinising them in open courts and that candidates and their agents have to keep standing before them like litigants and others who have business in their courts?

(b) Are Government aware that this causes great inconvenience to candidates and their agents?

(c) Do Government propose to prescribe special procedure so that district magistrates acting as Returning Officers may be required to provide proper seating accommodation to candidates and their agents and permit only authorised persons to be present at the various stages of elections and not treat election matters as a part of their ordinary court routine?

Mr. G. H. Spence: The only relevant constituencies are the Ajmer-Merwara and Delhi constituencies of this Assembly. In respect of both these constituencies the answer to part (a) is in the negative, (b) and (c) do not arise.

GRANT OF HOLIDAYS ON INDIAN FESTIVALS IN GOODS AND PARCEL OFFICES ON RAILWAYS.

761. *Mr. Lalchand Navalrai: (a) With reference to their answer to my starred question No. 1661, asked on the 16th April last, will Government be pleased to state whether, since New Year's day is observed as a holiday as stated in part (a) at the Goods Sheds in Calcutta, they are prepared to extend this holiday to all other Railways as well? If not, why not?

(b) Is it a fact that the Posts and Telegraphs Department—also a public dealing concern—gives a limited number of holidays on Indian festivals to the staff employed in that Department and arrangements are made for urgent work?

(c) Are the Railway administrations prepared to observe the same practice in regard to the Goods and Parcel Offices? If not, why not?

(d) Have Government collected figures of booking on ordinary days and Indian festivals for certain stations, to come to the conclusion that the business would be dislocated? If so, will Government please lay a statement of the information so collected on the table of the House? If no such figures have been collected, are Government prepared to obtain such information for any few stations on the different State Railways?

(e) Are Government aware that the Goods and Parcel Offices are closed on Sundays? If so, has the business been dislocated?

(f) Do Government propose to experiment grant of holidays on Indian festival days to the Goods and Parcel Offices on some railways? If not, why not?

The Honourable Sir Muhammad Zafrullah Khan: (a), (b), (c) and (f). I have nothing more to add to my reply to parts (b) and (c) of the question referred to by the Honourable Member.

(d) The information is not readily available, and Government do not propose to collect it as the amount of labour and expense involved will not be justified by results.

(e) Goods and Parcel Offices are closed on Sundays. Arrangements are, however, made for delivery of perishable goods, livestock, etc., on these days.

Mr. Lalchand Navalrai: Will the Honourable Member say if there is any difficulty in giving the same treatment and the same holidays to both the goods shed clerks and the parcel clerks?

The Honourable Sir Muhammad Zafrullah Khan: I would require notice of that. It must have some reference to the nature of their duties.

GROUP INSPECTORS OF SPECIAL TICKET EXAMINERS ON THE NORTH WESTERN RAILWAY.

762. *Mr. Lalchand Navalrai: (a) What were the Moody-Ward Committee's recommendations in regard to the duties of Group Inspector of Special Ticket Examiners?

(b) Are these Inspectors required to check trains? If not, are Government aware that the Group Inspector on the Rawalpindi Division of the North Western Railway does checking duty? If so, why not other Inspectors?

(c) Will Government please lay on the table of the House a statement of the earnings of each Group Inspector separately on seven divisions of the North Western Railway, and his emoluments for the calendar year 1936?

(d) Are the Inspectors provided with uniforms and badges? If so, are the Group Inspectors of Rawalpindi and Karachi wearing the same?

(e) Do Government propose to direct the North Western Railway Administration to make it compulsory on the Group Inspectors to wear uniforms?

The Honourable Sir Muhammad Zafrullah Khan: (a) The Group Inspector is not referred to in the report of the Committee.

(b) and (d). I have called for the information required and will place a reply on the table when it has been received.

(c) The compilation of the statement required by the Honourable Member will involve considerable clerical labour incommensurate with any use to which the information could be put.

(e) I shall convey the suggestion to the Agent of the North Western Railway for consideration.

Mr. Lalchand Navalrai: May I know if the Honourable Member knows at present whether they do use those uniforms or not?

The Honourable Sir Muhammad Zafrullah Khan: I am afraid I do not know.

GRANT OF SECOND CLASS PASSES TO LADY EMPLOYEES IN THE SUBORDINATE RAILWAY SERVICE.

763. *Mr. Lalchand Navalrai: (a) With reference to their reply to part (e) of my starred question No. 1398, asked on the 16th October last, that the Honourable the Commerce Member was getting examined the question of giving second class passes to all lady employees in subordinate service, will Government please state the result of such an examination?

(b) Are Government aware that under the Revised Pass Rules issued by the Railway Board in November last, this wrong about the lady employees serving as Ticket Collectors and Booking Clerks has not been righted?

(c) Do Government propose to issue early orders on the subject? If not, what is the delay due to?

The Honourable Sir Muhammad Zafrullah Khan: (a) and (c). The matter has been referred to the Indian Railway Conference Association, whose views are awaited.

(b) In the Revised Pass Rules to which the Honourable Member refers, the position in regard to lady employees who are Ticket Collectors and Booking Clerks is as it was prior to the issue of these rules.

Mr. Lalchand Navalrai: Is that question also to be considered?

The Honourable Sir Muhammad Zafrullah Khan: Does the Honourable Member mean whether the Indian Railway Conference Association will consider that question or not? I am afraid I cannot say just now.

Mr. Lalchand Navalrai: Will the Honourable Member refer this to them or at least inform them of this?

The Honourable Sir Muhammad Zafrullah Khan: A copy of the question and answer will be sent to the Indian Railway Conference Association.

RIGHTS AND PRIVILEGES OF THOSE IN SERVICE AFTER THE SEPARATION OF RAILWAY ACCOUNTS AND AUDIT.

764. ***Mr. Lalchand Navalrai:** (a) With reference to their reply to my starred question No. 1168, asked on the 12th March, 1936, will Government be pleased to state in reference to part (a) whether it was made clear in paragraph 67 of the Financial Commissioner's memorandum presented to the Legislative Assembly on the separation of Accounts from Audit, that the assurance given therein applied only to persons who held substantive appointments? If not, how do Government say now that the assurance did not apply to others? What were the actual words used in that connection in the memorandum?

(b) With reference to reply to part (b) of the same question, will Government be pleased to state whether it is a fact that certain Inspectors of Accounts on the North Western Railway, who had been provisionally confirmed before the 1st April, 1929, declared supernumerary on separation of Accounts from Audit, were allowed to retain old Audit scales of pay for Inspectors under Fundamental Rule 23?

(c) Is it a fact that Fundamental Rule 23 is equally applicable to substantive and officiating holders of appointments, according to Audit Instructions, paragraph 4, Chapter IV, Section I, of the Manual of Audit Instructions, 1926? If so, why were the so-called officiating Inspectors of Accounts not given option of selecting between the old and revised scales of pay?

(d) With reference to their answer to part (d) of my starred question referred to above, will Government be pleased to state the number of sanctioned and actual posts of Inspectors of Accounts in each grade on the North Western Railway, before and after separation of Accounts from Audit?

(e) How many Inspectors of Accounts, holding supernumerary posts, were given option of selecting old or the revised scales of pay on each State Railway separately?

(f) Do Government propose to direct that the Inspectors of Accounts officiating on the 1st April, 1929, be given the option under Fundamental Rule 23? If not, why not?

Sir Raghavendra Rau: The information required is being collected, and a statement will be laid on the table in due course.

Mr. Mohan Lal Saksena: With your permission, Sir, may I put the questions that have been passed over?

Mr. President (The Honourable Sir Abdur Rahim): No: unless the list is finished, and there is still time. But it cannot be allowed now.

FILLING UP OF THE POST OF SECRETARY FOR INDIAN AFFAIRS IN FIJI.

765. ***Mr. Mohan Lal Saksena:** (a) Is it a fact that as a result of negotiations between India Office and Colonial Office in 1927, the post of Secretary for Indian Affairs was created in Fiji instead of an Agent General of the Government of India?

(b) Is it also a fact that Mr. J. R. Pearson, C.I.E., I.C.S., was appointed to the post?

(c) Is it correct that since the retirement of Mr. Pearson in 1932, the post is being filled by local officers? If so, why?

(d) Are Government aware that during the tenure of the local officers as Secretary, Indians in Fiji and their interests have suffered?

(e) Do Government propose to take necessary steps to see that such persons are appointed to the post as are interested in the welfare of Indians?

Sir Girja Shankar Bajpai: (a) Yes, but the Government of India did not thereby abandon the possibility of re-opening the question of appointing an Agent.

(b) Mr. Pearson had retired from the Indian Civil Service a few years before he was appointed Secretary for Indian Affairs in Fiji.

(c) The answer to the first part is in the affirmative. The reason for appointing a local officer was partly the need for economy, and partly the fact that a suitably qualified officer was locally available.

(d) Government have no information to that effect.

(e) In view of the answer to part (d), this does not arise at present.

Mr. Mohan Lal Saksena: With reference to part (d) of the question, did Government make any inquiries?

Sir Girja Shankar Bajpai: There is no occasion to make inquiries, because Government have received no suggestion from any quarter in Fiji that the administration of the present Secretary for Indian Affairs is unsympathetic.

Mr. Mohan Lal Saksena: Will the Honourable Member just make inquiries, because, if there was no information, this question would not have been put?

Sir Girja Shankar Bajpai: If my Honourable friend will be so good as to communicate the information to me on which he bases that statement, I will certainly consider that.

APPOINTMENT OF AN AGENT GENERAL OF THE GOVERNMENT OF INDIA IN FIJI.

766. ***Mr. Mohan Lal Saksena:** Will Government state if they have considered the feasibility of moving for the appointment of an Agent General of the Government of India for Fiji? If not, are they prepared to take up the question now?

Sir Girja Shankar Bajpai: The question is under consideration.

APPOINTMENT OF AN ECONOMIC COMMISSION TO ENQUIRE INTO CONDITIONS OBTAINING IN FIJI.

767. ***Mr. Mohan Lal Saksena:** (a) Is it a fact that the Colonial Office had agreed to the appointment of an Economic Commission with a representative of the Government of India to enquire into conditions obtaining in Fiji?

(b) Will Government state why the proposed Economic Commission has not materialised so far?

(c) Do Government propose to take early steps to urge the Colonial Office for the appointment of an Economic Commission?

Sir Girja Shankar Bajpai: (a) The appointment of an Economic Enquiry Committee was contemplated by the Colonial Office in 1925.

(b) Government have no information.

(c) Government see no necessity for this at present.

DEBARRING OF INDIAN MEMBERS IN THE FIJI CIVIL SERVICE FROM PRIVILEGE ENJOYED BY EUROPEANS.

768. ***Mr. Mohan Lal Saksena:** Are Government aware of the fact that Indian members in the Fiji Civil Service are debarred from privileges enjoyed by the European members, and also that efforts are being made to segregate their grades entirely from those of Europeans? If so, what steps have Government taken to see that the Indians in Fiji Civil Service are put on an equal footing and no racial discrimination is made against them?

Sir Girja Shankar Bajpai: The Government of India have received no representations on the points referred to by the Honourable Member but are making enquiries and will, if necessary, take action in the direction suggested by him.

RESERVATION OF A SECTION OF HIGH GROUND FOR EUROPEAN RESIDENTIAL SITES IN THE TEVNA DISTRICT IN FIJI.

769. ***Mr. Mohan Lal Saksena:** (a) Has the attention of Government been drawn to the fact that in the Tevna district (Gold bearing area), the Tevna Development Committee has recommended that a section of high ground should be reserved for European residential sites?

(b) Are Government aware that there is a large number of Indian businessmen settled in the area and there is great resentment amongst them due to the aforesaid decision?

(c) What action, if any, have Government taken to see that such reservation is not made?

Sir Girja Shankar Bajpai: (a) Yes.

(b) and (c). Government have no information as to the number of Indians resident in Tevna. Representations were made to the Colonial Office in March, 1936, as a result of which an assurance has been received that no such reservation is intended.

GRIEVANCES OF INDIANS UNDER THE LIQUOR ORDINANCE IN FIJI.

770. ***Mr. Mohan Lal Saksena:** Are Government aware of the Liquor Ordinance in force in Fiji and its humiliating provision that no Indian can enter a hotel without possessing liquor permit? If not, are Government prepared to enquire into the matter and take early steps to redress the grievance of Indians under the Liquor Ordinance?

Sir Girja Shankar Bajpai: The Honourable Member presumably refers to the restriction against Fijians and Indians having in their possession or drinking any liquor unless they possess a special certificate of exemption. The Government of India drew the attention of the Secretary of State for the Colonies to this subject in 1927 and were informed that it was receiving the attention of the Governor of the Colony. They have left the matter since to be dealt with by the representatives of the Indian community in the local Legislative Council.

Mr. Mohan Lal Saksena: May I know when Government drew the attention of the Colonial Government to this?

Sir Girja Shankar Bajpai: I mentioned that it was in 1927—ten years ago.

Mr. Mohan Lal Saksena: Do not Government think that it is high time that they drew the attention of the Colonial Government again?

Sir Girja Shankar Bajpai: I also went on to add that the Government left the matter to be dealt with by the Indian members of the Fiji Legislative Council.

TRANSFER OF THE OFFICE OF THE SUPERINTENDENT OF POST OFFICES, LOWER SIND AND PERSIAN GULF DIVISION, FROM KARACHI TO HYDERABAD.

771. ***Mr. Lalchand Navalrai:** (a) Are Government aware that the question of the transfer of the office of the Superintendent of Post Offices, Lower Sind and Persian Gulf Division, from Karachi to Hyderabad (Sind) is still agitating the minds of the people of Sind?

(b) Is it a fact that Hyderabad (Sind) is a centre of the Post Offices, Lower Sind and Persian Gulf's Division?

(c) Is it a fact that recently thefts occurred in the Hyderabad Post Office?

(d) Do Government propose to make fresh enquiries into this problem and reconsider the question? If not, why not?

The Honourable Sir Frank Noyce: (a) to (d). Government have no information and do not propose to call for any. The matter is one within the competence of the head of the circle to whom a copy of this question is being sent for such action as he may consider suitable.

CONTRACT WITH THE ASIATIC STEAM NAVIGATION COMPANY, LIMITED, FOR CARRIAGE OF CARGO, PASSENGERS AND MAILS BETWEEN CALCUTTA AND PORT BLAIR.

772. *Mr. Mohan Lal Saksena: (a) Will Government be pleased to lay on the table a statement showing the terms and conditions on which they charter the S.S. "Maharaja" of the Asiatic Steam Navigation Company, Ltd., for carriage of cargo, passengers and mails between Calcutta and Port Blair in the Andaman Islands?

(b) Will Government be pleased to state since how many years they have been entering into a contract with the Asiatic Steam Navigation Company for this purpose and whether tenders are invited from shipping companies for this business?

(c) Will Government be pleased to state whether the contract with the Asiatic Steam Navigation Company is an annual contract?

(d) Will Government be pleased to state the total annual payment made to the Asiatic Steam Navigation Company as well as the total payment made to that Company since the inception of the arrangement with it?

(e) Will Government be pleased to state whether it is a fact that freights and fares received by the Asiatic Steam Navigation Company for cargo and passengers between Calcutta and Port Blair are credited to the Government of India and if so, the relative account in which the item is shown?

(f) Will Government be pleased to state whether any *ex-cadets* of the "Dufferin" are employed either on the S.S. "Maharaja" or on any other ship of the Asiatic Steam Navigation Company as (i) apprentices and (ii) officers? If so, what is the number of such apprentices and officers?

The Honourable Sir Henry Craik: (a) I lay on the table a copy of the Charter-Party executed with the Asiatic Steam Navigation Co., Ltd., dated the 18th October, 1935.

(b) The contract has been held by the Asiatic Steam Navigation Company, Limited, since 1888. It is the practice to invite tenders when the contract expires. On the last occasion tenders were invited by advertisement in India and in the United Kingdom, but no offer was received from any other company.

(c) No. The present charter is for five years with effect from the 9th September, 1935.

(d) A sum of Rs. 4,34,199 is paid annually to the Company. Payment was made at the same rate for the previous five years contract. It is impossible, without a good deal of research and labour, to say how much has been paid from the inception of the arrangement.

(e) The amount received on account of freight and fares for the cargo and passengers carried by the Andamans Steamer is credited to Government and is shown as receipts in the accounts of the Andamans Shipping Department in the Commercial Appendix to the Appropriation Accounts (Civil) issued by the Accountant General, Central Revenues, annually.

(f) Yes. The company have so far taken 13 *ex-cadets* as apprentices, of whom six are at present serving their apprenticeship. The number of *ex-cadets* who have so far been employed as officers by the Company is four.

TURNER, MORRISON & CO., LD.

CALCUTTA,

Telegraphic Address :

"TURNERS," CALCUTTA.

CHARTER-PARTY.

STEAMER "MAHARAJA".

BE IT KNOWN that it is this day mutually agreed by and between MESSRS. TURNER, MORRISON & CO., LTD., CALCUTTA, Managing Agents, MESSRS. ASIATIC STEAM NAVIGATION CO., LTD., Owners of the good steamer called "MAHARAJA", under British colours of 1,715 tons net register or thereabouts and the Secretary of State for India in Council, Charterer as follows :—

1. Owners agree to let and the Charterer agrees to hire the said steamship (except as hereinafter provided) for the term of Sixty calendar months such term commencing 9th September 1935, she being then in hull boilers and machinery tight staunch and strong and in every way seaworthy properly fitted and equipped for the service and with full complement of Officers Seamen Engineers Firemen and Domestics for a vessel of her tonnage.

2. To be employed as required by the Charterer or other persons authorised by him in lawful trade between Port Blair, Burma, and British India, and for visiting and trading to ports roadsteads and anchorages in the Andaman, Nicobar Coco and other outlying Islands within the jurisdiction of the Chief Commissioner of the Andaman and Nicobar Islands. The master of the said ship (for and on behalf of and as the servant of the owners) shall obey all lawful orders and instructions, which he may receive from the said charterer or any officer authorised by him. Provided that such instructions are not at any time of such a nature as to imperil the safety of the said steamship, decisions regarding which, after consultation where possible with the Charterers, to be left to the discretion of the Master.

3. Owners shall provide any pay for all the messing provisions (including drinking water) and wages of the Captain Officers Engineers and Crew, for the insurance of the vessel also for all engine room stores and other stores and shall maintain her under British Colours and the said ship shall at all times during the continuance of this charter be strong, firm, tight, staunch and substantial both above water and beneath and in every respect seaworthy in hull boilers and machinery, be properly manned, fitted stored, furnished equipped and found at the proper cost and charge of the Owners.

Owners shall not be liable for any further additions or alterations found necessary to suit the requirements of the charterer but the owners shall provide additional equipment and carry out any alterations which may be necessary to comply with any regulations passed by the Board of Trade after 9th September 1935. Owners shall also provide for messing for 1st and 2nd class passengers of the standard obtaining in Government Hired Transports and at the rates laid down in Transport Regulations, India. The charterer shall provide and pay for all the coal fuel, description at charterer's option, mats dunnages port charges pilotages, stevedorages agencies commissions and all other charges whatsoever except those before stated to be borne by the Owners.

4. No port holes or side ports are to be cut in the steamer without Owners' consent.

5. On re-delivery Owners will take over any small surplus of bunker coal that may be on board at the market rate then prevailing.

6. Charterer shall pay for the use and hire of the said vessel at the rate of Rs. 12/8/- (Rupees twelve and annas eight) per ton on the steamer's gross register tonnage of 2894.66 tons per calendar month the same hire to continue to be paid (unless steamer lost or unless as hereinafter provided) until re-delivery of the said vessel back to the owners at Calcutta. Payment to be made in cash monthly in advance to Messrs. Turner, Morrison & Co., Ltd., at Calcutta.

7. Owners shall have a lien upon all cargoes and all sub-freight for freight or charter money due under this Charter and the Charterer to have a lien on the steamer for all money paid in advance and not earned.

8. Should the steamer be at sea on the expiration of sixty months the Charterer shall only pay pro-rata for excess time so occupied until re-delivery at Calcutta. A refund will be made for any broken part of a month in excess of sixty months not made use of by the Charterer.

9. Charterer to be at liberty to sub-let part or the whole of the steamer but to remain responsible for due fulfilment of this contract.

10. In the event of loss of time for docking, deficiency of men or stores, breakdown of machinery or damage preventing the working of the vessel for more than 24 consecutive hours, the payment of hire shall cease from the date of her docking or damage or breakdown, etc., until the date when she shall be again in an efficient state to resume her service but should vessel be driven into port or to anchorage by stress of weather or from accident to the Cargo or be detained under any trade regulations or quarantine, such detention, or loss of time shall be at the Charterer's risk and expense. Should the vessel at any time be broken down and remain incapable of working for 30 consecutive days, Owners to have the option of substituting another steamer at the same rate of hire on the understanding that, the monthly amount of hire is not to exceed that paid under this charter by more than 10 per cent. In the event of the Owners not exercising this option Charterers to have the liberty of cancelling this charter such option to be declared on the thirty-first day. Should the vessel be lost any hire paid in advance and not earned (reckoning from the date on which the vessel was lost or last reported) shall be returned to Charterer. All derelicts and Salvages for Owners' and Charterer's mutual benefit expenses including the hire of the steamer being shared equally.

11. No additional hire is due under this Charter-Party for towage of Government craft which shall be undertaken when required by the Charterer subject to clause 17 and proviso to clause 2 hereof. Towage other than of Government Craft to be for Owners' and Charterers' benefit in equal shares.

12. The loading and discharging of the steamer to be done by the Charterer who will supply sufficient men for the purpose and pay all stevedorage and any other charges in connection therewith but the steamer not to be responsible for any claims that may arise on account of improper stowage or shortage of cargo.

13. The Cargo shall be laden and discharged in any dock or at any wharf or place that the Charterer may direct where she can always safely lie afloat. The whole reach and burthen of the ship both on and below deck (not being more than she can reasonably stow) shall be at the charterer's disposal reserving only proper and sufficient space for ship's Officers crew tackle apparel furniture provisions and stores. The vessel shall at all times receive on board and carefully and properly mat and dunnage (mats and dunnage being supplied by Charterer) such cargo and shall therewith proceed to such ports or places as above as the said Charterer or any person acting under his authority shall direct and there immediately on her arrival make right and true delivery of her cargo agreeably to receipts or Bills of Lading.

14. The Captain shall prosecute his voyages with the utmost despatch; he and the Engineers shall use their best endeavours to economise coal. The Captain shall use sails (if any) whenever practicable and shall assist to the utmost of his power with ships' crew and steam winches and tackle in loading and discharging. The Captain shall be solely responsible on behalf of the Owners for the Management Handling and Navigation of the ship. If the Charterer shall have reason to be dissatisfied with the conduct of the Captain Officers or Engineers the Owners shall on receiving particulars of the complaint investigate the same and if necessary make a change in the appointments. The Captain shall duly account to Charterer for the money and things received by him for Charterer's account. The Captain shall be furnished from time to time with all requisite instructions and sailing directions and he shall keep a full and correct log of the voyage or voyages also a correct account of coals received on board and of the daily consumption of the same all of which are to be open to the inspection of Charterer or his Agents.

15. The steamer shall be consigned at all ports to Charterer's Agents free of commission from the Owners. Sufficient cash for steamer's ordinary disbursements at the various ports to be advanced to the Master by Charterer's Agents not exceeding amount of Charter-money next due and for the due appropriation whereof the person advancing the money shall not be held responsible such advance to be on account of charter-hire and to be deducted therefrom from time to time.

16. Average, if any, according to York Antwerp Rules, 1924.

17. The Act of God perils of the sea fire barratry of the Master and crew enemies pirates and robbers arrests and restraints of Princes Rulers and people loss or damage from machinery boilers or steam or from explosion heat or fire on board in hull or craft or on shore jettisons and accidents of Navigation excepted strandings and collisions and all losses and damages caused thereby are also excepted even when occasioned by negligence default or error in judgment of Pilots Masters Mariners or other servants of the ship-owners.

18. Should any dispute arise between the Owners and the Charterer the matter in dispute shall be referred to three persons at Calcutta one to be appointed by each of the parties hereto and the third by the two so chosen their decision or the decision of any two of them shall be final and for the purpose of enforcing any award this agreement may be made a rule of Court.

19. Penalty for non-performance of this Contract the estimated damages.

Charter Party, dated Calcutta, the 18th day of October, 1935.

Witness to the Signature of

MESSRS. TURNER, MORRISON & CO., LD.
(Sd.) J. MORSEHEAD.

In the presence of

(Sd.) V. A. DIGHE.
Witness.

For and on behalf of
TURNER, MORRISON & CO., LTD.

(Sd.) M. A. HUGHES,

Director,

Managing Agents,

MESSRS. ASIATIC STEAM NAVIGATION CO., LTD.

Signed by

(Sd.) J. A. THORNE.

Addl. Joint Secretary to the Government of India.

CREATION OF A NEW POSTAL DIVISION IN BIHAR.

773. *Mr. Ram Narayan Singh: (a) Will Government be pleased to make a full statement with regard to the circumstances which led or compelled Government to create a new postal division in the Province of Bihar?

(b) Is it a fact that the postal employees of the Palamau district have been repeatedly protesting against the transfer of their district from the Gaya Postal Division to the Hazaribagh Division?

(c) Is it a fact that the President, All-India (including Burma) Postal and R. M. S. Union, Daltonganj Branch, has submitted a memorial to the Postmaster-General, Bihar and Orissa, protesting against the change referred to in part (b) on several grounds and if so, what is the fate of this memorial?

(d) Have Government considered or are they considering the several suggestions given in the memorial?

(e) Will this new creation or the change entail any additional expenditure and financial loss to the Department and, if not, how?

(f) Will the expenditure involved in this change interfere with the extension of postal facilities to the rural areas by means of opening new village post offices there and if not, why not?

(g) Are Government prepared to send for the memorial referred to above and also to give a sympathetic consideration to all the suggestions contained therein to save the employees, so far as possible from the difficulties and inconveniences apprehended?

The Honourable Sir Frank Noyce: (a) The creation of a new Postal Division in the Bihar and Orissa Circle was necessitated by the transfer of a large number of Post Offices from the Madras and Central Circles to the Bihar and Orissa Postal Circle on the formation of the separate and enlarged province of Orissa.

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

(d) Does not arise.

(e) The creation of the new Division has entailed some additional expenditure which was unavoidable. No question of financial loss to the Department arises.

(f) No. The additional expenditure involved is small.

(g) No. The matter is one within the competence of the Head of the Circle to whom copy of the question and of this reply will be sent for such action as he may consider suitable.

AMOUNT SPENT ON SUGAR RESEARCH.

774. { ***Seth Govind Das:** } Will Government be pleased to state:
 { ***Dr. N. B. Khare:** }

(a) the amount that has been spent on sugar research in each of the years 1934-35, 1935-36 and 1936-37;

(b) the various directions in which these sums have been spent; and

(c) the progress that has so far been made in promoting sugar research, both on the agricultural and on the manufacturing side?

Sir Girja Shankar Bajpai: (a) The amounts spent from Central Revenues were as follows:

	Rs.
1934-35	4,81,802 Actuals.
1935-36	5,63,862 „
1936-37	5,96,300 Estimate.

These sums are in addition to a sum of 18½ lakhs which has been made available to Provincial Governments from the Sugar Excise Fund during these three years.

(b) Apart from the work done at the Sugar-cane Station, Coimbatore, and the Imperial Institute of Sugar Technology, Cawnpore, a list of the research schemes financed by the Imperial Council of Agricultural Research is laid on the table.

(c) A brief account of the work in progress on these schemes is given in the annual reports of the Imperial Council of Agricultural Research, copies of which are available in the Library of this House.

List of Research Schemes.

1. Deputation of a chemist to Bhopal to test Khan Bahadur Hadi's process of manufacturing sugar by open pan method.†
2. Hadi's Commercial Test at Bilari under L. Har Sahai Gupta.†
3. Bengal scheme for sugar-cane crushing and gur boiling.†
4. Deputation of Sugar Technologist to Europe and America.†

† Completed schemes.

QUESTIONS AND ANSWERS.

5. Lump sum grants to United Provinces, Bihar and Orissa and Punjab Governments for experiments in designing a satisfactory small power sugar-cane crushing mill.*

6. Grant to Shahjahanpur Research Station for examination and study of sugar-cane seedlings.

7. Bombay-Deccan Sugar-cane Research Scheme.

8. Grant to Harcourt Butler Technological Institute, Cawnpore.

9. Scheme for the establishment of a Sugar-cane Research Station in Bihar and Orissa and for the appointment of a Sugar-cane Specialist.

10. Scheme for the establishment of a Sub-station of the Coimbatore Imperial Sugar-cane Station at Karnal.

11. Research on 'Mosaic' and other cane diseases at Imperial Agricultural Research Institute.

12. Sugar-cane Seedling Testing Station, Dacca.

13. Grant to the Mysore Durbar for breeding of thick canes.

14. Research on the Genetics of Sugar-cane at the Imperial Cane breeding Station, Coimbatore.

15. Research on Sugar-cane in the Madras Presidency.

16. Establishment of a Sugar-cane Research Station in the Punjab.

17. Investigation into various problems of Sugar Industry in the United Provinces.

18. Establishment of a Research and Testing Station for the indigenous system of gur and sugar manufacture by the Sugar Technologist to the Council.

19. Extension of sugar-cane work at the Jorhat Experimental Station, Assam.

20. Investigation into the production of Khandsari Sugar in the United Provinces and Bihar and Orissa.

21. Sugar Technologist—

+ (a) Main Office.

+ (b) Sugar Cable Service.

(c) Construction and testing of improved juice boiling bel.*

+ (d) Indian Sugar Trade Information Service.

(e) Bureau of Sugar Standards.

22. Economic Enquiry into the cost of production of crops in the principal sugar-cane and cotton tracts in India.

23. Chief Economist and his staff.

24. Research on insect pests of sugar-cane.

25. Research on morphology and anatomy of sugar-cane-Sorghum hybrids and of the Indian Sugarcane.

26. Sugar-cane Research in North-West Frontier Province.

27. Sugar Committee.

28. Research on the Chemistry of Sugar-cane.

29. Investigation of suitable types of canes for Gujrat.

30. Utilisation of bagasse for the paper and board industry.

*Completed Schemes.

†Merged into the Imperial Institute of Sugar Technology.

AMOUNT ALLOCATED TO THE PROVINCES OUT OF THE SUGAR EXCISE DUTY.

775. { ***Seth Govind Das:** } Will Government be pleased to state:
 { ***Dr. N. B. Khare:** }

(a) the amount that has been allocated to the various provinces out of the sugar excise duty, in each of the years, 1934-35.

1935-36 and 1936-37, for improvement in conditions of the cultivation and marketing of cane;

(b) whether any reports have been received from the various Local Governments as to the nature of the work that is being done by them; if so, whether Government will place copies of them on the table; and

(c) whether any progress has been made in the improvement of cultivation and marketing of cane in the respective provinces?

Sir Girja Shankar Bajpai: (a) It is presumed that the Honourable Member is referring to the allocation of the Sugar Excise Fund. A statement giving the information asked for is placed on the table.

(b) and (c). No reports of the progress made have been received from the provinces, but the nature of the work being done will be evident from the approved schemes mentioned in column 4 of the statement which has been laid on the table in answer to part (a) of this question.

Statement of amounts which have been allotted to or earmarked for Local Governments out of the Sugar Excise Fund as also general titles of schemes which may be financed from these sums.

Province.	Amount allotted in 1934-35 and 1935-36.	Amount allotted in 1936-37.	Approved Schemes.
United Provinces.	Rs. 5,40,000	Rs. 4,76,000	1. Administration of the Sugar-cane Act, 1934 and the Rules framed thereunder. 2. Co-operative marketing of sugar-cane. 3. Renewal of seed in areas affected by frost. 4. Development of cane cultivation in Tube-well area.
Bihar . . .	2,90,000	2,46,500	1. Working of the Sugar-cane Act, 1934 and the Rules framed thereunder. 2. Improvement of Sugar-cane cultivation. 3. Organisation and operation of Cane-growers' Co-operative Societies.
Madras . . .	57,500	31,500	} No suitable schemes have yet been formulated by the Governments of Madras and Bengal.
Bengal . . .	20,000	25,500	
Punjab . . .	30,000	25,000	1. Establishment of Cane-growers' Co-operative Unions for improvement of Cane cultivation and Co-operative marketing.
Burma . . .	30,000	17,000	1. Free supply of improved Java cane varieties to selected cultivators. 2. Free supply of fertilisers. 3. Propaganda on improving methods of cultivation.
Bombay . . .	30,000	25,500	1. Organisation of Co-operative Societies for the supply of sugar-cane to factories. 2. Grant to these Societies of subsidies for the entertainment of expert staff and purchase of improved types of seed.
Orissa . . .	5,000	5,000	Improving the standard and quality of cane by introducing improved methods of cultivation.

Mr. President (The Honourable Sir Abdur Rahim): Seth Govind Das.

Prof. N. G. Ranga: Will Government be pleased to call for the reports

Sir Girja Shankar Bajpai: The next question has been called.

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member is too late. The next question has been called.

COST OF PRODUCTION OF SUGAR-CANE.

776. { ***Seth Govind Das:** } Will Government be pleased to state the
 { ***Dr. N. B. Khare:** } actual cost of production of cane in India by Provinces and the steps taken by them to bring down the cost of cultivation of sugar-cane, which is considerably higher than in other countries like Java, Hawaii, etc.?

Sir Girja Shankar Bajpai: Accurate figures of the cost of production are not at present available, but data have been collected which are being compiled and analysed. Various problems connected with the cultivation of sugar-cane have been engaging the careful attention of Government over a series of years and they have spent a sum of Rs. 80 lakhs on these enquiries. As regards details of the work now in progress, I would refer the Honourable Member to the answers to questions Nos. 774 and 775 which have been given just now.

Seth Govind Das: What has been the result of spending these 80 lakhs?

Sir Girja Shankar Bajpai: I think the fact that there are improved varieties of cane grown in the country shows the result of the work that is being done.

Seth Govind Das: Is the result achieved in proportion to the money which has been spent?

Sir Girja Shankar Bajpai: It depends on what my friend means by proportion, but seeing that the income of the cultivator by growing the improved varieties of cane has been approximately doubled, I think my friend will agree that the expenditure has been commensurate with the results achieved.

Seth Govind Das: Are Government aware that the improvement in cultivation of sugar-cane is due to the increase in the number of factories, and not due to the expenditure made by the Government?

Mr. President (The Honourable Sir Abdur Rahim): That is a matter of argument.

Pandit Lakshmi Kanta Maitra: May I know what my Honourable friend's Department has so far done, if anything, to give publicity to the various aspects of the research work that is being done?

Sir Girja Shankar Bajpai: My friend will find the publicity in the Report of the Imperial Council of Agricultural Research to which I have referred. Apart from that, in so far as the practical application of these results is concerned, publicity is done by the Agricultural Department.

Mr. Kuladhar Chaliha: May I know what is the total acreage on the improved varieties of cane?

Sir Girja Shankar Bajpai: I am speaking from memory,—I think it is over two million acres.

ACQUISITION OF LAND BY SUGAR FACTORIES AT REASONABLE MARKET RATES.

777. { ***Seth Govind Das:** }
 { ***Dr. N. B. Khare:** } Will Government be pleased to state whether they have taken any steps to pass the necessary legislation, enabling the sugar factories to acquire land in the vicinity of factories at reasonable market rates, in order to carry out improvement in the cultivation of cane and to help the grower by the supply of sound and improved seeds on the most suitable terms and to educate him by practical demonstration? If not, why not?

Sir Girja Shankar Bajpai: Government have not felt the need for such legislation for the whole of India. Conditions vary from province to province, and it is for Local Governments to consider the matter, should circumstances necessitate this.

AMOUNT OF FREIGHT PAID BY SUGAR FACTORIES TO RAILWAYS.

778. { ***Seth Govind Das:** }
 { ***Dr. N. B. Khare:** } Will Government be pleased to state the figures of the amount of freight paid by the sugar mills annually to the various railways in India during the years 1932-33, 1933-34, 1934-35, 1935-36 and 1936-37 for transport of (1) sugar, and (2) of sugar-cane?

The Honourable Sir Muhammad Zafrullah Khan: Such statistics as are available in regard to the freight paid to Railways for the carriage of sugar, refined and unrefined, for each Class I Railway are published in statement No. 29 in Volume II of the Railway Board's Reports for the years referred to. Similar information in regard to sugar-cane is not recorded.

Seth Govind Das: Are Government aware that this rate differs from province to province?

The Honourable Sir Muhammad Zafrullah Khan: I am afraid I would require notice.

PRODUCTION OF POWER ALCOHOL FOR USE IN INTERNAL COMBUSTION ENGINES.

779. { ***Seth Govind Das:** }
 { ***Dr. N. B. Khare:** } Have Government carried out any research to find whether the production of power alcohol for use in internal combustion engines is possible on a commercial scale in this country? If so, with what results?

Sir Girja Shankar Bajpai: Government have made inquiries into the cost of production and distribution and are not satisfied that power alcohol could be commercially produced on a basis to compete economically with petrol.

MANUFACTURE OF POWER ALCOHOL.

780. { ***Seth Govind Das:** }
 { ***Dr. N. B. Khare:** } Are Government now prepared to consider the feasibility of undertaking suitable legislation for promotion of manufacture of power alcohol in the country by making the admixture of power alcohol with petrol in certain proportions a compulsory condition for motor fuel, as is being done in other sugar producing countries?

Sir Girja Shankar Bajpai: Government are not prepared to make the use of power alcohol compulsory.

PRODUCTION OF POWER ALCOHOL IN BRITISH INDIA.

781. { ***Seth Govind Das:** }
 { ***Dr. N. B. Khare:** } What is the obstacle in the way of Government allowing the production of power alcohol in British India with a view to helping the Indian sugar industry?

Sir Girja Shankar Bajpai: I would refer the Honourable Member to the answer given to question No. 779.

Prof. N. G. Ranga: In view of the fact that the production of power alcohol will certainly help the agriculturist to get a better price for his sugar-cane as a whole, will Government consider the advisability of allowing the production of power alcohol?

Sir Girja Shankar Bajpai: I think my friend is making a very large assumption when he says that if the production of power alcohol were subsidised, the benefits of it would accrue to the agriculturist.

STEPS TAKEN BY THE INDIAN SUGAR MILLS ASSOCIATION FOR THE PROMOTION OF A JOINT SUGAR SELLING ORGANISATION.

782. { ***Seth Govind Das:** }
 { ***Dr. N. B. Khare:** } Has the attention of Government been drawn to the steps taken by the Indian Sugar Mills Association for the promotion of a joint Sugar Selling Organisation? If so, do Government propose to take any steps to help the Association in the establishment of such an organisation?

Sir Girja Shankar Bajpai: Government are aware that the Indian Sugar Mills Association have discussed the question, but are not aware that any steps have been taken to set up a joint Sugar Selling Organisation. No proposals have been received from the Association.

Pandit Lakshmi Kanta Maitra: Apart from receiving any proposals from these Sugar Associations, don't Government think it desirable that some such organisation should be brought into existence?

Sir Girja Shankar Bajpai: Government may hold any opinion on the subject, but obviously it is a matter for the industry itself to take action on.

Prof. N. G. Ranga: Is anything being done by the Central Marketing Officer to persuade the sugar-cane mills to develop this sugar selling organisation?

Sir Girja Shankar Bajpai: The Marketing Officer has not applied himself to that subject yet, because it is understood that the industry is considering the matter.

EXPORT OF SUGAR FROM INDIA TO THE UNITED KINGDOM UNDER A
PREFERENTIAL TARIFF SCHEME.

783. { *Seth Govind Das: }
 { *Dr. N. B. Khare: } (a) Are Government aware of the production of sugar in India having outstripped consumption, and do Government propose to consider the question of helping the industry to export sugar from India to the United Kingdom under a preferential tariff scheme, in order to enable it to utilise its surplus production towards making the Empire self-sufficient?

(b) Are Government also prepared to consider the question of giving a rebate of the excise duty on exports of sugar, and of quoting specially reduced rates of freight to enable the Indian sugar to capture this new market?

The Honourable Sir Muhammad Zafrullah Khan: (a) There being no direct statistics of consumption, it is not possible to say that production exceeds consumption. But in India the cost of production is considerably higher than in other great sugar producing countries of the world and no great reduction in such cost is possible until the quality of Indian sugar-cane has been further improved and the cost of its production reduced—a process that must take several years. In the meantime Government do not think it would be feasible for Indian sugar to compete on the export market.

(b) Under clause 9 of the Sugar (Excise Duty) Order, 1934, a refund of excise duty is admissible on Indian sugar exported outside India. The point raised in the latter portion of this part does not arise in view of my answer to part (a).

Prof. N. G. Ranga: Have Government tried to estimate the total consumption of sugar in this country and also the capacity of the Indian people to consume sugar in this country?

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

Pandit Lakshmi Kanta Maitra: Did the Honourable Member say that he was not aware that the production of sugar in this country exceeded consumption? Did he say like that?

The Honourable Sir Muhammad Zafrullah Khan: There are no direct statistics.

Pandit Lakshmi Kanta Maitra: Is it not a fact that his colleague, the Finance Member, told us the other day that the sugar industry has been suffering from over-production?

The Honourable Sir James Grigg: Yes, I can give quotations from the Indian Sugar Mills Association itself, if the Honourable Member wants them.

Pandit Lakshmi Kanta Maitra: My friend can pass them on to his colleague, Sir Muhammad Zafrullah Khan.

RESTRICTIONS ON THE ERECTION OF NEW SUGAR MILLS.

784. { *Seth Govind Das: }
 { *Dr. N. B. Khare: } Have Government considered the desirability of putting restrictions on the erection of new sugar mills in the country, as also on the expansion of the existing mills, in order to establish the Indian sugar industry on a firm and sound basis? If not, why not?

Sir Girja Shankar Bajpai: The Tariff Board, which is to enquire into the question of the continuance of protection to the Indian sugar industry, will no doubt consider whether any restrictions on the further expansion of the industry are necessary.

Prof. N. G. Ranga: Is this also one of the terms of reference to that Tariff Board whether any restriction in the multiplication of sugar-cane mills is needed or not?

Sir Girja Shankar Bajpai: As far as I know, the terms of reference to the Tariff Board are fairly wide, and if the industry itself feels that some sort of restriction ought to be imposed upon further expansion, I have no doubt they will consider the point if it is brought to the notice of the Board.

Mr. Lalchand Navalrai: May I know when this Report will be published?

Sir Girja Shankar Bajpai: It is impossible to say, because they have not started their work.

Mr. Lalchand Navalrai: Will it take a year or two for them to finish the work?

Sir Girja Shankar Bajpai: I am afraid that even the Tariff Board will not be able to say, until they have had the evidence, when they will be able to finish their task.

Mr. Lalchand Navalrai: When will they commence their task?

Sir Girja Shankar Bajpai: In the near future, I hope.

POSSIBILITY OF ECONOMIC TRANSPORT OF SUGAR FROM THE PRODUCING CENTRES TO CONSUMING MARKETS.

785. { ***Seth Govind Das:** } Have Government made investigations in
 { ***Dr. N. B. Khare:** } regard to the consumption of sugar in the various provinces in relation to their respective production with a view to considering the possibility of economic transport of sugar from the producing centres to the distant consuming markets within the country? If so, will they be pleased to give a comparative table for each province?

Sir Girja Shankar Bajpai: Statistics of consumption of sugar in the separate provinces are not available.

Prof. N. G. Ranga: Do Government propose to collect that information?

Sir Girja Shankar Bajpai: It is going to be a very difficult business to collect statistics of consumption.

CONSUMPTION OF SUGAR IN INDIA.

786. { ***Seth Govind Das:** } (a) Have Government prepared any statistics showing the consumption of sugar in India for the various years beginning from 1931-32?
 { ***Dr. N. B. Khare:** }

(b) If so, will Government be pleased to state whether consumption of sugar in India has been increasing since 1932-33, and at what rate?

Sir Girja Shankar Bajpai: (a) and (b). No direct statistics of consumption are available. A rough estimate has been made of the probable consumption by deducting from the total of estimated production and imports, exports, including re-exports by land and sea and closing stocks in respect of each year. A statement based on these calculations is laid on the table.

Statement showing the quantity of Sugar available for Consumption in India.

	1932-33.	1933-34.	1934-35.	1935-36.
Quantity tons	925,710	931,877	1,014,898	1,010,203

Seth Govind Das: Is it a fact that on account of the fall in the price of sugar, the consumption has been increasing regularly?

Sir Girja Shankar Bajpai: The figures do not bear that out one way or the other.

Pandit Lakshmi Kanta Maitra: Does my friend say that actually there has been no increase in consumption?

Sir Girja Shankar Bajpai: All I say is that I have no data in my possession either to corroborate or to contradict that impression. It is a matter of individual opinion.

UNSTARRED QUESTIONS AND ANSWERS.

SUPERVISION OF CERTAIN POST OFFICES IN CALCUTTA.

109. **Mr. V. V. Giri:** (a) Is it a fact that the Deputy Sub-Postmasters of the following post offices are to look into the work of all the branches of the office during the absence of the Sub-Postmasters:

(1) Barabazar, (2) Beadon Street, (3) Bowbazar, (4) Dharamtalla, (5) Amherst Street, and (6) Park Street?

(b) If the reply to part (a) be in the negative, will Government please state whether there are any other supervisors in these offices to look after the work during the Sub-Postmaster's absence? If so, what is their designation and what is their pay?

(c) Will Government please also state how many clerks remain under the control of Deputy Sub-Postmasters in these offices?

The Honourable Sir Frank Noyce: Questions Nos. 109, 110 and 112 are replied together.

Government have no information. The matter is within the competence of the Postmaster-General, Bengal and Assam, to whom copies of the questions have been sent for such action as he may consider necessary.

HOURS OF ATTENDANCE OF THE MONEY ORDER ISSUE CLERK OF THE CIRCUS POST OFFICE.

†110. **Mr. V. V. Giri:** (a) Will Government be pleased to state the hours of attendance of the money order issue clerk of the Circus Post Office?

(b) Is it a fact that there is no fixed clerk to receive ordinary and telegraphic money orders from 9-0 A.M. to 6-0 P.M.?

(c) If the reply to part (b) be in the negative, will Government be pleased to state who receives money orders between these hours?

AMOUNT ALLOTTED TO THE CALCUTTA GENERAL POST OFFICE FOR PURCHASES OF FURNITURE.

111. **Mr. V. V. Giri:** (a) Will Government be pleased to lay on the table a statement showing the amount allotted to the Calcutta General Post Office during the years 1933-34, 1934-35 and 1935-36 for the purchase of furniture and what amount was actually spent during these years?

(b) Will Government please also state what amount was spent for the purchase or repair of furniture for the Calcutta General Post Office and for the town Sub-Offices separately?

†For answer to this question, see answer to question No. 109.

The Honourable Sir Frank Noyce: (a) and (b). Government have no information and do not propose to call for it as they do not consider that any useful purpose would be served by doing so. The allotment for the purchase of furniture for different post offices and its utilisation is a matter entirely within the competence of the Postmaster-General, Bengal and Assam Circle.

VOLUME OF WORK IN CERTAIN POST OFFICES IN CALCUTTA.

+112. **Mr. V. V. Giri:** (a) Will Government be pleased to lay on the table a statement showing average number of (i) money orders booked and paid, (ii) savings bank deposit and withdrawal, (iii) registered letters, packets and V. P. letters packets booked and delivered, and (iv) registered and V. P. parcels booked and delivered from the following offices in Calcutta:

(1) Kalighat, (2) Kidderpore, (3) Circus, (4) Belegkata and (5) Shyam-bazar?

(b) Are Government aware that a certain area served by the Tollygunj Post Office has been added to the delivery jurisdiction of the Kalighat Post Office, as a result of which the work of that office has increased to a great extent?

(c) Will Government please state how many clerks are justified in the offices mentioned at part (a) according to the volume of work of all branches of the Post Office?

(d) Are Government aware that the clerks of all these offices are over-worked and they are compelled to work for more than eight hours a day?

TRAINING CLASSES FOR RECRUITS TO THE RAILWAY MAIL SERVICE.

113. **Mr. V. V. Giri:** Will Government be pleased to state:

(a) whether it is a fact that there existed in the past training classes for training recruits of the Postal and Railway Mail Service in the departmental work;

(b) whether they have since been abolished; if so, for what reasons;

(c) whether it is a fact that the Postal Enquiry Committee of 1934-35, after taking evidence of various witnesses with mature experience of the Railway Mail Service, expressed their considered opinion that the work in the Railway Mail Service being of an intensely technical nature, the training classes be re-established;

(d) whether it is a fact that the Director-General also agreed with that view and was for some time contemplating arranging for three months' previous training of the Railway Mail Service recruits;

+For answer to this question, see answer to question No. 109.

(e) whether they are aware that the necessity for Railway Mail Service training classes is generally and keenly felt by Railway Mail Service officers and staff; and

(f) if the reply to the above be in the affirmative, whether they propose to open the training classes for the Railway Mail Service; if not, why not?

The Honourable Sir Frank Noyce: (a) Classes formerly existed for training recruits to the Railway Mail Service work, but no such regular classes existed generally for Post Office clerks.

(b) Yes: because they were found unnecessary and expensive.

(c) The fact is not exactly as stated. The recommendation of the Postal Enquiry Committee was conditional. They recommended the re-opening of training classes if it was held that the existing system of giving training for three months without allowance to the Railway Mail Service candidates conflicted with the orders of Government that the employment of unpaid probationers should be discontinued.

(d) No.

(e) Government are not aware of any such feeling.

(f) In view of the fact that the existing system already provides for a training of three months in Railway Mail Service work, it is not considered that there is any need for re-opening training classes for Railway Mail Service sorters.

APPOINTMENTS MADE ON RAILWAYS OWNED BY GOVERNMENT.

114. **Mr. V. V. Giri:** Will Government be pleased to state the number of appointments made in the subordinate and inferior service posts on each Class I Railway owned by the Government of India during 1935-36 and classified according to each community?

The Honourable Sir Muhammad Zafrullah Khan: For information regarding subordinate staff, the Honourable Member is referred to paragraph 76, Chapter VI, of the Report by the Railway Board on Indian Railways for 1935-36, Volume I, a copy of which is in the Library of the House. Government have no information in respect of inferior staff.

RETRENCHED STAFF ON THE WAITING LIST AND STAFF RE-EMPLOYED ON RAILWAYS.

115. **Mr. V. V. Giri:** Will Government be pleased to state the number of the retrenched staff on the waiting lists and the number of the retrenched re-employed during 1935-36 in the subordinate and inferior service posts on each Class I Railway?

The Honourable Sir Muhammad Zafrullah Khan: I would refer the Honourable Member to the information laid on the table of the House on the 27th February, 1936, in reply to unstarred question No. 37, asked by

him on the 4th February, 1936. Information asked for by the Honourable Member in regard to all Class I Railways for the year 1936 is not readily available. The only information available is contained in the statements showing the progress made in the re-employment of retrenched staff borne on the waiting list on State-managed Railways for the six months ending the 30th June and the 31st December, 1936, respectively, copies of which I lay on the table of the House.

Statement showing the progress made in the re-employment of retrenched staff on State-managed Railways during the half year ending 30th June, 1936.

Railways.	No. of retrenched staff borne on the waiting list on 1st January, 1936.			No. of retrenched staff re-employed during six months ended 30th June, 1936.		
	Subordinate staff.	Labourers and workshop employees.	Inferior staff.	Subordinate staff.	Labourers and workshop employees.	Inferior staff.
Burma	48	770	295	2	15	31
G. I. P.	404	538	1,033	12	55	218
E. B.	6	98	16	1	8	..
N. W.	36	1,079	21	16	55	3
E. I.	11	2,406	312	..	108	110

Statement showing the progress made in the re-employment of retrenched staff on State-managed Railways during the half year ending 31st December, 1936.

Railways.	No. of retrenched staff borne on the waiting list on the 1st July, 1936.			No. of retrenched staff re-employed during the 6 months ended 31st December, 1936.		
	Subordinate staff.	Labourers and workshop employees.	Inferior staff.	Subordinate staff.	Labourers and workshop employees.	Inferior staff.
1	2	3	4	5	6	7
E. B.	4	83	13	..	4	..
G. I. P.	301	528	1,109	9	16	20
N. W.	26	914	7	8	35	3
Burma	30	645	66	1	14	1
E. I.	11	2,258	173	..	70	25

STAFF RETRENCHED ON RAILWAYS.

116. **Mr. V. V. Giri:** Will Government be pleased to state the number of staff retrenched in subordinate and inferior service, respectively, on each Class I Railway during 1935-36 and after?

The Honourable Sir Muhammad Zafrullah Khan: The information asked for is not readily available. The only information available is that

relating to the number of staff retrenched on the State-managed Railways between the 12th June, 1936, and the 30th September, 1936. I lay on the table of the House a statement containing these figures.

Statement showing the number of surplus staff discharged on State-managed Railways during the period 12th June, 1936 to 30th September, 1936.

Railways.	Subordinate staff.	Workshop staff and Labourers.	Inferior staff.
E. B.	..	..	..
G. I. P.	1	32	36
Burma	..	18	83
N. W.	5	314	2
E. I.	5	7	169
Total	11	371	290

SUPERANNUATED STAFF ON RAILWAYS.

117. **Mr. V. V. Giri:** Will Government be pleased to state the number of staff on each Class I Railway, who have already reached their superannuation age, or will reach superannuation age within the next three years?

The Honourable Sir Muhammad Zafrullah Khan: Government do not propose to collect the information as it will involve an amount of labour and expense not likely to be justified by results.

INCOME DERIVED THROUGH ENTRANCE FEES PAID BY APPLICANTS FOR POSTS ON THE RAILWAYS.

118. **Mr. V. V. Giri:** Will Government be pleased to state the amount of income derived by each Class I Railway during 1935-36 through entrance fees paid by applicants for posts on the Railways?

The Honourable Sir Muhammad Zafrullah Khan: Government have no information and do not consider that the amount of labour and expense involved in its collection would be justified by results.

CENTRALIZATION OF THE OFFICE OF THE DIRECTOR OF ORDNANCE AT SIMLA.

119. **Mr. C. N. Muthuranga Mudaliar:** (a) Is it a fact that the office of the Director of Ordnance, which was originally located at Calcutta, was transferred and centralized at Simla in 1924? If so, will Government please state the policy in furtherance of which this office was dislodged from Calcutta?

(b) Is it a fact that this centralization has benefited the non-Indian element of Army Headquarters establishment in that the strength of this element was increased by 25 per cent. calculated on the strength of Indian personnel of the office of the Director of Ordnance Factories which contained no non-Indian personnel while at Calcutta?

(c) Is it a fact that His Excellency the Commander in Chief does not consider it necessary to have this office with him in Delhi for six months of the year, and as a result thereof the office of the Director of Ordnance Factories is permanently fixed up at Simla? If so, why?

(d) Will Government please state the expenditure incurred in bringing this office from Calcutta to Simla in 1924?

(e) Are Government prepared to decentralize this and other offices whose heads of departments can run their administration by being cut away from these offices for six months? If not, why not?

Mr. G. R. F. Tottenham: I would refer the Honourable Member to my reply to Mr. M. Asaf Ali's starred question No. 29 asked on the 25th January, 1937.

GRIEVANCES OF ARMY HEADQUARTERS STAFF COMPELLED TO WINTER AT SIMLA.

120. **Mr. C. N. Muthuranga Mudaliar:** Are Government aware that the clerical staff of Army Headquarters who are compelled to winter up at Simla suffer from various grievances including lack of amenities for six months, and that Government have declined to take any steps to ameliorate them? If so, why?

Mr. G. R. F. Tottenham: I would refer the Honourable Member to my reply to Mr. M. Asaf Ali's starred question No. 29 asked on the 25th January, 1937.

MEDICAL LEAVE WITH FULL PAY IN THE EAST INDIAN RAILWAY HIGH SCHOOLS.

121. **Mr. B. B. Varma:** (a) Is it a fact that there is no medical leave with full pay admissible in the East Indian Railway high schools?

(b) Are Government aware that there is such leave allowed in Government high schools and even in aided high schools, as for example, in Bihar?

(c) Do Government propose to remove the anomaly and introduce the leave rules in force in Government high schools or, at least, aided high schools, in the East Indian Railway high schools?

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

(b) Government have no information.

(c) Government do not consider it necessary to make any change in respect of the leave rules applicable to the teaching staff in Railway Schools (including the East Indian Railway High Schools) which were framed after careful consideration.

OPENING OF A MILITARY BASE IN THE DISTRICT OF CHAMPARAN IN BIHAR.

122. **Mr. B. B. Varma:** (a) Is it a fact that correspondence is going on between the Government of India and the Nepal Government for opening a military base in the district of Champaran, Bihar?

(b) If so, will Government be pleased to state the place selected for the purpose and the strength of the force which is to be maintained, and for what specific purpose?

Mr. G. R. F. Tottenham: (a) There has been no such correspondence.

(b) Does not arise.

OVERBRIDGE OVER THE LEVEL CROSSING NORTH TO THE JAMALPUR RAILWAY STATION.

123. **Mr. B. B. Varma:** (a) Will Government be pleased to state the total expenditure incurred on the construction of the new overbridge over the level crossing north to Jamalpur railway station?

(b) Is it a fact that the same overbridge is being dismantled and shifted further north? If so, what is the estimated expenditure for dismantling and re-erecting the same? Why was this not foreseen?

The Honourable Sir Muhammad Zafrullah Khan: Enquiries are being made from the Railway Administration, and a reply will be laid on the table in due course.

WORKING HOURS FOR MINISTERIAL STAFF ATTACHED TO CERTAIN OFFICES IN THE JAMALPUR RAILWAY WORKSHOPS.

124. **Mr. B. B. Varma:** (i) Which are the large railway workshops under State management, and what are the working hours in the different workshops?

(ii) What are the working hours for the ministerial staff attached to the different offices of the Mechanical Engineers, the Officers in charge of the workshops?

(iii) Is it a fact that the working hours for the ministerial staff attached to the offices of the Deputy Chief Mechanical Engineer, Jamalpur, the District Controller of Stores, Jamalpur, the District Electrical Engineer, Jamalpur and the Workshop Accounts Officer, Jamalpur, is from 8 A.M. to 11 A.M., and again from 12 to 4 P.M., as is nowhere on the line?

(iv) Is it a fact that the staff attached to the offices in question have applied for alteration of office hours, which is very inconvenient to them; if so, what is the result?

The Honourable Sir Muhammad Zafrullah Khan: (i) As regards the first part, the following are the large workshops under State management:

Burma Railways.	Insein. Myitnge.
E. B. Railway	Kanchrapara (Loco.). Kanchrapara (Carriage). Saidpur.
E. I. Railway.	Lillooah. Tatanagar workshops. Jamalpur. Lucknow (Loco.). Lucknow (Carriage).
G. I. P. Railway	Parel. Mutunga. Jhansi.
N. W. Railway	Moghalpura.

As regards the second part, Government have no information.

(ii), (iii) and (iv). Presumably the Honourable Member is referring to the East Indian Railway. The matters referred to in these parts relate to detailed administration, which are entirely within the competence of the Agent, East Indian Railway. I am, however, sending a copy of the question and my reply to the Agent for such action as he may consider necessary.

DISTANCE BETWEEN THE WORKSHOP GATE AND THE NEW COLONY CONSTRUCTED IN RAMPUR FOR THE CLERICAL STAFF AT JAMALPUR.

125. Mr. B. B. Varma: (i) What is the distance between the Workshop Gate and the new Colony constructed in Rampur for the habitation of the clerical staff at Jamalpur?

(ii) Is it a fact that two responsible Railway Officers had examined the distance and time taken in coming and going back to and from the office who reported that 50 minutes was the minimum time required?

(iii) Was this matter discussed at an Officers' meeting at Jamalpur? If so, what was the result?

(iv) Have Government considered whether it is practicable that staff residing at Rampur Colony can go to their quarters, take their baths and meals and then come back to the works within one hour (between 11 and 12 the meal hour)?

The Honourable Sir Muhammad Zafrullah Khan: Governments are informed as follows:

(i) The distance from the Mechanical Workshop Gate to the centre of the Rampur Colony is approximately $1\frac{1}{4}$ miles.

(ii) The reply to the first part is in the affirmative, and the second part in the negative.

(iii) The reply to the first part is in the affirmative. As regards the latter part the officers were of the opinion that there was no justification for increasing the tiffin hour period.

(iv) Yes, provided they have bicycles as most of them have. I would, however, mention for the information of the Honourable Member that a tiffin shed for Hindu and Muhammadan clerks has been provided at Jamalpur, and any clerks who have not got bicycles can make use of this.

INTRODUCTION OF THE CLOCKING SYSTEM FOR THE ATTENDANCE OF THE CLERICAL STAFF AT JAMALPUR.

126. Mr. B. B. Varma: (i) What necessitated the introduction of the Clocking System for the attendance of the clerical staff at Jamalpur?

(ii) What is the additional expenditure incurred on the installation and maintenance of these clocks in comparison with the previous system?

(iii) Was this system experimented in any other Railway? If so, what was the result?

The Honourable Sir Muhammad Zafrullah Khan: Government have no information. These are matters of detailed administration and are entirely within the competence of the Agent of the Railway.

SCALES OF PAY FOR THE SUBORDINATE STAFF OF THE EAST INDIAN RAILWAY ACCOUNTS DEPARTMENT.

127. Mr. B. B. Varma: (i) Is it a fact that after taking over the East Indian Railway Company by the State, a revised State Railway scale of pay was introduced for the subordinate staff of the Accounts Department?

(ii) Is it a fact that the employees belonging to the Accounts Department of the East Indian Railway were given the option to elect the revised scale of pay?

(iii) Is it a fact that at that time each office under the Chief Accounts Officer was treated as a separate entity and promotions were made against vacancies arising in that office?

(iv) Is it a fact that the old East Indian Railway Accounts Clerks in higher grades were allowed to rise up to Rs. 200 (same as old scale) instead of Rs. 170 (new scale) if they elected new scale of pay?

(v) Is it a fact that at that time clerks remaining in the old scales of pay could not be promoted against a vacancy caused by a clerk in the new scale and *vice-versa*?

(vi) Is it a fact that the letter containing the particulars of the revised scales of pay were not circulated among the clerical staff of the Accounts Offices at Jamalpur?

(vii) Is it a fact that the conditions enumerated in parts (iii) and (v) have since been withdrawn?

(viii) Is it a fact that the old Great Indian Peninsula and Burma Railway Companies' Accounts staff who elected the revised scales of pay, have been allowed the option to revert to the old company's scales of pay? If so, why?

(ix) Is it a fact that they were allowed this concession because they elected the revised scales of pay through a misunderstanding?

(x) Is it a fact that the East Indian Railway employees were also similarly placed?

(xi) What expenditure will be incurred if the East Indian Railway employees also are allowed to revert to the old scales of pay?

(xii) Is it a fact that the old East Indian Railway staff (affected) submitted a memorial to the Financial Commissioner, Railways, with the prayer to allow them to revert to the old scales of pay? If so, what was the result?

Sir Raghavendra Rau: The information required is being collected, and a statement will be laid on the table in due course.

FREE DISTRIBUTION OF SEEDS OF SOYA BEANS TO CULTIVATORS.

128. Mr. S. K. Hosmani: (a) Are Government aware that Soya bean is an article of food of great nutritive value and could easily be grown in India?

(b) Are Government prepared to consider the question of distributing free seeds of Soya beans to cultivators of some most suitable districts to encourage this cultivation?

Sir Girja Shankar Bajpai: (a) The question of the value of the Soya bean as an addition to average Indian diets is being actively studied by the nutrition workers of the Indian Research Fund Association. The answer to the second part of the question is in the affirmative.

(b) This is a matter for the Departments of Agriculture in the provinces.

DISCONTENT AMONGST THE SCRAP IRON DEALERS IN LAHORE.

129. **Mr. Sham Lal:** (a) Are Government aware that there is a great uneasiness amongst the scrap iron dealers in Lahore?

(b) Is it a fact that several scrap iron dealers have reported to the Railway Board about these affairs, and asked for permission for their deputation to wait on the Chief Commissioner and the Financial Commissioner of Railways?

(c) Is it a fact that these merchants have urged for an independent enquiry committee to look into the irregularities made by the stores officials of the North Western Railway, which resulted in a loss of a huge sum of money to the Railway and the tax-payers?

(d) Is it a fact that the Railway Board have given these merchants no reply?

(e) Will Government let this House know why no reply has been given to the merchants?

(f) Are Government prepared to appoint an independent enquiry commission to look into the misdeeds of the stores official to avoid recurrence of such irregularities? If not, why not?

The Honourable Sir Muhammad Zafrullah Khan: (a) to (f). Government are appointing a Committee of enquiry into the whole question of the disposal of scrap on the North Western Railway.

STATEMENTS LAID ON THE TABLE.

Information promised in reply to starred questions Nos. 1268 and 1269 asked by Sardar Sant Singh on the 15th October, 1936.

REPLACEMENT OF UNQUALIFIED CLERKS BY QUALIFIED ONES IN THE GOVERNMENT OF INDIA OFFICES.

Question No. 1268.—(a), (b) and (d). The decision of the Government of India is contained in the Home Department Office Memorandum No. F.411/33-Ests., dated the 14th March, 1935, a copy of which is laid on the table. The replacement of unqualified persons in temporary vacancies by candidates from the Public Service Commission's list was delayed by a shortage of such candidates, but a supply of them is now available and they are being posted to temporary vacancies in all Departments in accordance with this Office Memorandum.

(c) Yes.

(e) Yes.

(f) No.

(g) In view of the reply to part (f) this does not arise.

(h) and (i). Long temporary vacancies are reported to the Home Department and are filled by candidates nominated by that Department.

(j) Exemptions are granted only in the public interest in accordance with paragraph 2 (VIII) of the Home Department Office Memorandum, No. F.94/30-Ests., dated the 18th February, 1931, a copy of which will be found in the Library of the House.

COPY OF HOME DEPARTMENT, OFFICE MEMORANDUM, NO. F.411/33-Ests., DATED THE 14TH MARCH, 1935.

SUBJECT:—*Filling of temporary posts and vacancies in the ministerial establishment of the Government of India, Secretariat and Attached Offices.*

With reference to the correspondence resting with the Foreign and Political Department/ etc., Office Memorandum No.

D.2797-F. O./33, dated the 28th March, 1934,

D.479-Cash/33, dated the 19th January, 1934,

F.428/33-C. & G., dated the 20th December 1933,

5564/A. D.-3, dated the 8th December, 1933.

411-C., dated the 28th December, 1933,

10-E.(26)/33, dated the 8th January, 1934,

1347-E., dated the 7th December, 1933,

F.5842/33-Gl., dated the 11th January, 1934,

G.-201, dated the 14th March, 1934,

3269-G., dated the 22nd February, 1934,

4214-G./33, dated the 20th February, 1934.

on the subject mentioned above, that Department is informed that it has been decided, after a careful consideration of the relevant circumstances, to accept the suggestions of the Public Service Commission to the extent indicated below:—

(i) *Temporary posts or vacancies likely to become permanent.*—In the First and Second Divisions these posts or vacancies should be treated as permanent ones, and filled by direct recruitment or promotion in accordance with the orders for the filling of permanent vacancies laid down in the Home Department Office Memoranda Nos. F.452/27, dated 8th December, 1928, F.94/30-Ests., dated 18th February 1931 and F.537/31-Ests., dated the 27th February 1934. In the Third Division such posts or vacancies should be filled by external recruitment unless it is decided to fill them by transfer *vide* Home Department Office Memorandum No. F.498/33-Ests., dated 1st February 1934. Where there are two or more such vacancies in the same office held by external candidates, the candidate with the prior claim according to the orders should be confirmed first provided he is suitable, even though the post or vacancy against which he was recruited may not be the first to be made permanent.

(ii) *Purely temporary posts or vacancies.*—Purely temporary posts or vacancies in the First Division should always be filled by (a) promotion or (b) transfer. Those in the Second Division should be filled by either of these methods or (c) by external recruitment from the lists of candidates declared qualified by the Public Service Commission. Recruitment by transfer should of course be made in accordance with the provisions of the Home Department Office Memorandum, No. F.498/33-Ests., dated the 1st February, 1934, and promotion should also be made in accordance with the rules relating thereto. In the Third Division temporary posts or vacancies of three months duration or more should be filled from the Public Service Commission's lists unless transfers are resorted to under the Home Department Office Memorandum, No. F.498/33-Ests., dated the 1st February, 1934.

Vacancies of less than three months duration in the Second or Third Division may be filled at the discretion of the Head of the office; but if external recruitment is resorted to, candidates from the Public Service Commission lists should be taken as far as practicable. If a candidate not on the Public Service Commission's list is appointed to a post or vacancy

of less than 3 months' duration in the first instance and the post or vacancy is subsequently prolonged for a single period of 3 months or more, a candidate from the Public Service Commission's lists should be recruited for the extended period.

(iii) *Leave vacancies*.—These should be dealt with according to duration in accordance with clauses (i) and (ii) above.

2. Candidates should in all cases be warned that on the termination of the particular vacancy to which they have been appointed, they will have no claim either to retention in the Department in which they were originally entertained or to be provided elsewhere by transfer.

3. *Existing incumbents of temporary posts or vacancies*.—As regards the unqualified candidates who are at present holding temporary posts or vacancies in the various Departments and offices, it has been decided that unless the posts or vacancies in which they are employed are expected to continue for three months or more from the date on which these orders come into force; they need not be replaced by candidates on the Public Service Commission's list.

4. Some Departments still have a temporary unqualified staff of long standing, no member of which is appointed specifically against any particular vacancy, individuals being shown against different vacancies from time to time, with a recognised seniority *inter se*, the junior most man being thrown out of employment when a vacancy comes to an end. This arrangement which creates a class of unqualified men who on the ground of their long service eventually claim to be retained permanently, a claim which is usually supported by the Heads of their offices, is unsatisfactory. It has therefore been decided that each new vacancy must be treated as a separate entity and filled in accordance with the orders contained in the preceding paragraphs.

5. These orders supersede those contained in sub-clauses 2 to 4 of clause IX of paragraph 1 of the Home Department Office Memorandum No. F.452/27-Ests., dated the 8th December 1928 and will come into force with effect from the May 1st 1935.

6. *The Foreign and Political Department/etc.*, is requested to communicate a copy of this Office Memorandum to such of its attached and subordinate offices as recruit through the Home Department.

G. McELHINNY,

Addl. Deputy Secretary to the Govt. of India.

To

All Departments of the Government of India
(excluding the Reforms Office).

No. F.411/33-Ests

Copy forwarded to the Public Service Commission and the Director of Public Information, for information and guidance (with reference to their letter No. F.68/33-M., dated the 12th August, 1933).

By order,

G. McELHINNY,

Addl. Deputy Secretary to the Govt. of India

() To P. S. C. only.

MEN QUALIFIED FOR FIRST AND SECOND DIVISIONS AWAITING APPOINTMENT IN THE GOVERNMENT OF INDIA OFFICES AND RECRUITMENTS MADE IN THE FOREIGN AND POLITICAL DEPARTMENT.

Question No. 1269.—(a) All direct recruits to the First and Second Divisions are on probation at first for at least a year and are confirmed on completing their probation as permanent vacancies occur.

(b) If the Honourable Member refers to men who had qualified before the present system of competitive examinations came into force, the information asked for will be found in the reply given to Pandit Sri Krishna Dutta Paliwal's question No. 1361, which has been included in the proceedings of the Assembly for the 11th September, 1936.

(c) During the period 2nd January, 1936, to the end of September, 1936, the Foreign and Political Department filled temporarily one vacancy in the First Division by promotion and three vacancies by transfer from other offices. In the Second Division, seven permanent and two temporary vacancies have been filled by external candidates and one temporary vacancy by transfer. Of the four men appointed to the First Division one is from Bengal, one from Madras and two from the Punjab. Of the ten men appointed to the Second Division, five are from Madras, two from the Punjab and one each from Bengal, the United Provinces and Delhi.

(d) In the Third Division 17 men were recruited for temporary vacancies. The provincial composition is as follows:

Punjab	12
Madras	2
Bengal	2
United Provinces	1
Total	17

(e) *First Division.*

Hindus	2
Muslims	2

Second Division.

Hindus	8
Muslims	2

Third Division.

Hindus	11
Muslims	6

(f) Two in the First Division from the Military Accountant General's office.

(g) Owing to a misunderstanding the special sanction of the Home Department for the appointment of the men from the Military Accountant General's office in the First Division was not obtained.

(h) They were employed in the grade of Rs. 115—10—225. There are no divisions in that office.

(i) I am informed that this is so.

Information promised in reply to starred question No. 234, asked by Dr. Ziauddin Ahmad on the 25th January, 1937.

EXPENDITURE ON THE EXPERTS BROUGHT OUT TO INDIA.

Statement showing the number of experts brought out to this Country by the Government of India during the calendar year 1936 and the expenditure incurred on that account.

Number of experts.	Expenditure involved.	How the expenditure was met.	Remarks.
	Rs.		
One expert in connection with the special enquiry for the allocation of certain sources of revenue between the Central Government and the Provincial Governments.	12,000	For the expenditure during the financial year 1935-36 a supplementary grant was obtained from the Legislative Assembly. The provision during 1936-37 was made in the budget for that year.	Does not include expenditure in England about which no information is available.
Two educational experts.	39,600	The expenditure was not provided in the budget for 193-37 or the previous year but is being met from the "Fund for the Economic Development and Improvement of Rural Areas".	
Three experts of the Railway enquiry Committee.	2½ lakhs	No provision was made in the original budget estimate for 1936-37 as the decision to appoint the Committee was reached after the presentation of the budget. Provision has now been made in the revised estimate for 1936-37.	
One Broadcasting expert	£533-13-11	The payment was made by re-appropriation from the Secretary of State's grant for 1936-37.	The expert was paid only his actual expenses (including a subsistence allowance).
Two experts invited by the Governing Body of the Imperial Council of Agricultural Research to review the scientific activities of the Imperial Council of Agricultural Research and to report thereon.	About Rs. 80,000	The cost will be met from the Research funds of the Imperial Council of Agricultural Research to which with the approval of the Legislative Assembly a special grant was made in April, 1936.	

Information promised in reply to starred question No. 359, asked by Qazi Muhammad Ahmad Kazmi on the 3rd February, 1937.

BROADENING OF THIRD CLASS SEATS ON THE SHAHDARA SAHARANPUR LIGHT RAILWAY.

(a) Government are not aware that the public have still any grievances in regard to the seats of intermediate and second class compartments on the Shahdara (Delhi) Saharanpur Light Railway.

(b) and (c). The feasibility of increasing the depth of seats in third class compartments is under investigation.

Information promised in reply to starred question No. 389, asked by Mr. N. M. Joshi on the 9th February, 1937.

EXPLOSION AT SUTARALI NEAR THE BASSEIN TOWN IN THE THANA DISTRICT.

(a) An accident occurred on that date at Papdi in the Bassein Taluk of the Thana District.

(b) The accident occurred in a building which had been used illegally as a fireworks factory and is reported to have been locked and sealed by the police. The accident was investigated by an officer of the Explosives Department and the explosion appears to have been due either to the fall of a tile from the roof or to the spontaneous ignition of the prohibited mixture used for making fireworks in the building and not to any extraneous cause.

(c) The loss including the damage to the neighbouring houses is estimated at Rs. 3,250.

(d) The matter is one for the Local Government, but the inquiries made indicate that the presence of a police guard at the spot would not have prevented the explosion.

(e) The Government of India do not propose to pay any compensation, and as indicated in my reply to parts (b) and (d) of the question the accident was not due to any negligence on the part of the police.

Information promised in reply to starred question No. 411, asked by Mr. Lalchand Navalrai on the 16th February, 1937.

PAYMENT OF ACTUARIAL VALUE IN LIEU OF PENSIONS TO THE STAFF OF THE CURRENCY OFFICES TRANSFERRED TO THE RESERVE BANK OF INDIA.

Government are paying to the Reserve Bank the actuarial value of Government's liabilities for the pensions and gratuities of the pensionable staff transferred to the Bank. The Bank will be wholly responsible for paying the pensions in due course of those persons who elect to remain on a pensionary basis. But in the case of the persons who accept as an alternative provident fund terms, it is open to each individual either to take the amount in cash or to have it credited as the initial opening balance of his provident fund.

The calculations have been made by the Government Actuary on ordinary actuarial principles. The individual figures have been communicated to the Bank which will no doubt lose no time in informing the individuals concerned.

Information promised in reply to starred question No. 474, asked by Mr. Amarendra Nath Chattopadhyaya on the 2nd March, 1937.

PERMISSION TO MR. HARI KUMAR CHACKRAVARTY, A DETENU, TO ARRANGE FOR HIS DAUGHTER'S MARRIAGE.

(a) No.

(b) Yes. One petition was rejected by the Government of Bengal as the detenu's presence in Bengal was considered undesirable. Another petition is now under the consideration of the Local Government. The Government of Bengal do not consider themselves under an obligation to pay marriage expenses on behalf of detenus. Life Insurance premia are paid by the Bengal Government in certain circumstances.

Information promised in reply to starred question No. 579, asked by Mr. Sri Prakasa on the 8th March, 1937.

PERFORATED PIPES PROVIDED IN THE LATRINES OF THE INTERMEDIATE CLASS COMPARTMENTS OF THE EAST INDIAN RAILWAY.

- (a) Yes in so far as the older type of vehicles are concerned.
 (b) Yes.
 (c) Government are aware that some inconvenience may be caused by a simultaneous flow of water from three sides.
 (d) Yes. Some of the later type vehicles have the main spout operated by a cock independent of the one controlling the flow through the perforated pipes. This system will be adopted in the older type vehicles when they go through Shops for periodic overhaul.

Information promised in reply to starred questions Nos. 624 to 628, asked by Bhai Parma Nand on the 13th March, 1937.

INSPECTING OFFICERS IN AJMER-MERWARA.

Question No. 624.—The reply is in the affirmative.

WANT OF KNOWLEDGE IN HINDI OF THE INSPECTOR OF SCHOOLS, AJMER.

- Question No. 625.—(a) No. The second part of the question does not arise.
 (b) No; but ordinarily members of the Inspectorate are familiar with both Hindi and Urdu.

GRANT PAID TO HIGH SCHOOLS IN AJMER-MERWARA AND PUPILS IN THESE SCHOOLS.

Question No. 626.—A statement furnishing the required information for 1935-36 and 1936-37 is attached.

Statement showing number of Scholars and Amount of Government Grant in A. V. High Schools for boys and Girls in Ajmer-Merwara.

Name of schools.	1935-36.		1936-37.	
	No. of pupils.	Amount of Government grant.	No. of pupils.	Amount of Government grant.
		Rs.		Rs.
BOYS.				
1. S. D. P. Inter College, Beawar . . .	405	10,000	417	10,000
2. D. A. A. V. High School, Ajmer . . .	546	8,000	559	6,000
3. Husband Memorial High School, Ajmer.	464	5,550	469	5,550
4. Mohd. Ali Memorial High School, Beawar.	260	5,500	247	5,500
5. Mission High School, Nasirabad . . .	253	4,900	295	4,900
6. Oswal Jain High School, Ajmer . . .	351	3,250	367	3,250
7. Betham High School, Kekri . . .	158	2,500	145	2,500
8. Narain High School, Bijainagar . . .	194	1,500	189	1,500
9. Rly. A. V. High School, Abu Road . .	293	4,000	300	4,000
GIRLS.				
10. Sophia Girls' High School, Ajmer . .	90	3,100	184	3,100
11. Mission Girls' High School, Nasirabad	96	3,750	125	3,750
12. Savitri Girls' High School, Ajmer . .	101	3,525	121	3,580

COMMUNAL PERCENTAGE FIXED FOR ADMISSION TO THE VERNACULAR TRAINING CLASSES IN AJMER-MERWARA.

Question No. 627.—The reply to both parts of the question is in the negative.

OCCUPATION FOR THE PURPOSES OF RESIDENCE OF A PART OF OFFICE, BY THE EMPLOYEES OF THE EDUCATION DEPARTMENT, AJMER-MERWARA.

Question No. 628.—No. There are no residential quarters for clerks in the office premises, but one clerk, in view of the nature of work allotted to him, has been allowed by the Local Administration to occupy one of the out houses in the office premises on a nominal rent of Re. 1 per mensem.

MOTION FOR ADJOURNMENT.

BANNING BY THE POLICE COMMISSIONER, CALCUTTA, OF PROCESSIONS, MEETINGS AND OTHER DEMONSTRATIONS.

Mr. President (The Honourable Sir Abdur Rahim): Order, order. I have received a number of notices for moving an adjournment of the 12 Noon business of the House. The first is in the name of Mr. Ghiasuddin. I think he has given notice of two motions relating to the same subject. Which one does the Honourable Member wish to move?

Mr. M. Ghiasuddin (Punjab: Landholders): The second one, Sir.

Mr. President (The Honourable Sir Abdur Rahim): The next motion then is in the name of Mr. Mohan Lal Saksena and runs as follows:

"This is to notify to you that I propose to move the adjournment of the business of the Assembly tomorrow (*that is today*) to consider a definite matter of urgent public importance, namely, the banning by the Police Commissioner, Calcutta, of processions, meetings and other demonstrations for a period of seven days from the 29th March, to the 4th April, within the City and suburbs of Calcutta with a view to prevent the observance of *hartal* on the 1st April, in pursuance of the resolution of the Indian National Congress.

The order was promulgated last week."

Is there any objection to this motion?

The Honourable Sir Henry Craik (Home Member): I take objection to this on the ground that the order was presumably issued under the ordinary statutory authority of the Commissioner of Police, and it has been held by the Chair . . .

Mr. President (The Honourable Sir Abdur Rahim): Was it issued under the Criminal Procedure Code?

The Honourable Sir Henry Craik: It must have been either under the Criminal Procedure Code or under one of the special Acts which are in force in Calcutta. I have no information about the order at all. But the Commissioner of Police cannot issue merely an executive order to this effect; it has to be under some statutory and legal authority. My point is that it has been held by the Chair that the exercise of a statutory power cannot be made the subject of a motion for an adjournment of the business of the House.

Mr. President (The Honourable Sir Abdur Rahim): The Police Commissioner of Calcutta is also a Magistrate?

The Honourable Sir Henry Craik: He has got magisterial power.

Mr. President (The Honourable Sir Abdur Rahim): What does the Honourable the Mover, Mr. Saksena, say?

Mr. Mohan Lal Saksena (Lucknow Division: Non-Muhammadan Rural): I have not been able to hear anything of what the Honourable the Home Member said.

Mr. President (The Honourable Sir Abdur Rahim): The objection taken is that it is an order that has been issued in the ordinary course of administration of law by the Police Commissioner. It was issued under the Criminal Procedure Code or under one of the Acts that are in force in Bengal. And the Police Commissioner, the Chair believes, is also a Magistrate. There has been a ruling that an order like that cannot form the subject matter of an adjournment motion here.

Mr. Mohan Lal Saksena: Orders under section 144 or under the Police Acts are all issued under executive authority, but still they are for the administration of law and order, and, as such, they are under the supervision of the Government of India.

Mr. President (The Honourable Sir Abdur Rahim): The Chair thinks there was a similar case under section 144, and it was held that an adjournment motion would not be allowed.

Mr. Mohan Lal Saksena: May I know under what law this order has been issued?

The Honourable Sir Henry Craik: If the Honourable the Mover cannot give the information, I cannot be expected to give it.

Mr. President (The Honourable Sir Abdur Rahim): Has the Honourable Member (Mr. Saksena) himself got any information?

Mr. Mohan Lal Saksena: Papers give out that this order has been issued under the Police Acts and other Acts . . . (An Honourable Member: "Public Security Act") . . . Public Security Act.

Mr. S. Satyamurti (Madras City: Non-Muhammadan Urban): There are Legislative Rules here, on this matter. You will notice that rule 12 *inter alia* states that an adjournment motion must not deal with a matter on which a resolution could not be moved. Under rule 23, one of the matters which are prohibited as being outside the scope of resolutions is "any matter which is under adjudication by a Court of Law having jurisdiction in any part of His Majesty's dominions".

Mr. President (The Honourable Sir Abdur Rahim): The Honourable the Home Member is not referring to that. He is referring to the rulings.

Mr. S. Satyamurti: There is no such ruling that I know of.

Mr. President (The Honourable Sir Abdur Rahim): What is the ruling?

The Honourable Sir Henry Craik: I received this notice only a few minutes ago. I have not had time to look the point up, but there certainly is a ruling in which you held that an order under section 144 issued by a Magistrate at Lucknow . . .

Mr. S. Satyamurti: That is a different matter.

The Honourable Sir Henry Craik: No. There was a similar motion for an adjournment of the House by the Honourable Member who has given notice of this motion, and you held in regard to that—the Lucknow order—that that could not be made the subject of a motion for adjournment.

Mr. President (The Honourable Sir Abdur Rahim): There was another ruling by a predecessor of the present occupant of the Chair.

Mr. Bhulabhai J. Desai (Bombay Northern Division: Non-Muhammadan Rural): It must be remembered that orders of this kind fall under two heads, and unless that distinction is borne in mind, the matter cannot be properly or correctly appreciated. Otherwise, in the broadest sense of the term, every single act of the Government of India, whether executive or judicial, through their officials would be in the exercise of some statutory authority, so that, let us see how far the objection taken, which has not yet been clearly defined, has any substance in it.

Mr. President (The Honourable Sir Abdur Rahim): The ruling that the Chair gave—and it thinks it followed a ruling on a previous occasion—was that an order passed in the ordinary administration of law cannot form the subject matter of an adjournment motion here. The Chair thinks it followed a previous ruling.

Mr. Bhulabhai J. Desai: I know, but it must be remembered what is the nature of the order, in the exercise of what authority it was issued. If the actual facts of the case were produced we would be able to point out that it is erroneous to interpret it as covering every order, for if you take the literal meaning of those orders, there is no order, however atrocious, passed in the exercise of the mere executive function of the Government, which could be the subject of discussion on an adjournment motion.

Mr. President (The Honourable Sir Abdur Rahim): The ordinary administration of law is quite different. Suppose a Judge or a Magistrate administers the law . . .

Mr. Bhulabhai J. Desai: That is not disputed, but at present the Honourable the Home Member has not stated to the House as to the ground of his objection. He must make it clear whether this order was made in the exercise of any powers under the Criminal Procedure Code by a Magistrate. It is not enough to say—a man may be a Magistrate in addition to his being an executive police officer. At present two things are entirely mixed up and confused, whether deliberately or otherwise. I

[Mr. Bhulabhai J. Desai.]

do not know. Because he has pointed out that they do not know how this order came to be passed. If they do not know, how can they raise an objection? It is really treating this House not seriously to get up and raise objection without knowing in exercise of what powers this order was issued. From what we see in the papers, it was certainly not issued in the exercise of any judicial authority vested in him as a Magistrate. Let us know from the Government which we are entitled to do, in the exercise of what particular power this order was issued.

The Honourable Sir Henry Craik: My Honourable friend suggests that I am not treating this House seriously. On the contrary, the boot is on the other leg. I received this notice five minutes ago. I have had no report on this matter.

Mr. Mohan Lal Saksena: I gave notice yesterday.

Mr. Bhulabhai J. Desai: If the Honourable Member wants time to ascertain, let the matter stand over.

The Honourable Sir Henry Craik: It is obviously for the Honourable Member who moves the motion to ascertain the facts. It is not for me.

Mr. President (The Honourable Sir Abdur Rahim): Is the Honourable Member in a position to throw any light on the facts? The Chair knows as a matter of fact that the Police Commissioner has got very wide powers both under the Police Act and other Acts.

Mr. Bhulabhai J. Desai: May I suggest that the Government should put themselves in communication with the authorities in Calcutta and get the information.

Mr. President (The Honourable Sir Abdur Rahim): The Chair will let the matter stand over unless the Honourable Member in charge can give information now.

The Honourable Sir Henry Craik: The Government of India are not concerned in this matter but that is a different objection. I have had no report from the Local Government at all. I would not get one in the ordinary course. It seems to me that it is for the Honourable Member who has moved this motion to produce the ground for treating this as an urgent matter.

Mr. President (The Honourable Sir Abdur Rahim): It is undoubtedly for the Honourable Member who moves a motion like this to give all the facts which would support his motion, but sometimes it may not be possible for an Honourable Member to get access to all the facts in a case of this nature. There are two aspects of this matter. One is that it is a matter of provincial concern, and that it has nothing to do with the Government of India, but the Chair cannot, on that ground, rule the motion out of order, but if it is shown that this order of the Police Commissioner of Calcutta was passed in the course of administration of the ordinary law,

then it has been repeatedly held that it would be out of order. The Chair will, therefore, let this matter stand over till after adjournment, so that the Honourable Members, if possible, can give the Chair further information. Otherwise the Chair will decide it on the facts as they stand.

The next motion which stands in the name of Mr. Ghiasuddin will stand over till tomorrow and the question of urgency will be waived, as the Chair cannot pass any order on the previous motion until after the adjournment.

DECLARATION BY H. E. THE GOVERNOR GENERAL.

The Honourable Sir James Grigg (Finance Member): Sir, I lay on the table a declaration by the Governor General in Council under section 67-A (7) of the Government of India Act relating to the Railway Demands which have been refused by the Legislative Assembly.

DECLARATION.

In pursuance of section 67-A(7) of the Government of India Act, the Governor General in Council is pleased to declare that the following Railway demands which have been refused by the Legislative Assembly are essential to the discharge of his responsibilities:

Demand.	Amount. Rs.
6-B. Working expenses—maintenance and supply of locomotive power	16,24,59,000
6-C. Working expenses—maintenance of carriage and wagon stock	77,50,000
6-D. Working expenses—maintenance of ferry steamers and harbours	27,85,000

NEW DELHI:
The 17th March 1937.

(Sd.) J. C. NIXON,
Secretary to the Government of India.

ELECTION OF THE STANDING FINANCE COMMITTEE.

The Honourable Sir James Grigg (Finance Member): I do not propose to move the motion* which stands in my name, and I shall, with your permission, explain my reasons.

There has been, on several occasions, recently a certain dissatisfaction expressed with the constitution of the Standing Finance Committee. I think Mr. Joshi expressed such dissatisfaction and from the amendment which he has put down, Mr. Satyamurti evidently is dissatisfied with the constitution of this Standing Finance Committee. I am extremely dissatisfied with the constitution of the Standing Finance Committee, and I think that the dissatisfaction of these three Members of this Honourable Assembly constitutes evidence of a widespread dissatisfaction. ("Hear, hear" from Opposition Benches.) That being so, I think the best thing is to not to move this motion today, but for the Government to undertake, as I do undertake, to consider between now and the Simla Session whether

*"That this Assembly do proceed to the election, for the financial year 1937-38, in such method as may be approved by the Honourable the President, of a Standing Finance Committee of the Assembly not exceeding fourteen in number, to which shall be added a member of the Assembly to be nominated by the Governor General. The member so nominated shall be the Chairman of the Committee."

[The Honourable Sir James Grigg.]

it is possible to devise some form of constitution and functions of the Standing Finance Committee which will meet this widespread public dissatisfaction.

THE PAYMENT OF WAGES (AMENDMENT) BILL.

The Honourable Sir Frank Noyce (Member for Industries and Labour): Sir, I move for leave to introduce a Bill to amend the Payment of Wages Act, 1936, for a certain purpose.

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

"That leave be granted to introduce a Bill to amend the Payment of Wages Act, 1936, for a certain purpose."

The motion was adopted.

The Honourable Sir Frank Noyce: Sir, I introduce the Bill.

THE INDIAN TARIFF (AMENDMENT) BILL.

The Honourable Sir Muhammad Zafrullah Khan (Member for Commerce and Railways): Sir, I move for leave to introduce a Bill further to amend the Indian Tariff Act, 1934, for a certain purpose.

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

"That leave be granted to introduce a Bill further to amend the Indian Tariff Act, 1934, for a certain purpose."

The motion was adopted.

The Honourable Sir Muhammad Zafrullah Khan: Sir, I introduce the Bill.

THE INDIAN OATHS (AMENDMENT) BILL.

The Honourable Sir Henry Craik (Home Member): Sir, I beg to move:

"That the Bill further to amend the Indian Oaths Act, 1873, for a certain purpose, be taken into consideration."

It will assist the House to understand the purpose of this Bill if I mention the circumstances in which the need for it was brought to our notice. A man committed an offence against a small boy aged 6½ years and the boy was naturally an important witness in the case. When he was examined as a witness, the trying judge, an Assistant Sessions Judge,

did not administer an oath to him. He gave as his reason the fact that the boy was of such tender age that he was unable to understand the significance of an oath. The boy gave his evidence without the oath being administered and he gave his evidence clearly and intelligently. He was, therefore, fully competent to testify, for section 118 of the Indian Evidence Act says that all persons shall be competent to testify unless for any reason, including tender years, they are prevented from understanding the questions put to them or from giving rational answers. I now invite the attention of the House to section 6 of the Indian Oaths Act, which I will read. That section says:

"Where the witness, interpreter or juror is a Hindu or Muhammadan, or has an objection to making an oath, he shall, instead of making an oath, make an affirmation. In every other case the witness, interpreter or juror shall make an oath."

The effect of this is that every witness in a Court has to make an oath or an affirmation and no exception is made in the case of a person, such as a child, who cannot understand the meaning of an oath or affirmation. In the particular case which gave rise to this Bill, the Court considered that the boy was a competent witness, that is, that he could understand the questions put to him and give rational answers, but the Court considered he was too young to understand the significance of an oath. Our law does not at present provide for such circumstances, and, in that respect, the law of Great Britain is more complete. The law there is contained in section 38 of the Children and Young Persons Act of 1933. It provides that:

"Where, in any proceedings against any person for any offence, any child of ten years called as a witness does not in the opinion of the court understand the nature of an oath, his evidence may be received, though not given upon oath, if, in the opinion of the court, he is possessed of sufficient intelligence to justify the reception of the evidence, and understands the duty of speaking the truth; and his evidence, though not given on oath but otherwise taken and reduced into writing in accordance with the provisions of section 17 of the Indictable Offences Act, 1848, or of this part of this Act, shall be deemed to be a deposition within the meaning of that section and that part respectively."

Now, the Bill which I am asking the House to take into consideration has been framed on the same principle as is contained in that section of the English Bill. The only difference of substance is this that, instead of using the expression "a child of tender years" which is used in the English Act, we have preferred to be more precise and speak of "a child under twelve years of age". I need only add that we have consulted Local Governments on this piece of legislation. They have sent us their opinions as well as the opinions of the High Courts, District and Sessions Judges, District Magistrates and their law officers and there is an overwhelming majority in favour of this legislation. Sir, I move that the Bill be taken into consideration.

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

"That the Bill further to amend the Indian Oaths Act, 1873, for a certain purpose, be taken into consideration."

Mr. M. Ananthasayanam Ayyangar (Madras ceded Districts and Chittoor: Non-Muhammadan Rural): Sir, I move:

"That the Bill be circulated for the purpose of eliciting opinion thereon by the 31st August 1937."

[Mr. M. Ananthasayanam Ayyangar.]

Sir, the object of introducing this Bill, as has been stated by the Mover, is that a child under the age of twelve may not be able to understand the significance of an oath, and, therefore, wherever a magistrate or other authority, who has to administer oaths, finds that a child is not in a position to understand the significance of an oath, he may dispense with the oath-taking so far as that child is concerned. Sir, this introduces, according to me, a very dangerous element and takes away the very serious sanctions which are attached to evidence taken on oath. The one sanction is moral and the other is the legal sanction; any liability to prosecution is not stated where a false statement is made. Firstly, the moral sanction is taken away if this amendment is adopted. The Honourable Member wants to copy the English Act but from a reading of that section I find that the provision for making statements on affirmation is not made in the English Act. It does not appear from section 38 of the English Act that in the absence of an oath, if any person has any objection to taking an oath, he may be allowed to make an affirmation that he will speak the truth, the whole truth and nothing but the truth. Inasmuch as that is wanting in the English Act, I say that the analogy does not apply and there is absolutely no reason for incorporating that amendment in the present Act. Sir, it may not be possible for a child to understand the significance of an oath, but if a child does not understand and is not able to discriminate between truth and untruth, unless a child is of such an age as to understand the difference between truth and falsehood, such a child cannot be said to be a competent witness, and the child should be dismissed as being incompetent to give evidence. That much is to be established, and to that extent the magistrate has to be satisfied. Now if the child is in a position to make out a difference between truth and falsehood, he can equally well understand the significance of an affirmation. Affirmation is, after all, in these terms,—to state the truth, the whole truth and nothing but the truth. If, in the giving of evidence, in accepting evidence, the magistrate or other authority is to be satisfied that the child can understand the difference between right and wrong, truth and falsehood, then he can equally well make the affirmation. Therefore, this is not on all fours with the English Act, where the oath alone is provided and no provision is made for affirmation. Then the assumption that a child is not able to understand the significance of an affirmation is wrong. A child certainly knows the difference between truth and falsehood. Very often a child is asked not to do a particular thing. Now if in spite of that injunction he wants to do a particular thing, he tries to avoid being seen to do it and he utters a falsehood. Often, when a question is put by a parent asking a child to speak the truth, he immediately comes out and says, "I did it"; or as a matter of fact, if some other child discovers the fact, then immediately this child feels shy. Every parent knows that sort of thing, so that a child certainly knows the difference between truth and falsehood, but unless that is established, the child is not competent to be called as a witness under section 118 of the Evidence Act. I say that the assumption that a child is not able to understand the significance of an affirmation is not borne out by the facts. An instance was quoted by the Honourable Member where from a child of tender years, six and a half years, an affirmation was sought to be taken

The Honourable Sir Henry Craik: No, it was not. The Honourable Member has not appreciated the facts. In this particular case, no oath or affirmation was administered to the child. His evidence was taken without an oath or affirmation, and that is the difficulty. The discussion then arose in the appellate court as to whether this evidence was to be treated as evidence at all, although there was no suggestion that the child was not telling the truth.

Mr. M. Ananthasayanam Ayyangar: An affirmation was sought to be given; I believe; the child was not asked to make an oath but to make an affirmation.

The Honourable Sir Henry Craik: No, Sir, that was not the case. The case was this, that the boy was produced as a witness. The judge held that he was of such tender age that he was unable to understand the significance of an oath, or it may have been of an affirmation either. It makes no difference, as between an oath and affirmation; so the Sessions Judge did not put the oath to him or put the affirmation to him; he merely recorded his evidence. The legal difficulty then arose whether this boy's evidence could be admitted as evidence against an accused person. That is the circumstance which gave rise to this Bill. There was no question of any difference between an oath and an affirmation. For the purposes of this Bill an oath and an affirmation are exactly identical.

Mr. M. Ananthasayanam Ayyangar: That makes all the difference. As a matter of fact the Sessions Judge in that instance does not appear to have tried to take an affirmation from the boy. He comes to the conclusion that the boy is of too tender an age to understand the significance of an oath. But it is possible for him to say, "I speak the truth"

Mr. Lalchand Navalrai (Sind: Non-Muhammadan Rural). The boy was not given either the oath or affirmation.

Mr. M. Ananthasayanam Ayyangar: I say, Sir, if he is not able to understand the significance of an affirmation, he won't be a competent witness. Notwithstanding that a young person is not liable to take the oath or make an affirmation by this amending Bill, notwithstanding that a child of tender age below twelve is exempted from making an oath or affirmation, that does not absolve him from stating the truth. Section 14 of the Oaths Act, 1873, says:

"Every person giving evidence on any subject before any Court or person hereby authorized to administer oaths and affirmations shall be bound to state the truth on such subject."

It is not necessary under section 14 that it must be only after making an oath or affirmation that he should speak the truth. There is a liability upon anyone who gives evidence before the proper authorities to speak the truth and he is bound to speak the truth, the whole truth and nothing but the truth. Therefore, in spite of this amending Bill, the child is bound to speak the truth. In fact, that is clear from the provision of the amending Bill itself where at the end it is said: "nor affect the obligation of the witness to state the truth". That is to say, if the witness here is a child of tender age, who is below 12 years, then this provision contemplates the need for the child to speak the truth and nothing but the truth. That.

[Mr. M. Ananthasayanam Ayyangar.]

I maintain, is an affirmation. The affirmation is nothing but to ask the child to speak the truth and nothing but the truth. If he is not competent to understand the difference between falsehood and truth and if he is not competent to affirm that he will speak truth and nothing but the truth then the provision is inconsistent. In the latter provision, in spite of the exemption, you want to bring the child within the four corners of the Indian Penal Code. The assumption is that, although he is a competent witness, he is not in a position to understand the significance of the position due to his intelligence. Here the English analogy does not apply. The English analogy refers only to the question of oath. That is my first point. My second point is that the assumption that a child is not able to understand the difference between truth and falsehood is erroneous. Thirdly, my contention is that the two provisions of the same proviso are inconsistent with each other. If you want to make a child of tender years liable to prosecution for not speaking the truth and at the same time exempt him from making an affirmation, then I say that the two portions are inconsistent. You can leave the child alone; let him speak the truth or not. If the Magistrate finds that the child is able to understand questions and is able to give intelligent answers and if they are deemed to be sufficient for making the child a competent witness, then I do not proceed further. But do not try to bring in the child within the consequences of speaking falsehood by the further proviso. The last sentence of the proviso clearly proves that the child is competent to understand the difference between truth and falsehood. The very premises, therefore, are wrong. The instance given by the Honourable Member does not throw sufficient light and it is not clear whether the Sessions Judge wanted to administer the affirmation to the child but the child was not able to understand it. I therefore say that this Bill is absolutely unnecessary.

Mr. President (the Honourable Sir Abdur Rahim): Is the Honourable Member moving his motion or not?

Mr. M. Ananthasayanam Ayyangar: I have moved my motion already, and I am now developing my arguments.

Then, my Honourable friend said that he has already sent round this Bill for eliciting opinion and the High Court Judges and the District and Sessions Judges have also given their opinion and the majority of the opinions is in favour of the Bill. In reply to this I would say that persons who ought to be consulted on this Bill are those who deal more directly with this question such as the members of various Bar Associations. They will certainly be able to throw more light on this subject. I therefore move that this Bill be circulated for eliciting public opinion lest a very valuable sanction, that is, the moral sanction, might be taken away and the value of the evidence be taken away for want of such affirmation. Those are the grounds on which I move for the circulation of this Bill.

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

"That the Bill be circulated for the purpose of eliciting opinion thereon by the 31st August, 1937."

Mr. Lalchand Navalrai: Sir, I wish to make some observations mostly in order to clear the question and refer to the significance which this Bill will have. In the first place, the question is whether a child of tender years, if he is not given an oath or an affirmation, but is able to understand what truth or falsehood is or is in a position to give answers which are rational and reasonable, then his evidence, if taken without an oath or without an affirmation, will be valid or not? Now, in order to understand this difference, we have, first of all, section 118 of the Indian Evidence Act. That section prescribes which persons are competent to give evidence in a Court of law. Now, under that section we find:

"All persons shall be competent to testify unless the Court considers that they are prevented from understanding the questions put to them or from giving rational answers to those questions by tender years, extreme old age, disease, whether of body or mind or any other cause of the same kind."

Now, according to this, if the Court were of opinion that a child of tender years is able to understand questions and give rational answers, that is, he is able to give a connected and understandable story, then, according to this section, he will be a competent witness. From that point of view the test has to be applied and, after that test has been applied, the Court comes to the conclusion that, though of tender years, the boy can understand the whole thing, then it is no use throwing away his evidence and his evidence will be valid. After this, there is another Act, the Oaths Act. Section 5 of this says:

"Oaths or affirmations shall be made by the following persons:

(a) all witnesses, that is to say, all persons who may lawfully be examined, (this includes those of tender years also) or give, or be required to give, evidence by or before any Court or person having by law or consent of parties authority to examine such persons or to receive evidence."

That means that whoever is to be examined has to be given an oath. With regard to those persons who are competent to understand the whole thing, the question arises whether they should be given an oath or not. But if they are not able to understand the oath or affirmation but at the same time they are competent to understand the whole thing and they are capable of giving rational answers, then what the Bill says is this that if the Judge were to come to the conclusion that the boy gives rational answers and understands the story, then the usual formality which we lawyers know is to be gone into. What happens is this. When a boy comes into the box, many a time the defence takes the objection that he is not able to understand, and, therefore, he need not be given an oath and he should not be examined as his evidence will be invalid. Well, that is the objection that the defence takes. Then it is for the Judge to find out according to the section. First of all the Judge will apply his attention to section 118 of the Evidence Act. Under that, he will put some questions to the witness to find out whether he is able to understand and whether he is able to give rational answers. Then, after that, he will decide whether he will examine him in the case or not. The question is whether that witness could be given the oath. Another formality is then followed. Certain questions are put to the witness whether he is able to understand what truth is, what responsibility is and whether he understands that there is an ultimate highest Being to whom he is responsible, and so on.

Mr. M. Ananthasayanam Ayyangar: There is a world of difference between oath and affirmation.

Mr. Lalchand Navalrai: I am coming to that. What I say is that the Judge after putting those preliminary questions comes to the conclusion whether the witness has proper understanding to be able to answer further questions put in regard to the case. I know that many persons now a days, even grown up men, cannot understand what God is and what responsibility they have to God. What I submit is that the Judge has to find out on that whether he is a person to whom oath should be administered or affirmation should be given. It will be left to the Judge to decide on merits whether the person who is giving evidence is giving it rationally and whether his evidence is such as to be believed or not, because after examining him on oath or affirmation or not, it still lies with the Judge to accept his evidence or not.

Mr. M. Ananthasayanam Ayyangar: Under section 13 of the Indian Oaths Act

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member has already made his speech and he cannot interrupt now.

Mr. M. Ananthasayanam Ayyangar: I am trying to correct the mistake of the Honourable Member.

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member cannot make a second speech by way of correcting the speaker.

Mr. M. Ananthasayanam Ayyangar: But the Honourable Member has given way to me.

Mr. President (The Honourable Sir Abdur Rahim): The Chair has given its ruling.

Mr. Lalchand Navalrai: What I am submitting is well known to members of the legal profession. There remains only one question which has been raised by the Honourable Member who spoke last and who moved his amendment for circulation. He says that if a boy is not able to understand affirmation, then he cannot be said to understand rationally anything. That is what I understood my Honourable friend to say. I will tell him what actually happens in practice. What is oath and what is an affirmation? Affirmation is generally given in this sense: "Say by the name of *Wa guru*, that you will say the truth, nothing but the truth."

It means: "Feeling the presence of God, I will say the truth, the whole truth and nothing but the truth". This is affirmation.

Several Honourable Members: That is oath.

Mr. Lalchand Navalrai: No, that is not an oath. An oath is taken with the Koran or with some such sacred book in hand. What I mean to say is that if a man simply says that he will speak the truth and nothing but the truth, that is neither affirmation nor an oath. I have had practice in the Courts extending over 40 years, and I know how oath is administered and how affirmation is made. I submit, whether you give

him the oath or an affirmation, the effect is that he is being asked to bear the responsibility to God. According to this Bill, the law is intended to be made clear. Whether giving an oath or affirmation to a child of tender years is necessary if he does not know what an oath or affirmation is. The present practice in such a case is that his evidence is considered if he gives rational answers. It is in consonance with the present practice that this Bill seeks to make that practice valid. I cannot understand why this amendment for circulation has been moved, unless it be to delay the passage of the Bill. Do I understand that the lawyer Members of this House have objection to the principles of this Bill? That is the question. After all, the point is so clear. If you are objecting to a boy of tender years being examined at all, or that his evidence should be considered invalid at all events, that is a different question altogether. I cannot understand why this Bill should be delayed for the purpose of circulation. Personally I do not see any good in circulating this Bill. So far as the principles underlying the Bill are concerned, the practice has already been going on and this Bill only seeks to legalise the present practice, because there arises some misunderstanding on that point when matters go before High Courts. I know some Courts have held that the evidence of persons of tender age is valid without an oath or affirmation. I do not know what particular case is kept in view when the Government have brought forward this Bill. Was it a question of the evidence of a terrorist or an innocent person? All the same, there is a variance in the practice in Courts, and, if, on that ground, this Bill is passed, I do not think it will do any harm.

Mr. N. C. Chunder (Calcutta: Non-Muhammadan Urban): Sir, my friend, Mr. Lalchand Navalrai, has laid down propositions of law which are not borne out by the provisions of British Indian Statutes. In the first place, I will read out to you section 13 of the Oaths Act which says:

"No omission to take any oath or make any affirmation, no substitution of any one for any other of them, and no irregularity whatever, in the form in which any one of them is administered, shall invalidate any proceeding or render inadmissible any evidence whatsoever, in or in respect of which such omission, substitution or irregularity takes place, or shall affect the obligation of a witness to state the truth."

So that, after all, what this Bill seeks to do is merely adding superfluous legislation. It is merely adding to complications. I do not know the English law on the point, but so far as the Indian law is concerned, the people who legislated for us before had made ample provisions to meet this class of cases.

Then, Sir, section 118 of the Evidence Act enumerates the persons who may testify:

"All persons shall be competent to testify, unless the Court considers that they are prevented from understanding the questions put to them, or from giving rational answers to those questions, by tender years, extreme old age, disease, whether of body or mind, or any other cause of the same kind."

So all that is required is to find out whether he understands the questions put to him and whether he can give rational answers. If the judge thinks that the boy does not understand the affirmation or the sanctity of the affirmation, he is at liberty not to give him the affirmation, and section 13 of the Oaths Act would still preserve his evidence.

[Mr. N. C. Chunder.]

Then, Sir, look at the form of the affirmation. Mr. Lalchand Navalrai gave a form which I do not think can be a form of affirmation. It may be one of the varieties of oath; it may be one of the forms of oath current in his part of the province. On the other hand, the affirmation which we take here, the affirmation which is administered in the Courts of law,—all begin with the words, “I solemnly affirm”, etc. The words “God”, “Guru”, etc., are absolutely excluded. Is it suggested by Mr. Lalchand Navalrai that no atheist ever comes to give evidence in a Court of law? And how is he going to make an affirmation then in the form which Mr. Lalchand Navalrai mentioned here? So far as Bengal is concerned, the form is, speaking from memory, something like this:

“I solemnly affirm that the evidence I shall give in this case shall be true and I shall conceal nothing.”

That is all that you have got to say. The vernacular form merely says: “I promise that I shall speak the truth, and I shall conceal nothing”. If a boy cannot understand that he is promising to speak the truth, he is incapable of giving rational answers and is incompetent as a witness. In any case the reason for bringing forward this circulation motion is that people may have time to find out why all of a sudden this superfluous legislation is sprung upon us. Does Mr. Lalchand Navalrai think that the House will be any the worse for having this matter considered not only here, but by independent Bar Associations all over the country and also by judicial officers other than High Courts?

Sir, I commend this amendment, with all the emphasis at my command, to the acceptance of the House.

Sardar Sant Singh (West Punjab: Sikh): Sir, when I read this Bill, I never thought it would raise any legal controversies at all. I am unable to follow my Honourable friend, Mr. Chunder, when he quoted section 13 of the Indian Oaths Act as meeting the requirements which this Bill is intended to meet. What I understood the Honourable the Mover to say in connection with this Bill was that a certain Judge did not administer the oath deliberately because the boy was unable to understand it; and the High Court held that this non-administration of oath was fatal to the admissibility of his evidence in the case.

Mr. M. Ananthasayanam Ayyangar: Is the case reported?

Sardar Sant Singh: He referred to it. May I know from the Honourable the Mover whether I am right when I say that the High Court held the evidence of that boy to be inadmissible on account of the note given by the magistrate or the judge that the boy did not understand the oath and so no oath was given?

The Honourable Sir Henry Craik: They did hold his evidence to be admissible.

Sardar Sant Singh: So only a doubt is to be cleared now?

The Honourable Sir Henry Craik: Yes.

Sardar Sant Singh: So what section 13 is intended to enact is that if there is an omission to give the oath either to a boy of tender years or even to an elderly man or woman, the irregularity is curable. That section does not deal with those cases where the omission is deliberate. Supposing a magistrate is of opinion that the boy in the witness box does not understand the solemnity of the oath and on that account the magistrate declines to administer him the oath, section 13 of the Oaths Act would not cure such an irregularity. This Bill is intended . . .

The Honourable Sir Henry Craik: The point is that the High Court of Allahabad held that in this particular case section 13 did cure the irregularity; but there were considerable doubts about it and there were divergent rulings, and the High Court itself recommended that legislation should be undertaken to make the position clear.

Sardar Sant Singh: That is exactly what I was submitting, that this Bill is intended to remove such a doubt only. Although the evidence was held admissible by the High Court in that case, the Honourable Judges recommended that section 13 may not cure such an irregularity, and, in order to remove that doubt, this Bill has been brought forward. So this Bill should be a non-controversial measure. It would not add complications, as said by Mr. Chunder, to legislation or be a superfluous legislation. Section 13 has practically nothing to do with the case in which a magistrate notes that the boy of tender years in the witness box is not able to understand the solemnity of the oath, and, therefore, the magistrate declines to administer the oath or solemn affirmation. As regards the merits on which the objection is taken that section 118 of the Indian Evidence Act provides for those contingencies where a person is not able to give rational answers to questions put to him, my submission is that that has nothing to do with the question of admissibility of the evidence of a boy of tender age on account of his inability to understand the solemnity of the oath. Section 118 applies to all cases, whether boys or men of adult age. Before I conclude, I should like to commend to the Honourable the Mover to add these words that “when the Court is of that opinion that such a witness is not able to understand the nature of the oath or affirmation, he should record his reasons in writing” before the evidence of such witness is recorded. They will provide a safeguard for the purpose of the higher Court to understand whether the discretion has been rightly exercised or not. With these remarks, I will support this Bill.

Mr. M. S. Aney (Berar Representative): Sir, I am not going to make any long speech, but I have read the Statement of Objects and Reasons and I have also listened to the speech of the Honourable the Mover. I find the justification in the Statement of Objects and Reasons given in the following words:

“The English law—section 38 of the Children and Young Persons Act, 1933—provides for the contingency, not recognised by the Indian law, of a child being possessed of sufficient intelligence to justify the reception of his evidence, and understanding the duty of speaking the truth but not understanding the nature of an oath.”

The point is this, to understand the duty of speaking the truth implies a certain intellectual evolution or development which is very little short of understanding the nature of an oath. A man may be in a position to say what he knows; but to say that he is in a position to understand the duty of telling the truth is different. If a man understands the duty of

[Mr. M. S. Aney.]

telling the truth, it means he is in a position to distinguish between truth and falsehood. It also means that there is some sanctity attached to telling the truth and there is something wrong in not telling the truth: that means a considerable development of his mind. If a mental evolution has gone to this stage the mere affirmation as detached from the kind of oath, where God's name is introduced, is clearly indistinguishable from the state of understanding to which reference is made in justification of a Bill of this nature. If a man can understand the duty of speaking the truth, he can also understand the meaning of the oath or affirmation. If he understands the duty of speaking the truth and if he does not understand the nature of an oath, and that disqualifies a boy from making any statement under English law, then I believe some disqualification remains in the Indian law also. On the other hand, the case put forward by the Honourable the Mover does not favour him at all. In fact it does not give him any opportunity of coming before this House for an amending Bill like that because in that particular case section 13 has been held to cure the particular difficulty; and not only that; but I am told the High Court has held that the evidence of that boy, although no oath was administered, was admissible. Therefore, that particular instance does not give him any cause for coming to this House. We are not unfortunately told of any decisions in which the High Courts have expressed their doubts as to the admissibility of evidence given in such circumstances. Had any such cases been brought to our notice, it would have probably enabled us to find out the exact state of circumstances in which a magistrate can admit evidence like that without making any affirmation at all. So the matter is rather one of a psychological nature than of a legal nature at all. The judge is called upon to find out whether this particular boy has attained that mental development in which he can understand the sanctity or the duty of speaking the truth. He can test his power of understanding; but where is the standard of finding out that a boy has attained that state of understanding in which he can distinguish between the duty of speaking the truth or the evil of not speaking it?

An Honourable Member: Boy or girl?

Mr. M. S. Aney: Boy means girl in law: just as man means a woman—the law does not make any discrimination. The point is this: it is rather a difficult distinction which is drawn here. But merely on the basis of this I do not say that there is really no need for amending the present law. But I am not prepared to say that there is no case to think over this matter at all. If some time is given to people who are interested in administering the law of the country, nothing will be lost! there are persons who are competent and who have experience on the bar and on the bench and they will be able to throw some light and suggest a Bill which might be more intelligible. Therefore, in spite of the opinion of my honourable friend behind me, I am inclined to support the amendment of my friend Mr. Ayyangar.

The Honourable Sir Henry Craik: Sir, I have no objection to circulation.

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

"That the Bill be circulated for the purpose of eliciting opinion thereon by the 31st August, 1937."

The motion was adopted.

THE CODE OF CIVIL PROCEDURE (THIRD AMENDMENT) BILL.

Mr. J. A. Thorne (Government of India: Nominated Official): Sir, I beg to move:

"That the Bill further to amend the Code of Civil Procedure, 1908, for a certain purpose, (Third Amendment) be taken into consideration."

Sir, Order XXXII in the First Schedule to the Code of Civil Procedure deals with suits by or against minors and persons of unsound mind. We are today concerned only with Rule 3 in that Order which relates to minor defendants. I will read the first clause of that rule:

"Where the defendant is a minor, the court on being satisfied of the fact of his minority shall appoint a proper person to be guardian for the suit for such minor."

The later clauses go into details with which we are not now concerned, but I invite the attention of the House to the words "guardian for the suit for such minor". The question has arisen in the Courts as to what is covered by the expression "suit". Does it cover not only the conduct of the suit, but also the execution proceedings arising out of the suit? The answer to this question is doubtful, because the Courts have taken different views. Some Courts have taken the view that the guardians appointed in suits can continue to act in that capacity until the termination of the execution proceedings, and other Courts have taken the other view—that there must be a fresh appointment of such guardians at the execution stage. I am not discussing, nor am I competent to discuss, which view is correct. The first view, that is, that guardians appointed in suits can continue to act in that capacity until the termination of the execution proceedings, is obviously the more convenient one. But there is a doubt in the matter, and therefore we wish to remove it by making it clear that no fresh appointment is necessary at the execution stage, that the guardian once appointed shall ordinarily continue as such throughout all the proceedings arising out of the suit. The Bill is thus a very simple and non-contentious measure. As is invariably done before any alteration is made in the civil law, we have consulted the Local Governments, and they have consulted High Courts and their Law Officers, Bar Councils and Advocates' Associations. All are unanimously in favour of removing the doubt that exists. I, therefore, Sir, have the greatest confidence in commending this measure to the House. I move that this Bill be taken into consideration.

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

"That the Bill further to amend the Code of Civil Procedure, 1908, for a certain purpose, (Third Amendment), be taken into consideration."

There is an amendment in the name of Mr. M. Ananthasayanam Ayyangar.

Mr. M. Ananthasayanam Ayyangar (Madras ceded Districts and Chittoor: Non-Muhammadan Rural): Sir, before I move my amendment, may I ask a question? May I know which High Court has recently ruled that a guardian appointed for a suit ceased to be a guardian for the suit for the purpose of the execution proceedings?

Mr. J. A. Thorne: Well, Sir, it would be simpler if I informed the Honourable Member how we came to take up this matter. We took it up on a reference from the Government of Bengal who had gone into the point in consultation with the Calcutta High Court. It would perhaps assist the House if I read the letter from the Calcutta High Court, which is a very brief one. This letter from the Registrar, High Court, Calcutta, to the Local Governments says:

"I am directed to refer to your letter No. 3106-J., dated the 5th April, 1935, wherein it is pointed out that in the absence of any specific provision in the Code of Civil Procedure, in certain courts guardians *ad litem*, appointed in suits, continued to act in that capacity until the termination of the execution proceedings which arose out of them, but that in other courts it is the rule to insist upon a fresh appointment of such guardians at the execution stage. Government desire to know whether in order to avoid uncertainty in the matter the Court will take action by amending Order XXXII of the Code."

Now, this is the view of the High Court.

"I am to say that in the opinion of the Honourable Judges, the question is one of all-India importance and is therefore a matter in which the legislature ought to move rather than leave it to each High Court to have a practice of its own, either by interpreting the law or by amending the Order and Rules in the exercise of its rule-making power."

That letter was referred to all Local Governments, and as I have just said, all High Courts were consulted; we have the opinions of the Law Officers of Local Governments, we have the opinions of Bar Associations and Advocates' Associations, and they are all in favour of this measure. My friend asked, I think, whether any particular High Court had ever found that a guardian appointed for a suit ceased to be a guardian for the suit for the purpose of the execution proceedings. A ruling to the effect that the guardians appointed for suits cease to be such in the execution proceedings is to be found in a Calcutta ruling, 28 *Calcutta Weekly Notes*, 963, but the reference to other High Courts shows that it is a point on which there is a genuine doubt and in which the practice does vary from Court to Court.

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.

MOTION FOR ADJOURNMENT.

BANNING BY THE POLICE COMMISSIONER, CALCUTTA, OF PROCESSIONS, MEETINGS AND OTHER DEMONSTRATIONS.

Mr. President (The Honourable Sir Abdur Rahim): Has the Honourable the Home Member any further facts to give now?

The Honourable Sir Henry Craik (Home Member): Sir, I have been able to obtain a copy of the order of the Commissioner of Police, dated the 25th March, 1937. This was apparently published in some newspapers as an advertisement. It states—it is a long thing

Mr. President (The Honourable Sir Abdur Rahim): Under what Act, that is all the Chair wants to know.

The Honourable Sir Henry Craik:

" In exercise of the powers conferred by sub-section (4) of section 62A of the Calcutta Police Act, 1865 (Bengal Act IV of 1866), and section 39A of the Calcutta Suburban Police Act, 1866 (Bengal Act II of 1866). It is passed by the Commissioner of Police prohibiting for a period of 7 days."

Mr. President (The Honourable Sir Abdur Rahim): This is the order under consideration?

The Honourable Sir Henry Craik: Yes. I alluded this morning to a ruling and I have since been able to trace it. It is your own ruling, and it is at page 1562 of the Legislative Assembly Debates of the 21st September, 1936, in connection with the promulgation of an order under section 144 in Cawnpore, not in Lucknow as I said this morning.

Mr. Mohan Lal Saksena (Lucknow Division: Non-Muhammadan Rural): The order was passed under the Acts referred to by the Honourable the Home Member, but as regards the order passed under section 144 to which he referred, I may draw your attention to the fact that there was a motion of adjournment moved regarding the Madhe Sabha agitation at Lucknow.

Mr. President (The Honourable Sir Abdur Rahim): Was any objection taken? Was any ruling given by the Chair?

Mr. Mohan Lal Saksena: A ruling was given.

Mr. President (The Honourable Sir Abdur Rahim): What is the ruling?

Mr. Mohan Lal Saksena: Objection was taken by the Leader of the House. He said that the notice as worded did not relate to the Government of India. But you were pleased to hold that that was in order, but it was subsequently disallowed by the Governor General.

Mr. President (The Honourable Sir Abdur Rahim): But was the objection taken that this was passed under the ordinary administration of law?

Mr. Mohan Lal Saksena: Not on that particular ground. That particular objection was not taken.

The Honourable Sir Henry Craik: What is the page of the book?

Mr. Mohan Lal Saksena: Page 2347.

"If the motion had been put in the form that there was failure on the part of the Government of India, I would not have taken objection. But my Honourable

[Mr. Mohan Lal Saksena.]

friend seeks to adjourn the House on a definite matter of urgent public importance, namely, the failure of the United Provinces Government in doing something. I submit that a general motion has been moved and it can be the concern of the Local Government only and not that of the Governor General in Council."

There is one more thing to which I wish to draw attention, and it is this. So far as this *hartal* is concerned, it is an all-India affair and not a local affair.

Mr. President (The Honourable Sir Abdur Rahim): It is not on that ground. On the ground that it is a provincial matter the Chair cannot interfere; it may be the business of the Governor General to deal with it as he likes. But now the objection taken is that the order was passed in the ordinary administration of law, and, therefore, it cannot be a proper subject for an adjournment motion. It must be dealt with under that law or by the Court if there is any such power.

Mr. Mohan Lal Saksena: I submit that orders that are passed, whether judicial or executive, are passed most certainly under some law, but still orders are made the subject of adjournment motions.

Mr. President (The Honourable Sir Abdur Rahim): It is a well-established parliamentary rule that an order passed in the ordinary administration of law, whether by a judicial authority or a Magistrate or by any other lawfully constituted authority, cannot be the subject of an adjournment motion. As regards facts, the Chair has been furnished with information by the Honourable the Home Member that the order in question was passed by the Police Commissioner of Calcutta under section 39A of the Calcutta Suburban Police Act, 1866, read with section 62(A)(4) of the Calcutta Police Act, 1866 (Bengal Act IV of 1866). If there is any grievance with respect to an order like that, the remedy must be sought under the law under which the order is passed or in a Court of justice . . .

Mr. Mohan Lal Saksena: But there is no remedy provided for this.

Mr. President (The Honourable Sir Abdur Rahim): . . . if there is any such remedy. Even if there is no such remedy, that cannot be a ground for moving a motion for an adjournment of the business of the Assembly. The Chair, therefore, rules the motion out of order.

THE CODE OF CIVIL PROCEDURE (THIRD AMENDMENT) BILL—contd.

Mr. President (The Honourable Sir Abdur Rahim): The House will now resume discussion of the Code of Civil Procedure (Third Amendment) Bill. Motion moved.

"That the Bill further to amend the Code of Civil Procedure, 1908, for a certain purpose, (Third Amendment) be taken into consideration."

There is an amendment by Mr. Ananthasayanam Ayyangar.

Mr. M. Ananthasayanam Ayyangar: I do not move my motion, Sir, but I would like to say a few words. This is another piece of legislation for which there is no need. But in order to satisfy the conscience of the

Honourable the Mover and others that might have raised difficulties and doubts, I have no objection to allowing this to be passed and I desist from making the motion for circulation. As regards the question whether any doubt was raised by the Calcutta High Court, I have picked out the latest judgments of the various High Courts, but it is unnecessary for me to refer to them at length. All the High Courts are unanimously of opinion that for the purposes of guardianship the guardian that is appointed in the original Court continues in appeal and in execution proceedings also. I do not know how a doubt has arisen in this respect. Reference may be made to the case of the appointment of a next friend. A next friend files a suit on behalf of a minor in the original Court. Even if it goes in appeal there is no fresh appointment but the next friend continues. The same analogy holds good. A vakalat is filed in one Court and it continues in all Courts. If an appeal can be brought under the category of a suit, if a suit includes an appeal also, there is greater force in the contention that a suit includes execution proceedings because in the execution proceedings we are only trying to execute the decree which was passed in the suit. For these reasons it would seem unnecessary to bring in this Bill, but inasmuch as it is said that a doubt has been sought to be raised, I have no objection to allowing it to be passed.

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

"That the Bill further to amend the Code of Civil Procedure, 1908, for a certain purpose, (Third Amendment) be taken into consideration."

The motion was adopted.

Clauses 2 and 1 were added to the Bill.

The Title and the Preamble were added to the Bill.

Mr. J. A. Thorne: Sir, I move:

"That the Bill be passed."

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

"That the Bill be passed."

The motion was adopted.

THE INDIAN RED CROSS SOCIETY (AMENDMENT) BILL.

Mr. G. R. F. Tottenham (Defence Secretary): Sir, I move:

"That the Bill to amend the Indian Red Cross Society Act, 1920, for certain purposes, be taken into consideration."

The other day, I moved for the consideration of a small Bill and described it as an innocent measure. The result was a debate that took nearly the whole of the day. Today I am terribly afraid to describe this measure in the same terms, for fear that a similar result might ensue—I am therefore tempted to describe it as an extremely contentious measure in the hope that I shall not be believed. I am afraid, however, that, with the best will in the world, I cannot bring myself to adopt that course. In the last Simla Session, I explained that the funds of the Indian Red Cross Society were not public funds but that their distribution and the objects on which they might be used were regulated by an Act known as

[Mr. G. R. F. Tottenham.]

the Red Cross Society Act of 1920. Owing to the separation of Burma, it became necessary to exclude Burma and Burma's share of the funds from the operation of this Act and the House agreed to that course by passing the Bill I then put before them. Unfortunately, and I apologize to the House for the mistake, we omitted to notice that the schedule to the Act, which sets forth the shares of the different branches of the Society in the total corpus of the fund, expresses those shares not only in rupees but also as a percentage of the total. Having therefore cut out Burma, these percentages require mathematical recalculation and the schedule to the Act requires amendment, but only a purely mathematical amendment. In other words, the share of each branch of the Society remains exactly the same in the number of rupees, but that share represents a different percentage of the total. Now, Sir, the main object of this Bill is merely to make these mathematical corrections in the schedule to the Act and I do not see how any one can possibly object to that. It is a purely consequential amendment. At the same time, however, it did occur to us that it was really rather absurd to have to come to this House whenever a small alteration was made in the distribution of these private funds. Sometimes a new branch of the Society may be brought into existence. Sometimes an existing branch may be split up into two parts; and it seems unnecessary that this House should be troubled to give sanction to an arrangement of that kind when the arrangement itself has been reached by unanimous agreement between all the constituent parts of the Indian Red Cross Society. As I have explained before, the funds are not in any way public funds or Government funds. They are private funds and if the Society, with the full agreement of all its members, wishes to redistribute its funds in a particular way, it does seem to me that there is no reason why it should be necessary to come to this House for permission to do so.

Pandit Lakshmi Kantra Maitra (Presidency Division: Non-Muhammadan Rural): What is the basis on which you make this distribution?

Mr. G. R. F. Tottenham: When the funds belonging to Burma were taken out and given to Burma, the remaining funds were distributed as before to the subsidiary societies in India. It is for this reason that we have included clause 2 in this Bill. It will enable changes of this kind to be carried out by agreement between all the constituent parts of the Indian Red Cross Society instead of having to trouble the Legislature. I do hope that the House will agree with me that this is a plain common-sense arrangement and that it does not call for any lengthy discussion or justification and that, therefore, they will accept my motion for consideration.

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

"That the Bill to amend the Indian Red Cross Society Act, 1920, for certain purposes, be taken into consideration."

Mr. M. Ananthasayanam Ayyangar (Madras ceded Districts and Chittoor: Non-Muhammadan Rural): Sir, I beg to move:

"That the Bill be circulated for the purpose of eliciting opinion thereon by the 31st August, 1937."

If the amendment made to the Act is a purely consequential amendment, there is absolutely no objection, but there is a provision in clause 2 of the Bill which seeks to empower the Governor General to include various other Provinces or States and apportion the funds amongst them or to exclude from the operation of the schedule and parts of the Act certain provinces and States as and when it is found necessary to do so. I think it is unnecessary to clothe the Governor General with this power simply because the funds of Burma are going to be separated. There is absolutely no need why the Governor General should be given that power. Also, I think it is not right to say that this is not public fund. It is certainly a public fund because the public are interested in it and it is this House which passed the Act of 1920. The present constitution of the Red Cross Society is working under that Act. After the separation of Burma, a new Red Cross Society has been constituted there. I think that whenever a particular State or Province wants to get away and take away its share of the funds and function separately, without any further aid from the mother organisation, it is well for that society to come forward and to make good its claim and then get out or separate. We are always ready and willing to co-operate, in so far as particular institutions want that, if they really do command a large amount of income and can make both ends meet and function separately and make out a good case, and certainly it may not take much time of the Assembly to come to their rescue and to pass suitable legislation. But what is the need now for introducing a consequential amendment? What is the need for passing this kind of legislation empowering the Governor General to dismember the several societies? Sir, the Honourable Member has not laid a sufficient basis for such provision being made. Then I want to know, when new States are being brought into existence, whether they also will get a share of the interest that accrued from the funds that were already collected though they were not contributories to the fund. It appears that whenever any new society becomes a member of this organization, it has to make an initial deposit or an initial payment and in addition a recurring subscription. I gather that from the notes in the Indian Year Book of this year. Perhaps that may not be completely correct but I take it that that is so, and if it is so, if Gwalior and other States are sought to be introduced, I ask on what basis they will get a portion of the interest that accrues to the society. Sir, it was open to this House to consider from time to time if it was feasible to take new States into the society or to elect some of the States and institutions that are already functioning and which are members of this institution. Therefore, I am opposed to this Bill in so far as it empowers the Governor General to exercise this power of splitting this parent society into a number of subordinate bodies one cutting the throat of another and not being able to organize itself in times of need. In any case it has not been said that the several organizations which are branches of this one organization functioning under this Act have been consulted. Those opinions are not before us. The least, therefore, in the circumstances that ought to be done with safety is to circulate it for eliciting public opinion not only from the branches but from others. Then, Sir, to say that these are not public funds is not right. If the general public feels any interest in this fund, then it is certainly a public fund and we have an absolute control over that. I, therefore, make the very modest motion that it may be circulated for eliciting public opinion, especially as the Mover does not state that there

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is any hurry or haste and this ought to be rushed through. For these reasons, Sir, I move:

"That the Bill be circulated for the purpose of eliciting opinion thereon by the 31st August, 1937."

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

"That the Bill be circulated for the purpose of eliciting opinion thereon by the 31st August, 1937."

Prof. N. G. Ranga (Guntur *cum* Nellore: Non-Muhammadian Rural): Sir, I want to know how far the Honourable the Mover of the Bill was correct in saying that the funds of this society are more or less private and the Government of India come in only in so far as the distribution of these funds between the various provincial associations and the central association is concerned. I have a dim idea that the Government of India also make some grants in various ways to the Red Cross Societies, but I am perfectly sure the Provincial Governments as well as the Local Boards do go on making from time to time various grants,—either annual, recurring or non-recurring,—to the maintenance of the Red Cross Society. I want to know, if my information is quite correct, how the Government of India propose to regulate the distribution and administration of the funds placed at the disposal of the Red Cross Society. Unless we know how the Red Cross Society is being managed in its financial aspect also, it is certainly not fair to ask for our co-operation from time to time to legislate for the distribution of the funds of this particular society between its central and the various provincial organizations.

Mr. N. M. Joshi (Nominated Non-Official): Have you read the Red Cross Act?

Prof. N. G. Ranga: I have. Last time I asked for some information, and I was told that the funds are more or less private, but on the other hand I am informed that these funds are not so completely private as they are supposed to be. Public funds are contributing in various ways, from various directions, to the swelling of the revenues of the Red Cross Society, and naturally it is but legitimate that we should inquire into the manner in which the Government of India propose to control the distribution and administration of these funds placed at the disposal of the Red Cross Societies.

Then, what are the purposes of these societies? It may seem as if it is a very simple question, but it is not so simple if we look at the operations of this society. The Red Cross Society is expected to render succour to all those who are hurt, who are maimed, and who are beaten and who are wounded in any particular skirmish or warfare as between any two countries or as between any two groups of people or parties or factions. Sir, I do not know what exactly our Indian Red Cross Society had been doing whenever there was any war between this Government and other Governments, between this country and other countries. I have yet to learn whether the Indian Red Cross Society has played its part either adequately or satisfactorily or nobly whenever there were any skirmishes between the armies of the Indian Government on this side and

the tribes on the North-West Frontier, but I do know that, as far as the various Satyagraha campaigns in this country were concerned, the Satyagraha campaigns that were carried on by the Great Institution to which I have the honour to belong, and as far as the fight that necessarily had to take place and did take place between the Government and the Indian National Congress was concerned, the Red Cross Society was significant by its absence. It did not try to make any provision, to provide any help or succour to any one of the thousands and thousands of men, women and children who were *lathi*-charged, beaten and treated in the most inhuman fashion. (Hear, hear.) What happened to the Red Cross Society then? Where were their ambulance cars, where were their nurses, where were their appurtenances that they boast of so much whenever they go about canvassing for money either from District Boards or the Provincial Governments? Is the Red Cross Society expected to exist here only as one of the unofficial wings of the defence forces of the Government of India? Is it to masquerade here as a real Red Cross Society while all the time acting as an invisible ally of the repressive policy of the Government of India? Sir, I for my part cannot co-operate with this Government in helping this Bill to be passed. Sir, on both these points and also on the points that were raised by my Honourable friend, Mr. Ananthasayanam Ayyangar, we want information to be elicited all over India, not only from the various branches of the Red Cross Societies in the various provinces, but also from the various organizations which appear to afford information and use in regard to the activities of the Red Cross Societies and in regard to the point as to how the societies have been working and how they should work. Therefore, I support the amendment of my Honourable friend, Mr. Ayyangar, for sending this Bill into circulation for eliciting public opinion, and I hope Government also will see reason to accept our proposal.

An Honourable Member: I move that the question be now put.

Mr. G. R. F. Tottenham: Sir, I will attempt to reply, first of all to the points raised by the Mover of this amendment. I am sorry 3 P.M. if I did not make myself sufficiently clear—I thought I had done so—as to the reasons why we were giving this power to the Governor General in Council to make alterations in the distribution of the funds, instead of doing it by an amendment of the Act. The only reason why we are giving the power to the Governor General in Council is that we must give it to some authority and the Governor General in Council seems to be the best authority to give it to. The only object is to avoid having to come to the Legislature on each separate occasion and taking up a certain amount of time in passing amendments which are really the concern of the Society itself and not the concern of the general public in India. Perhaps I went a little bit too far when I described the funds of the Red Cross Society as not being public funds. In one sense they are public funds inasmuch as the public benefit from the distribution of the funds and the way they are applied. What I meant to convey was that they are not Government funds. They are not part of the Government revenues or anything of that kind. The whole income and the capital of the Society is made up of purely voluntary subscriptions. There is no question, so far as I am aware, of the Red Cross Society

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receiving grants from Government. Any how, if they do receive grants—and I am not sure about that—they form a very small part of the total income of the Society which is, as explained in the Schedule to the Act, the result of the contributions and subscriptions which were made to the 'Our Day' fund during the war. Those contributions and subscriptions add up to the figures which are shown in the Schedule to the Act and form the capital of the fund which enables the Society to carry on the activities which it now carries on.

Prof. N. G. Ranga: Did the Government of India or the Provincial Governments contribute anything to "Our Day" fund?

Mr. G. R. F. Tottenham: I don't think so, Sir. Those contributions and subscriptions were entirely voluntary from members of the public.

Mr. M. Ananthasayanam Ayyangar: Is it not a fact that a portion of the Silver Jubilee Fund was credited to the funds of the Red Cross Society?

Mr. G. R. F. Tottenham: As far as I know, all these subscriptions were voluntary subscriptions raised from the public. I have no further information on the subject.

Mr. Sri Prakasa (Allahabad and Jhansi Divisions: Non-Muhammadan Rural): May I just ask the Honourable Member whether appeals were made for this fund by local officials?

Mr. G. R. F. Tottenham: I am afraid I cannot say how the thing originated, but there was a movement during the war called "Our Day" movement in which public subscriptions were invited for the purposes of the Red Cross Society. A number of entertainments were held and a number of bazaars were organized and other means were adopted of raising funds and large funds were raised entirely by voluntary efforts.

Mr. Sri Prakasa: My question is: Who invited these subscriptions?

Mr. G. R. F. Tottenham: I am afraid I could not hear what the Honourable Member said.

Mr. Sri Prakasa: I was just asking as to who invited the public to contribute to these funds? From whom did the initiative come in this matter?

Mr. G. R. F. Tottenham: The movement was presumably organised by the Red Cross Society. They started this movement all over India and invited subscriptions. I cannot remember the details; it was done many years ago. But I think the initiative came from the Red Cross Society all over the world. India did the same as many other countries.

Mr. Sri Prakasa: Had District Magistrates any hand in this matter?

Mr. G. R. F. Tottenham: Really I cannot say whether the District Magistrates had or had not any hand in it. If they were generous people and wanted to help the fund, they no doubt helped it by putting their hands into their pockets. I do not think that really affects the question that we are considering today, which is merely the question whether, whenever a subsidiary society of the Indian Red Cross Society splits up into two parts, it is really necessary for them to come to this House to get an amendment solemnly passed to the Indian Red Cross Society Act in order to enable the share of Bihar, for example, to be separated from the share of Orissa, or the share of Sind to be separated from that of Bombay, or the share of Gwalior to be separated from that of Central India. There is no alteration in the total amount of the fund. It is only splitting it up into more convenient parts as new branch societies come into existence. When the Honourable the Mover referred to the possibility of a branch or subsidiary society withdrawing of its own accord in the same way as Burma did, he was really speaking without reference to the wording of the clause, which makes it perfectly clear that no alteration of any kind can be made in the distribution of the funds without the unanimous consent of all the constituent parts of the Red Cross Society. There is no possibility of unilateral action on the part of a single branch society.

Now, Sir, to return to what my Honourable friend, Professor Ranga, said. He wanted to know what the objects of the Society were and how the money was spent. He said that he had read the Act, but if he had read the Act, he would not have required any explanation from me on the subject. The first Schedule to the Act puts down in black and white what the objects of the Society are. It is perfectly true that the primary object of the Red Cross Society is to provide assistance to the sick and wounded and to prisoners in time of war, but, as I explained, when the matter came up before in Simla, the activities of the Red Cross Society have been extended in peace time to a number of other humane objects which are in no way connected with war or with the army. For instance, if the Honourable Member will read Schedule I, he will find that amongst the other objects of the Society is the care of those suffering from tuberculosis, child welfare, working parties to provide necessary garments for hospitals and things of that kind which take place in peace. If he wishes to know more about the activities of the Red Cross Society, they are fully published and are open to him to read. Meetings are held periodically and reports are issued and there is nothing secret about them. I think that the general opinion of the House is that the work of the Society is altogether admirable and should command universal support. However, that is possibly by the way. The Honourable Member seemed to think that public opinion must be consulted before a change of this kind could take place. I submit that that is not so. Indeed, I do not know what particular public societies or bodies we should consult in the matter.

Prof. N. G. Ranga: The Congress, for instance.

Mr. G. R. F. Tottenham: The matter is the concern of the Red Cross Society themselves and the membership of that society is made up in such a way that every local branch is represented on the Central Managing Body and they are fully entitled to express their own views as to how they wish their own funds to be distributed amongst their subsidiary

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branches. That is all that we propose to do by this Bill and I submit that it is really unnecessary to delay the matter in order to get the opinion of the public. The Society themselves have brought to my notice that the grants to the various provincial branches are due to be made very shortly and that unless this Bill is passed they will not be able to make the grants in the form in which they wish to make them. Therefore, there is some urgency in the matter and I do think that the House will be committing a mistake if they do not agree to pass this Bill today.

Mr. M. Ananthasayanam Ayyangar: May I ask the Honourable Member what the occasion will be for excluding any particular province or State? In sub-clause (2) of clause 2, it is said:

"That Governor General in Council may, by notification in the Gazette of India, direct that any Province, State or other part of India specified in the first column of the Second Schedule shall be excluded therefrom."

What is the occasion when any such province or State will be excluded from the operation of the Schedule?

Mr. G. R. F. Tottenham: The Honourable Member wishes to know why it is necessary to take power to exclude any Province? Well, if a particular Provincial society wishes to be wound up—supposing the Orissa Branch wishes to be wound up and does not want to continue as a separate subsidiary branch, its funds will be amalgamated with the funds of Orissa and it would disappear as a separate subsidiary society. In that case the schedule would require alteration because the funds of the Orissa Branch would be transferred to the Branch which took them over and its name would disappear from the schedule. That is the only possibility of exclusion, so far as I can see.

Mr. M. Ananthasayanam Ayyangar: Is not the society to be excluded a Province or a State? Why not lease the power of allocating funds to the. . . .

Mr. President (The Honourable Sir Abdur Rahim): That is not asking a question. The question is:

"That the Bill be circulated for the purpose of eliciting opinion thereon by the 31st August, 1937."

The motion was negatived.

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

"That the Bill to amend the Indian Red Cross Society Act, 1920, for certain purposes, be taken into consideration."

The motion was adopted.

Clause 2 was added to the Bill.

Clause 3 was added to the Bill.

The Schedule was added to the Bill.

Clause 1 was added to the Bill.

The Title and the Preamble were added to the Bill.

Mr. G. R. F. Tottenham: Sir, I move:

"That the Bill be passed."

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

"That the Bill be passed."

Mr. M. Ananthasayanam Ayyangar: Sir, at this stage, I want to make some submissions. Unfortunately the House does not seem to appreciate the full significance of the import of this Bill to which we are asked to put our seal. I find that the Honourable the Mover of the Bill has not been able to explain to us why power is given to the Governor General to exclude any Province or State. When I put that question before, the Honourable the Mover said that that might be that particular societies may like to be wound up in which case a further allocation or apportionment was to be made in the schedule. But it is not the exclusion of a society that is contemplated in the Bill, but of a Province or a State. If any one of the Orissa Society goes, another Society comes into existence. A Society in Orissa might go out of existence, but Orissa as a Province ought to continue in the Schedule. Therefore, there is no justification for empowering the Governor General in Council to exclude a particular Province or State. The case of Burma is different, because, under the Government of India Act, 1935, Burma was separated from India, and, therefore, there was a necessity to separate the funds of Burma and constitute a separate Red Cross Society for Burma. The funds of the Red Cross Society are enormous. They might come from various sources, all the same unless the Honourable the Mover says that it is the private property of one individual and it is not for the benefit of the State as a whole, there is no reason why the funds should be separated. We have already discussed the propriety of this question. I find that not only during times of war but in times of peace also, there are a large number of activities which these societies are undertaking and they are doing them in various parts of the world. I find this Red Cross Society is made a convenient dumping ground for all sorts of people from outside. This is how it has been working, and, therefore, I have very grave apprehensions as to how this provision empowering the Governor General in Council to exclude Provinces or State from the operations of this Act would work in future. No reasons are given either in the Statement of Objects and Reasons or in the opening speech of the Honourable the Mover as to why this power ought not to be given to the governing body of the Red Cross Society. After all it is merely an arithmetical calculation. If Burma goes out, the question is merely the allocation of funds to other Provinces and this involves nothing but arithmetical calculation and for this purpose you do not require such a high potentate as the Governor General to modify the allocation. The governing body of the Red Cross Society can easily do this. The Honourable the Mover has already said it is only the public funds that have been collected and the Government do not contribute anything. This governing body of Red Cross Society is an autonomous body and it is unfair that there should be interference from the Government at every stage. I submit we ought not to pass this Bill in a light hearted manner. We should appreciate the consequences of this measure. It is full of promises in the future as we grow and we should not allow this Red Cross Society to rest merely

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as a dumping ground for individuals who may be put in by the Governor General here and there. I oppose this measure and I request every Member of the House to fully appreciate the importance of the Red Cross Society during times of peace and war and oppose the passing of this Bill.

Mr. G. R. F. Tottenham: Sir, I think I might perhaps remove one misunderstanding about the exclusion of a Province. The Honourable Member, I think, meant the exclusion of that Province from operation of the Act. What the Bill provides is merely the exclusion of the name of a province from the schedule to the Act. It does not refer to the exclusion of Orissa, for example, from the Red Cross Society's organisation. It merely provides for the exclusion of the word 'Orissa' from the schedule of the Act. Supposing Orissa does not wish to remain any longer a separate subsidiary society under the Red Cross Society, that does not mean that the Province of Orissa itself would be excluded from the operation of the Act in any way. That was the first point which the Honourable Member raised.

The second point was why it was necessary for power to be given to the Governor General in Council and not to the managing body of the Red Cross Society itself. I admit that that would be an alternative possibility. But I do think that in a matter of this kind, when the affairs of the Society are regulated by an Act of the Legislature, the power in question should be given to some official authority rather than to the body which is itself managing the funds of the Society. I cannot see that there is any objection to an order being passed by Government. It is a very simple matter and the fact that Government have issued an order may possibly inspire more confidence than if the order were passed by the managing body itself. That is all I have to say.

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

"That the Bill be passed."

The motion was adopted.

THE INDIAN SOFT COKE CESS (RECONSTITUTION OF COMMITTEE) BILL.

The Honourable Sir Muhammad Zafrullah Khan (Member for Commerce and Railways): Sir, I move:

"That the Bill to reconstitute the Committee constituted under the Indian Soft Coke Cess Act, 1929, be taken into consideration."

Under the present Act of 1929, eight non-official Members of this Committee are nominated by the Indian Mining Federation and the Indian Mining Association—seven by the Indian Mining Federation and one by the Indian Mining Association. As is explained in the Statement of Objects and Reasons, this allocation was originally adopted because practically all the producers of soft coke were members of the Indian Mining Federation. The position has since been altered and for some time we have been pressed to redistribute the representation among the various associations and bodies whose members produce soft coke. One of these bodies is the Indian Colliery Owners Association. It is proposed

in the Bill to redistribute these eight seats on the committee and to allocate three to the Indian Mining Federation, three to the Indian Colliery Owners Association and two to the Indian Mining Association. It is also proposed to amend the Act so as to provide that the nomination hitherto made by the Government of Bihar and Orissa of one member should in future be made by the Government of Bihar in whose territory the coal-fields are mainly situated. I understand, Sir, that there is some objection felt to the proposed redistribution of these eight seats and that some Honourable Members are anxious that the Bill should be circulated for public opinion. As a matter of fact, two amendments have been put down to that effect. I have already conveyed to those Honourable Members who are interested in this matter that the same object would be served if another amendment, that has been put down, namely, to refer the Bill to a Select Committee, were accepted. And I made it clear that the Select Committee would sit between now and the next Session of the House, and that the Bill therefore would not come up again before this House till the Simla Session. In the meantime any such opinion as might be relevant which has not already been obtained could be obtained. For, after all, this is a matter that affects only those who are interested in the produce of soft coke. General public opinion would have nothing whatsoever to do with this measure, as the measure does not deal with any matter of general public importance. Therefore, I hope, Sir, that it will be possible for those Honourable Members who are interested in this matter to accept this suggestion so that time should not be unnecessarily spent over a measure of this kind.

Sir, I move.

Mr. M. Ananthasayanam Ayyangar (Madras ceded Districts and Chittoor: Non-Muhammadan Rural): May I know who are the present nominated members?

The Honourable Sir Muhammad Zafrullah Khan: I am afraid I will have to burrow through the papers to get the names. But, as I have said, seven are nominated by the Indian Mining Federation and one by the Indian Mining Association.

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

"That the Bill to reconstitute the committee constituted under the Indian Soft Coke Cess Act, 1929, be taken into consideration."

Dr. P. N. Banerjee (Calcutta Suburbs: Non-Muhammadan Urban): Sir, I beg to move:

"That the Bill be circulated for the purpose of eliciting opinion thereon by the 31st July, 1937."

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

"That the Bill be circulated for the purpose of eliciting opinion thereon by the 31st July, 1937."

There is another motion for a Select Committee. That will be moved now and both these motions will be open to discussion.

Mr. M. Ananthasayanam Ayyangar: Sir, I have a motion for circulation, where the date is different,—31st August.

Mr. President (The Honourable Sir Abdur Rahim): That does not appear to be a substantial amendment. It may be moved later on, if necessary.

Mr. Akhil Chandra Datta (Chittagong and Rajshahi Divisions: Non-Muhammadian Rural): Sir, I beg to move:

"That the Bill be referred to a Select Committee consisting of the Honourable the Law Member, the Honourable the Commerce Member, Mr. T. Chapman-Mortimer, Dr. P. N. Banerjea, Sir Abdul Halim Ghuznavi, Pandit Nilakantha Das, Mr. Ram Narayan Singh, Pandit Lakshmi Kanta Maitra, Mr. B. Das, and the Mover, and that the number of members whose presence shall be necessary to constitute a meeting of the Committee shall be five."

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

"That the Bill be referred to a Select Committee consisting of the Honourable the Law Member, the Honourable the Commerce Member, Mr. T. Chapman-Mortimer, Dr. P. N. Banerjea, Sir Abdul Halim Ghuznavi, Pandit Nilakantha Das, Mr. Ram Narayan Singh, Pandit Lakshmi Kanta Maitra, Mr. B. Das, and the Mover, and that the number of members whose presence shall be necessary to constitute a meeting of the Committee shall be five."

Dr. P. N. Banerjea: Sir, after the conciliatory speech made by the Honourable the Commerce Member, I do not wish to enter into the details of this matter. But I should like to point out to this House that the necessity for the introduction of this measure has not been sufficiently proved. Has there been any grievance regarding the work of this Committee? It is pointed out by the Chief Inspector of Mines that this Committee has so far done very good work and has succeeded in popularising the use of soft coke for cooking purposes. And this is also admitted by Mr. A. L. Ojha, who happens to be the *ex-President* of the Colliery Owners' Association. In view of this fact it cannot be said that there is any great necessity; no grievance has been felt by anybody. But then there is the question of representation. The Honourable the Commerce Member has pointed out that there has been some change in the composition of the Indian Mining Federation; but it should be remembered that it was this Federation itself which moved Government for passing a law imposing a cess on soft coke in order that soft coke might be popularised for cooking purposes. Besides, the method of proceeding with this Bill has not been what it should have been. The Soft Coke Committee itself has not been consulted in the matter, and the result is that this Committee has passed a very strongly worded resolution protesting against the method adopted by Government in regard to this matter. The Indian Mining Federation has not been consulted; the Indian Mining Association has not been consulted.

Mr. N. M. Joshi (Nominated Non-Official): What is the difference between the two.

Dr. P. N. Banerjea: I will tell you.

It is stated that the representation will now be given on the basis of output, but output is a matter which is not very easy to find out. Each

colliery owner wants to keep it as a secret and it is not so very easy for Government to know exactly what the output of each single colliery is and what the total output of the members of an Association is. If that be so, the question of representation does not seem to be of very great importance. It seems to me that the new body which has come into existence really does not represent a different or separate interest. To me it appears that there have been some differences of opinion between the parent body and the newly established body, but those differences may be made up at any moment. In any case it is not our policy,—it ought not to be the policy of Government,—to encourage a multiplication of Associations of a similar character. If the new body takes our advice, we would advise them to amalgamate with the parent body. They should accept as their motto the old adage "united we stand, divided we fall". They should never forget that in unity lies strength, and for this purpose they may take a leaf out of the book of our European friends who can never think of dividing their Association into smaller bodies.

Mr. N. M. Joshi: It may be the fault of the parent body.

Dr. P. N. Banerjea: It may be the fault of the parent body. I am not going to discuss the fault either of the parent body or of the new body, but what I want to say is this: these differences of opinion may be only of a temporary character and the differences may be made up soon. If we pass a legislative measure now and if after a few months the differences are made up between these two bodies, what will this House do? This House will have to enact another law shortly afterwards to deal with the new situation that will be created. Further, there are now two bodies with the same interests; if another body crops up later on, then another piece of legislation will have to be introduced. This will be a very unsatisfactory state of things.

But there is another aspect of the question which should also be considered. The present Act was passed originally in 1929. It was passed for five years, and it was extended for another period of five years. The Act will expire in 1939; now, if the Soft Coke Cess Committee has already done good work, why dismiss that committee altogether before their term of office expires? This new body came into office only nine months ago,—in June, 1936. If it be desirable to dismiss this committee, Government should have considered the matter a few months earlier and should have come to a decision. But as the Government did not come to a decision last year, no harm will ensue if the present committee is allowed to function till 1939, when the Act itself will expire. Then, it will be time for the Government and for the Legislature to consider whether it is necessary for the continuance of the Act and whether it is desirable to reconstitute the committee and, if desirable, on what basis.

I have spoken about the procedure that has so far been adopted. The Honourable the Commerce Member is willing to accept a Select Committee but what will a Select Committee do? We do not wish to waste our time if the proposal is not accepted by the different shades of public opinion in this country. It will be better therefore to put it before the interested parties and get their opinions first. We should get the opinion of the Soft Coke Cess Committee and of the Indian Mining Federation and of the Indian Mining Association. If any other bodies are in existence and wish

[Dr. P. N. Banerjea.]

to express any opinion, they will be welcome to do so; and if any colliery owners individually are willing to express their opinion, they will also be entitled to do so. Therefore, I suggest that at present we should not go into a Select Committee but defer consideration of the Bill and obtain the opinions of persons and bodies interested in the subject and that if necessary we can appoint a Select Committee afterwards. Sir, I move.

Sir Abdul Halim Ghuznavi (Dacca cum Mymensingh: Muhammadan Rural): Sir, I support my Honourable friend, Dr. Banerjea's amendment for the circulation of this Bill. It has been the misfortune of Bengal that Bengal should be for the benefit of every other person except Bengalis. What is the position? There is the Mining Association which is purely European, with a few Indian members thrown in. Then comes the Indian Mining Federation which is purely Indian. Lately, about two or three years ago, another body has been started under the name of the Indian Colliery Owners Association. Most of their members are non-Bengalis

The Honourable Sir Muhammad Zafrullah Khan: I suppose that is the trouble!

Sir Abdul Halim Ghuznavi: As my Honourable friend, Dr. Banerjea, pointed out, the Act will cease to exist in 1939—we are now in 1937. I will read one paragraph from a leaflet

The Honourable Sir Muhammad Zafrullah Khan: All of us have got it.

Sir Abdul Halim Ghuznavi: Yes, but the House will be able to judge whether it will support the circulation motion or the motion of my Honourable friend, Mr. Akhil Chandra Datta:

"The Indian Soft Coke Cess Committee which also includes representatives of the Government of Bengal, the Government of Bihar, the Indian Mining Association, as well as of the Government of India, the Chief Mining Engineer to the Railway Board who is the President, passed unanimously the following resolution on the 19th March last."

Mr. N. M. Joshi: You did not have much confidence in that railway official!

Sir Abdul Halim Ghuznavi: That was before, not at present:

"The Indian Soft Coke Cess Committee regrets that no opportunity has been given to them for consideration of the proposed Indian Soft Coke Cess Act (Amendment) Bill, introduced in the Legislative Assembly by the Honourable the Commerce Member on the 12th March 1937. The committee is further of opinion that before taking up the consideration of the Bill an opportunity be given to this committee to express its opinion on the subject."

Dr. Banerjea has very well said that we want public opinion to be elicited, in particular the opinions of those concerned in the coal trade. It is no use our going to the Select Committee and deciding the matter after hearing privately A or B or C. We want to give the Committee the benefit of public opinion including the views of those who are colliery owners and who have the coal trade in their hands. It is, therefore, necessary that the Bill be circulated

THE INDIAN SOFT COKE CESS (RECONSTITUTION OF COMMITTEE) BILL. 2399

Mr. Akhil Chandra Datta (Chittagong and Rajshahi Divisions: Non-Muhammadan Rural): I am prepared to surrender to you.

Sir Abdul Halim Ghuznavi: Thank you very much. The Honourable the Commerce Member has kindly said that he is not going to rush this through Select Committee and that he will provide ample opportunity for eliciting opinion by referring the Bill to Select Committee, and then asking the Railway Board or the colliery owners or individuals privately for their opinion. But we want that public opinion should be elicited by circulation. There will be no loss of time as Dr. Banerjea's motion provides that opinions are to be elicited by the 31st July. At the next Session of the Assembly in Simla, we can have a Select Committee and we can then discuss this matter and get the Bill through if necessary, but from the opinions that will be obtained it will, I am sure, be clear that there is no necessity of changing this Bill, because, Sir, what is the use of disturbing the Committee which as well as the Act, under which it has been constituted, will come to an end in 1939. With these words, I support the motion of my Honourable friend, Dr. Banerjea.

Mr. B. Das (Orissa Division: Non-Muhammadan): Sir, I support the motion for circulation. In 1929, when Sir George Rainy introduced this Bill and the House passed it without any discussion, we did not expect that the Government would take extraordinary powers and extend the operation of the Bill by five years more, and, as the section stands at present, Government can continue to extend the operation of the Bill for another five or ten years depending upon their sweet will and pleasure. That is one of the main reasons why I want that the Bill should be circulated to ascertain whether the Soft Coke Cess Committee is at all necessary, whether its present activities are satisfactory or what they should be, and whether the operation of the Bill should be extended. Sir George Rainy in making his statement said:

"I think it must be fully two years ago that the members of the Committee of the Indian Mining Federation brought the matter to my notice. They pointed out that, owing to the state of the coal market, there was a very small demand for any class of coal except first class coal."

The Honourable Sir Muhammad Zafrullah Khan: That is also given in this pamphlet.

Mr. B. Das: I am quoting from his speech, and I shall adduce my own argument. I should be very glad if the Honourable Member can give me his views on that:

"They pointed out that, in so far as soft coke could be substituted for cow dung, for instance, it would be a valuable thing in the interests of India as a whole, because the land would not be deprived of the manure which it so badly needed."

I would like the Honourable the Commerce Member to enlighten the House if the sale of soft coke has saved cow dung from being used as fuel and more cow dung is used as manure, and whether the present Soft Coke Cess Committee has done sufficient research work whereby soft coke is available cheaply to the masses. If that is not so, then the activities of the present Soft Coke Cess Committee are confined to a few industrialists who want to sell their soft coke in towns. Further, Sir, the Soft Coke Cess Committee consists of representatives of the Mining Federation,

[Mr. B. Das.]

the Indian Mining Association and Governments; and other Associations now demand representation on the Committee. But I would like to know on whose behalf the Soft Coke Cess Committee was formed. It wanted to help the consumer, but it has not. I would suggest that when opinions are asked, the Government and the public ought to say whether the type of soft coke that is available to the public for domestic consumption is the right type, and whether the pious wish expressed by Sir George Rainy on the floor of the House is to be materialised or it is to be given the go-by. Sir, I do feel that if the Government thought of any re-arrangement of the members of the Committee and wanted to have a new committee giving three representatives to the Indian Colliery Owners Association, they ought to have thought of bringing in the poor consumer as well who in the end pays

Mr. M. S. Aney (Berar Representative): At present the representatives of the Government of Bihar and of the Government of India are on the Committee.

Mr. B. Das: The Government of India representative happens to be the Chief Mining Engineer who has nothing to do with the masses and the consumer, and the representative of the Government of Bihar is, I believe, a District Magistrate or a Deputy Commissioner . . .

Mr. N. M. Joshi: What about the labour representative?

Mr. B. Das: My friend can demand that if he likes. Those who deal in Calcutta and Bombay markets in soft coke ought to be represented, and so I feel that Government should somehow see their way to bring in the consumer's interests also so that the Committee may be properly balanced. With these observations, I support the motion for circulation.

Mr. T. Chapman-Mortimer (Bengal: European): Sir, on behalf of the European Group, I support the motion for the circulation of this Bill ("Hear, hear" from Congress Party Benches), to elicit public opinion. Sir, the Group I represent are not at all satisfied, as to the need for this Bill, and they are still less satisfied as to its merits. We see from the Statement of Objects and Reasons that the Bill has been introduced, because, apparently, an organization, that was not in being when the Soft Coke Cess Committee was set up, has since come into being. Well, Sir, I do not think that that is an argument which can fairly be put forward in support of a Bill of this kind.

Mr. M. S. Aney: Why not?

Mr. T. Chapman-Mortimer: One reason is this, that as far as my information goes, most of the members of the Indian Colliery Owners' Association have been—and some of them still are—members of the Indian Mining Federation. They had some kind of private disagreement and they formed a separate Association. I submit, Sir, that it is very undesirable that Government should encourage such trade quarrels, as this Bill, if passed, would tacitly do. Sir, I support the motion.

Mr. Ram Narayan Singh (Chota Nagpur Division: Non-Muhammadan): Sir, I am a man who never likes to support any Government measures, but in this particular case, the people whom I represent here have asked me to support the Government measure. Sir, the area which is most concerned with this question is the Jharia Coal fields. At first there was only one Association which consisted both of Europeans and Indians. That Association did not look to the Indian interests, and, therefore, another body, called the Indian Mining Federation, was established. After that, there were some differences of opinion among some of the members, and, therefore, a third Association was formed, called the Indian Colliery Owners' Association. That organization consists of 97 members, whereas the Indian Mining Federation consists of only 47 members. Sir Abdul Halim Ghuznavi has said that there are members who belong to both Associations. But their number is only five. Leaving this five out, we have got a large number of people who are in the new Association, I mean, the Colliery Owners' Association. As regards output, as has been said by Prof. Banerjea, it is very difficult to get the output of the different organisations. I have been supplied with papers which indicate that the Colliery Owners' Association's output is four lakhs of tons, whereas that of the Mining Federation is only one lakh fifty thousand tons.

Dr. P. N. Banerjea: But that information will have to be tested.

Sir Abdul Halim Ghuznavi: But what about those who are not members of the Colliery Owners' Association and the Indian Mining Federation? They do not belong to any Association. What about them?

Mr. Ram Narayan Singh: Let them join any of the Associations. Whereas the Mining Association's output is one lakh and twenty-seven thousand tons. I, therefore, say that the Colliery Owners' Association has got greater claims. They wanted separate representation on the Soft Coke Cess Committee and I think in this matter the Honourable the Commerce Member has done the right thing in bringing forward a measure giving representation to the Colliery Owners' Association. I, therefore, support the Bill and very reluctantly oppose

An Honourable Member: Your own Party motion!

Mr. Ram Narayan Singh: No. I very reluctantly oppose the motion of Prof. Dr. Banerjea.

Mr. Akhil Chandra Datta: Although I had moved a motion for reference to a Select Committee, my real inclination is not for reference to a Select Committee; I am inclined to support the motion of my Honourable friend Dr. Banerjea for circulation. In fact, I am not, really inclined even for circulation: I do feel that this Bill should be thrown out at this stage. I can make out an overwhelming strong case for rejection of the Bill now. But, proceeding on the line of least resistance and partly as a matter of compromise we have induced ourselves to move these two motions, one for circulation and another for reference to Select Committee. May I make an appeal to the Honourable the Commerce Member, in view of the opinion of the vast bulk of Members on this side of the House, that he may be pleased to accept the motion for circulation instead of the motion for Select Committee? That will make hardly any difference. In any case this Bill cannot be disposed of in this Session; in either case

[Mr. Akhil Chandra Datta.]

the Bill can be passed in the Simla Session. Therefore, I do appeal to him to accept the motion for circulation. This is a simple measure and there should be no time wasted over the discussion of the Bill. May I point out one thing to the Honourable the Commerce Member? The cause of action for this Bill as described in the Statement of Objects and Reasons is:

"The position has, however, since been altered owing to the interest which other bodies engaged in this industry have acquired in the manufacture of soft coke."

It is, therefore, admitted that there are other organisations, other bodies, than the Indian Colliery Owners' Association, which have come into being. Is it fair, then, in the adjustment or re-shuffling of seats, that you should consider the claim of only one Association, namely, the Indian Colliery Owners' Association, without taking any notice of the other bodies which have also come into being since 1929? It is only fair and proper that the opinion of the Mining Federation should be consulted, the opinion of the Mining Association should be consulted, the opinion of the Cess Committee should be consulted; lastly, the opinion of all the other bodies, which you find from the Statement of Objects and Reasons have come into being since the constitution of the last Committee, should be consulted. So that, in any view of the case this is pre-eminently a case for obtaining opinion of—I am not speaking of the public, I quite appreciate the observation of the Honourable the Commerce Member that the public at large may not be interested. But when we speak of circulation for opinion, we mean circulation for opinion of those bodies who are interested in the manufacture of soft coke. Therefore, I think that is a matter which should be taken into consideration. May I refer to one other sentence in the Statement of Objects and Reasons? It is stated:

"An examination on this basis (*that is, on the basis of the output of soft coke*) of the relative importance of the various interested bodies shows that the claim. . . ."

We have not got the figures of any of all those "interested bodies"; in fact, we have not been supplied with figures about the output even of the Colliery Owners' Association. My Honourable friend Mr. Ram Narayan Singh, gave us some figures. Well, I am not in a position to contradict them, but it must be admitted that the Honourable Members of this House are not in a position to accept those figures. Those are figures which have not been furnished by the Honourable Member in charge. We have not been supplied with any figures at all. That is why we must get figures, and to achieve that purpose, it is necessary to obtain the opinion of the various bodies. I submit that in the Statement of Objects and Reasons no case has been made, nor even attempted, in support of giving three seats to the Colliery Owners' Association. All that has been said here in the Statement of Objects and Reasons is:

"An examination on this basis of the relative importance of the various interested bodies shows that the claim of this Association is justified. . . ."

The utmost that is said is that they have some claim for representation, but no case has been made out as to why as many as three seats should be given to them. In fact, this is not merely a case of giving representation to one body, but this is a case of taking away representation from some other body. That should not be done without calling for their opinion, without calling for figures of output and other material

facts. I therefore hope that the Honourable the Commerce Member will be pleased to accept the motion for circulation.

Mr. N. M. Joshi: The question may now be put.

Dr. Ziauddin Ahmad (United Provinces Southern Divisions: Muhammadan Rural): There is one point which I do not understand from the speeches delivered this afternoon. I could

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not visualise in my mind what kind of opinions you will get by circulating this Bill. Of course, the members of the Mining Federation, who now hold seven seats and whose representation will now be reduced from 7 to 3, will certainly say, "No. This is a very bad Bill." They will say that the *status quo* should remain. As regards the Indian Mining Association, where the number is increased from 1 to 2, they will be quite indifferent. The people who represent the Colliery Owners Association will certainly welcome it, because where they had no representation as owners, the representation is now increased from *nil* to three. I really fail to understand what sort of opinions are wanted on this Bill. Then there is one other point. The persons who are not represented in any of the present categories would like to have their representation. In that case Government should keep one or two seats available for nominating persons of this type. As soon as particular seats are filled up then there will be opposition from these three groups. It is extremely difficult to have unanimity on this point. Therefore, we will have to decide one way or the other as to how the seats should be distributed. This is all I have got to say.

The Honourable Sir Muhammad Zafrullah Khan: I have no desire to take sides in this controversy and therefore will not pronounce any opinion on the respective merits of the various associations and bodies concerned but would again like to put before Honourable Members the fact that the public at large is not really concerned with this matter in any way and all the opinions that might be relevant could easily be obtained and placed before the Select Committee when the Select Committee meets. As a matter of fact, some of these opinions have been obtained already. Honourable Members have quoted from this pamphlet which contains the views of the Indian Mining Federation. I have read through it carefully myself. I am in the hands of the House. In this matter Government do not feel so keenly one way or the other that they should resist any course which appeals to the House. I shall not therefore put the case any higher than that; I shall accept the decision of the House on this matter and act accordingly.

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

"That the Bill be circulated for the purpose of eliciting opinion thereon by the 31st July, 1937."

The motion was adopted.

THE REPEALING AND AMENDING BILL.

Mr. President (The Honourable Sir Abdur Rahim): The House will now resume consideration of the following motion moved by Mr. J. Bartley on Thursday, the 4th March, 1937, namely:

"That the Bill to amend certain enactments and to repeal certain other enactments be taken into consideration."

[Mr. President.]

Mr. Ayyanger, who moved a motion for referring the Bill to a Select Committee, was in the midst of his speech.

(The Honourable Member was absent from the House.)

The amendment was to the effect that the Select Committee should report on or before the 20th March, 1937. It has now become out of order. The Chair will, therefore, put the original motion.

The question is:

"That the Bill to amend certain enactments and to repeal certain other enactments be taken into consideration."

The motion was adopted.

Clauses 2, 3 and 4 were added to the Bill.

Sir Leslie Hudson (Bombay: European): I have got an amendment to the First Schedule.

Mr. M. S. Aney (Berar Representative): On a point of order. We have already passed clause 2 which says:

"The enactments specified in the First Schedule are hereby amended to the extent and in the manner mentioned in the fourth column thereof."

The Schedule which is now sought to be amended has already been taken into consideration along with the clause which we have already passed, and I submit that it is not open to any Member to move an amendment to the Schedule. The Schedule should have been put first to the vote, and I submit that no amendment can be moved now.

Mr. President (The Honourable Sir Abdur Rahim): The Chair quite sees the force of the objection taken, but the practice does not appear to have been uniform in that respect. The Chair remembers that sometimes a clause is put first and the Schedule is put after that. But the proper procedure in this case would perhaps have been to put the Schedule first. The Chair, will, however, allow the amendment to be moved in this case as the practice has not been uniform in that respect in the past. The question is:

"That the First Schedule stand part of the Bill."

Sir Leslie Hudson: Sir, I move:

"That in the First Schedule to the Bill, in the proposed amendment to section 155 of the Indian Merchant Shipping Act, 1923, after the words 'unberthed passengers' the words 'unless she is exempted from the provisions of sub-section (1) of section 184' be inserted."

Sir, there is some apprehension in the minds of our constituents that the small amendment which the Government are making to section 155 of the Indian Merchant Shipping Act may invalidate the exemption which was notified by the Government in 1935. This exemption relates to steamers employed on short voyages of less than 72 hours on the coast of India, where vessels are seldom out of port for more than a few hours at a time. I do not think there was any intention on the part of Government to take away this exemption that was given in 1935, and I hope the Government will accept my amendment now; it will keep that previous exemption alive.

Mr. N. M. Joshi (Nominated Non-Official): What is this exemption about?

Sir Leslie Hudson: The exemption is from the provisions of sub-section (1) of section 184, under which a ship carrying more than one hundred unberthed passengers must have on board a medical officer licensed in the prescribed manner. There was an exemption made by notification in 1935 that "it shall not relate to ships employed on short voyages of less than 72 hours where they are in and out of port every few hours".

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

"That in the First Schedule to the Bill, in the proposed amendment to section 155 of the Indian Merchant Shipping Act, 1923, after the words 'unberthed passengers' the words 'unless she is exempted from the provisions of sub-section (1) of section 184' be inserted."

Mr. M. Ananthasayanam Ayyanger (Madras ceded Districts and Chittoor: Non-Muhammadan Rural): Sir, I oppose this amendment. I do not know in whose interest a very great latitude has been given. I would request Honourable Members to turn to page 3 of the Second Schedule where the existing provision under section 155 is sought to be repealed,—that is, that "in clause (e) of section 155 the words 'and, if she is to carry more than one hundred passengers to any such port, that she has on board a medical officer licensed in the prescribed manner'." That is a very wholesome provision; if the total number of passengers exceeds one hundred, then it is incumbent under this clause that the ship should carry a medical officer who is licensed in the prescribed manner. Now that is sought to be repealed, for what reason it is not known, but, evidently, at the request of some shipping companies . . .

Sir Leslie Hudson: I have just explained the matter,—that in 1935 this exemption was made by the Government of India by a notification.

Mr. S. Satyamurti (Madras City: Non-Muhammadan Urban): By whom? We were not consulted? The House was not consulted?

Mr. M. Ananthasayanam Ayyanger: Thus it was at the instance of the ship-owners, it was certainly not in the interests of the passengers. Therefore, that very wholesome provision is now sought to be repealed, irrespective of the kind of passengers a ship takes, whether berthed passengers or unberthed. Sir, this provision is sought to be repealed by a side-track. In its place an amendment is suggested at page 2 in the First Schedule to this Bill; the amendment runs thus:

"In section 155, after clause (e) the following clause shall be inserted, namely:

"(ee) in the case of a ship which is to carry more than one hundred unberthed passengers, that she has on board a medical officer licensed in the prescribed manner."

It is only in the case of more than one hundred unberthed passengers being carried that a medical officer is necessary. My Honourable friend the Member of the European Group wants to make a further innovation and wants to make it absolutely ineffective and useless. He wants that the powers vested in the Governor-General ought to be used for the purpose

[Mr. M. Ananthasayanam Ayyangar.]

of exempting certain ships from having on board a medical officer irrespective of whether there were one hundred passengers, berthed or unberthed. This makes an innovation which is not in the best interests of the passengers whose health and comfort has to be provided for and in the case of an emergency a medical officer is certainly necessary. It ought not to be left to the sweet will of the Governor General, even much against his will, to grant this exemption. Very often shipping companies will catch his ear and will have access to him and induce him to exempt particular shipping companies from carrying medical officers. That is certainly in the sole interests of a shipping company which is anxious to save expenses. The existing wholesome provision for the attendance of a medical officer is in the best interests not of the shipping company but more in the interests of the passengers. Sir, already an innovation is sought to be made in an indirect manner by the Government. I wanted this Bill to be referred to a Select Committee. Unfortunately the Government in any case having then opposed that motion or at all events having been silent or lukewarm in the matter of reference of the Bill to a Select Committee, it is not right now that the Honourable Member from the European Group should try to circumvent the existing provision by introducing an amendment of this kind. Sir, I appeal to the House to throw out this amendment.

Mr. B. Das (Orissa Division: Non-Muhammadan): Sir, the other day, when my friend, Mr. Ayyangar, wanted the Bill to go to a Select Committee, my Honourable friend, Mr. Bartley, from that side stoutly opposed it. Sir, in the explanations that we were given on this Bill, we were told that the changes were of a very minor character. Now, Sir, my Honourable friend, Sir Leslie Hudson, introduces an amendment to the Indian Merchant Shipping Act which is of a very momentous character, and I regret to find that neither my Honourable friend, the Commerce Member, nor any representative of the Commerce Department is even present here at this moment. Sir, the commercial community ought not to be treated so lightly, and, under the guise of repealing certain sections, the Legislative Department should not bring in important substantive amendments, and then here the Leader of the European Group asks us to tacitly agree to proposals which might have disastrous effects on the merchant shipping traffic and also disastrous effects on the amenities, which my Honourable friend, Mr. Joshi, has been trying for the last fifteen or twenty years to improve, of passenger traffic on Indian ships. Sir, that is a thing which this House should not treat lightly. I would request you, Sir, to ask the Government to agree to reference of the Bill to a Select Committee even now. Sir, the Government have no business to promote, under the guise of repealing certain Acts, the introduction of matters of a most momentous character to the commercial community.

Then, Sir, if my Honourable friend, Mr. Bartley, replies today, he is not entitled to speak on a matter of commercial issue for which only the Commerce Department is entitled to speak. The other day, my Honourable friend pointed out that the Bill affected Acts affecting all the six Departments of the Government of India, and it is very difficult and very hard for the Legislative Secretary to take charge of all these Bills especially when the Honourable Members on the Front Treasury Benches are sitting there and some of them are absent. Sir, I respectfully ask you to give a ruling, or, if not a ruling, to ask the Government that it is

not fair to this side of the House that, in the guise of a repealing Bill, they should seek to introduce amending legislation that will have great repercussions in the country.

Mr. President (The Honourable Sir Abdur Rahim): This thing is not in the Bill; it is in the amendment. The Chair cannot say that the amendment is out of order.

Mr. B. Das: I am an old Member of this House, and I would request you to guide us in the matter of the procedure on these Bills. I am not a lawyer, and I cannot argue in the proper way, but under the disguise of repealing so many Acts an amendment is introduced into the Indian Merchant Shipping Act.

Mr. President (The Honourable Sir Abdur Rahim): That may be a very good objection to the amendment, but it is for the House to judge.

Mr. B. Das: In that case, you will permit us again to raise the issue that the Bill be referred to a Select Committee. How can we decide on the Indian Merchant Shipping Act without having the Bill and the effect of the amendment on the Bill?

Mr. S. Satyamurti: Sir, I beg to move:

"That the further consideration of this Bill be adjourned till the Simla Session."

I think I am in order in moving this. After listening to the discussion on this particular clause

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member means this amendment.

Mr. S. Satyamurti: No, Sir, the further consideration of this Bill which is the subject before the House.

Mr. President (The Honourable Sir Abdur Rahim): The amendment is now before the House.

Mr. S. Satyamurti: It is part of the Bill.

Mr. President (The Honourable Sir Abdur Rahim): But the Honourable Member cannot move at this stage that the further consideration of the Bill be postponed.

Mr. S. Satyamurti: I think I am right, with due respect to the Chair, in moving at this stage that the further consideration of the Bill be adjourned to Simla Session.

Mr. President (The Honourable Sir Abdur Rahim): But the further consideration has been passed.

Mr. S. Satyamurti: I mean to say the amendment, third reading, and so on.

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member means to say that the debate be adjourned.

Mr. S. Satyamurti: I accept that suggestion.

Mr. President (The Honourable Sir Abdur Rahim): What are his grounds for suggesting that the debate be adjourned?

Mr. S. Satyamurti: I will state my grounds. I move:

"That the further debate on this Bill be adjourned to the Simla Session of the Assembly."

One example is enough. Section 155 of the Indian Merchant Shipping Act is sought to be amended, by way of putting a new clause to the effect:

"(ee) in the case of a ship which is to carry more than one hundred unberthed passengers, that she has on board a medical officer licensed in the prescribed manner;"

That will be a new clause to section 155 of the Indian Merchant Shipping Act, which provides for the second of the certificates (hereinafter called "certificate B"), to which my Honourable friend the Leader of the European Group has moved an amendment to the following effect:

"That in the First Schedule to the Bill, in the proposed amendment to section 155 of the Indian Merchant Shipping Act, 1923, after the words 'unberthed passengers' the words 'unless she is exempted from the provisions of sub-section (I) of section 184' be inserted."

That is the amendment. Section 184 reads like this:

"A ship carrying more than one hundred unberthed passengers shall have on board a medical officer licensed in the prescribed manner

If this section is not complied with, the master shall be liable to a fine which may extend to five hundred rupees, or to imprisonment for a term which may extend to three months, or to both."

I do not know what the provision of the Indian Merchant Shipping Act is which confers the power of exemption and on whom?

Sir Leslie Hudson: Section 148.

Mr. S. Satyamurti: I am much obliged. Section 148 reads thus:

"The Governor General in Council may, subject to such condition as he thinks fit, exempt any ship or class of ships from any provision of this Part relating to unberthed passenger ships."

It comes to this, therefore, that this Legislature is asked to confer upon the executive, the unrestricted power of exempting any ship from the provision which the repealing Bill puts forward, namely, that there should be a medical officer licensed in the prescribed manner for every ship which carries more than 100 unberthed passengers.

Mr. F. E. James (Madras: European): The power to exempt is already there.

Mr. S. Satyamurti: When the Government seek to put a new clause, you want to give them this power to exempt also. So, either this amendment is unnecessary or it is mischievous. If the contention is that the Bill, as it stands, meets the needs of the case, I can understand it; but to the extent to which the amendment has any purpose at all, I submit it is mischievous. But I am not on this point just now. I am on the bigger

point. We have now come across one instance. It is a huge Bill, and it deals with a large number of Acts and, as Mr. B. Das pointed out, the Member in charge of the Department is not here.

Mr. N. M. Joshi: It is just like your repealing Bill.

Mr. S. Satyamurti: My Bill referred to a dozen Acts, but this Bill refers to more than two or three dozen Acts.

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member had ample notice of the Bill.

Mr. S. Satyamurti: I am not complaining of want of notice. I am saying that the matter is so complicated.

Mr. President (The Honourable Sir Abdur Rahim): The Chair quite sees the force of the complaint of Honourable Members that such an amendment should not be introduced in a Bill of this character. The Bill is proposed to be a non-controversial one as it seeks to make certain formal amendments and to repeal certain spent or useless matter in the Statute-book. To introduce a substantive amendment in a Bill like that seems to be objectionable.

Mr. J. Bartley (Government of India: Nominated Official): I should like to have an opportunity of explaining. It is a fact that it is not a substantive amendment.

Mr. S. Satyamurti: I consider that this Bill is big enough and comprehensive enough to claim some more time from this Honourable House, and when I say this I hope I am voicing the view of every Member of this House.

Mr. President (The Honourable Sir Abdur Rahim): The Chair does not think the Honourable Member has given any valid ground for the adjournment of the debate.

Mr. S. Satyamurti: There may be other things also. I am merely putting to the House that this Bill is so large and so comprehensive, that it is right that the House should consult the interests of careful legislation on a matter of this kind and not allow itself to be hurried. I, therefore, move that the further debate on this Bill do stand adjourned till Simla Session.

Mr. F. E. James: I oppose this motion and I would point out to my Honourable friend, Mr. Satyamurti, that there was a motion on the order paper to refer this Bill to a Select Committee in the name of one of the Members of his own Party. That Member did not take the opportunity to move it on the floor of the House when this particular motion was moved. Therefore, if he was really anxious that further consideration should have been given to this Bill, this was his opportunity which, if I may say so, he allowed to slip by.

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member is debating the motion. The Chair cannot allow the debate on this motion, because objection is taken to an amendment. As regards the rest of the Bill, it has been sufficiently long before the House to consider it. The debate will now go on on the amendment.

Mr. S. Satyamurti: So, you have ruled my motion out of order.

Mr. President (The Honourable Sir Abdur Rahim): Yes, because the Chair does not think there are substantial grounds for adjourning the debate.

Mr. J. Bartley: I believe that it is not necessary for me to discuss the motion moved by Mr. Satyamurti with regard to the adjournment. All that I am concerned with now is the amendment moved by Sir Leslie Hudson to an item in the First Schedule of this Bill. Now, a complete misunderstanding has been exhibited of the effect of these two small amendments to the Indian Merchant Shipping Act by Mr. Ananthasayanam Ayyangar and also by Mr. Satyamurti, and I can only conceive that neither of them has taken the trouble to collate the two references to section 155 of the Indian Merchant Shipping Act found in the first and second Schedules. The position with regard to section 155 of the Indian Merchant Shipping Act is this that the Act underwent an extensive amendment in 1933, and amongst the sections amended was section 184. Section 184, until it was amended in 1933, ran as follows:

"A ship carrying more than 100 native passengers from or to any port in British India to or from any port in the Red Sea shall have on board a medical officer licensed in the prescribed manner."

By the Amending Act of 1933, that section was amended to read as follows:

"A ship carrying more than 100 unberthed passengers shall have on board a medical officer, etc., etc.,"

that is to say, the law as then amended and as now existing requires ships carrying more than 100 unberthed passengers to carry a doctor in all cases and not merely when they are on a voyage to the Red Sea. At that time the consequential amendment which should have been made to section 155 was overlooked. Section 155 says that the Certificate B which a ship is required to carry shall indicate certain matters, and to quote sub-clause (e) of section 155 as it stands in the Act at the present moment, Certificate B shall contain:

"in the case of an unberthed passenger ship if she is to carry passengers to any port in the Red Sea, that she is propelled principally by machinery and if she is to carry more than 100 passengers to any such port, that she has on board a medical officer licensed in the prescribed manner."

Now, the words "to any such port" are wrong because they are inconsistent with section 184 as it was amended in 1933. A ship if she is to carry more than 100 unberthed passengers must unless she is exempted have on board a medical officer licensed in the prescribed manner. There exists the power under section 148 for the Governor General to exempt certain ships. The Governor General has exercised that power to exempt certain ships that do journeys slightly less long than the journeys to and from Red Sea, that is, certain ships engaged in minor coastal voyages. The objection which Mr. Ayyangar has put forward is apparently an objection to the exercise of that power by the Governor General. That

has nothing to do with the present Bill at all. That is based on section 148 of the Merchant Shipping Act. The power of exemption existed before the present Bill was brought forward and will continue to exist unaffected after the present Bill is passed, but owing to the fact that the Governor General has actually exercised this power in favour of certain ships, a fact of which I was not aware, it becomes necessary to insert a reference to these ships. What we have done in the present Bill is this. Clause (e) of section 155 was slightly inaccurate because it contained a reference to journeys to the Red Sea. We split up clause (e) into two parts; the first part of the clause was correct and is correct and we have left it as it is. We took out the second part of the clause which is incorrect owing to its containing a reference to the Red Sea in the words "to any such port". We repeal that by the entry in the second Schedule and we re-enact it in correct form, that is to say with the omission only of the words "to any such port" by the entry in the first Schedule. The effect of the change as we make it in the Bill is that section 155 will require that the Certificate B carried by a ship should contain a statement in the case of a ship which is to carry more than 100 unberthed passengers that she has on board a medical officer licensed in the prescribed manner. But there are certain ships which though they carry more than 100 unberthed passengers are not required to carry medical officers. Why, because the Governor General has exempted them. That power of exemption is already there. It has nothing to do with this Bill. All that Sir Leslie Hudson's amendment has the effect of doing is to introduce words here to show that the certificate B carried by a ship which is not required to carry a medical officer need not contain a statement that she is carrying a medical officer. That is the effect of Sir Leslie Hudson's amendment. It gives no power to exempt. It has nothing to do with the exercise of powers of exemption. It merely corrects the text of the parent Act so that the Merchant Shipping Act when now textually corrected by this little amendment will not be so foolish as to require that the certificate B, carried by a ship which owing to the benefit of an exemption is not required to carry a doctor, shall state that the ship actually does carry a doctor. That is the explanation. There is no change whatever in the state of affairs that obtains under the existing law as at present in force. The accusations which were levelled in the opening part of Mr. Ayyangar's speech against five of these seven items in the first schedule were all equally unfounded, were all equally based on a complete misconception of the object and the meaning of the little alterations made by this Bill. When I moved the other day for the consideration of this Bill, I said that so far as it is not concerned with the removal of merely useless matter from the Statute-book, it is confined to a correction of mistakes and that no changes of substance in the law or in the state of affairs which exists under the law at present in force are made. That statement represents my genuine belief. We have for the last 45 years been putting forward these Repealing and Amending Bills year after year and the Legislative Assembly has by experience been convinced that they represent very careful work in the Legislative Department, that every item is examined and that any item which might have the effect of substantive changes in the law is rigidly excluded. They realise it is a tedious task and consequently Members as a rule do not take the trouble of meticulously examining the items. That trouble if taken would enable them to see that a great deal of the difficulty which has arisen today is unfounded.

Mr. President (The Honourable Sir Abdur Rahim): The Chair wants to know as regards the point of order raised. Is the exemption made by the Governor General permanent? Has that statutory effect?

Mr. J. Bartley: He can withdraw the exemption at any time under section 148. But so long as there are ships which although they carry more than 100 unberthed passengers are not required to carry a doctor, it is necessary to secure that the law should not read as saying that ships which are not required to carry a doctor shall contain in their certificate B a statement that they are required to carry a doctor.

Mr. President (The Honourable Sir Abdur Rahim): Could he withdraw that exemption after this amendment?

Mr. J. Bartley: This amendment has no effect whatever on the operation of section 148. The Governor General comes in under section 148 and he may exempt certain ships, he may recall that exemption tomorrow, he may exempt other ships tomorrow.

Mr. President (The Honourable Sir Abdur Rahim): Even after this amendment is passed.

Mr. J. Bartley: It has no effect whatever on the operation of section 148. It merely recognises that under section 148 there are at present ships which are exempted.

I was saying that in the past the Legislature has credited us with good intentions, reasonable competence and reasonable honesty, and we can claim successfully that the history of the almost countless Repealing and Amending Acts of the last 30 or 40 years has shown that the Legislature, in taking us on trust, has been consistently justified in so doing, and I hope that on the present occasion similar conduct would prevail. Otherwise, I should have taken up a good deal of the time of the House in explaining in detail the formal nature of each of these amendments. I might possibly have saved certain amount of subsequent trouble, had I done so. But even the one amendment on which I did make a detailed explanation, the amendment of the Tariff Act, did not escape suspicion. The suspicion could only have been indulged in because defective eye-sight prevented the member from finding in the Act the incorrect word which we were attempting to correct. So, Sir, I do assure the House that there is nothing sinister about any of these amendments. The seven amendments to the First Schedule are purely formal. I will not go into detail because I am dealing at present with matters only arising out of this problem which Sir Leslie Hudson's amendment has given rise to. And I can assure the Members also that the repeals in the Second Schedule are equally innocent. They are all of matter which is of no use whatever. They remove from the Statute-book things which have no effect in law and they enable us to abbreviate the form of our Statute-book and to avoid reprinting a large mass of matter which serves absolutely no purpose now. I myself welcome Sir Leslie Hudson's amendment because it corrects a small error into which we drifted. We did not know that these exemptions existed, otherwise we would have put in a reference to them.

Mr. M. S. Aney: Sir, I want to make a few remarks in order to make my position clear. If I understood my Honourable friend aright, it means that there is a power of exemption given to His Excellency the Governor General under section 148. That power has been exercised by the Governor General in case of certain ships; and the amendment which my Honourable friend, Sir Leslie Hudson, is moving is only recognising that fact and introducing it in this section itself. Now my point is this. Supposing it is not introduced here, does the effect of the exemption given by the Governor General under section 148 disappear? That is an independent power given to the Governor General to give exemption to ships according to his discretion, and the exemption will hold good whether it is recognised in the form of an amendment to any section or not. Suppose this amendment is not made. I am taking it from my Honourable friend who has just given the explanation that the original section is not materially changed by the amendment proposed in the official Bill. Splitting it into two parts a little inaccuracy has been corrected. That is all that he said. It means that the old law is substantially kept intact in the form in which it was; and the present amendment suggested in the Schedule does not alter it. If that is so, I do not think that there is any necessity made out for amending this section itself by incorporating the fact of the exemption in the section now. Even if this law is not amended and the old law stands, the ships that have got the exemption will be enjoying that exemption. If this amending Bill is not brought here at all and the old law continues, what is your position? You have got the exemption; it remains there. I am told that by this Bill the old law is not at all materially changed. That is what I have gathered from the statement of my Honourable friend. If that statement be correct that by this Bill the old law is not substantially changed at all and the state of things remains as it is, then I think by allowing the section to be passed in the form in which this Bill keeps it, there should be no change whatever in the status of those ships which have got the exemption. It is not necessary, that in order to secure that exemption, this section must be amended in the form in which my Honourable friend, Sir Leslie Hudson, is putting it. If that is not so, I think the changes which are sought to be introduced are more substantial than what my Honourable friend is making out. If they are more substantial, then the plea which my Honourable friend, Mr. Satyamurti, has made out that the matter requires to be more seriously considered and that it should be considered at some other date has got a good deal of justification about it. Therefore, I think that either the thing is that this law is making certain changes which makes it necessary for my Honourable friend to secure an amendment of this clause, or the effect is that the old law stands as it is, and if that is so there is no need of any amendment of the kind that my Honourable friend, Sir Leslie Hudson, is trying to make. In either case I do not see any reason why this House should be hurried into considering an amendment like that at a stage when it is rather late for the House to seriously examine all the implications of the various clauses of that Act. I therefore feel it necessary to ask this House to postpone consideration of this matter till the next Session or, in the alternative, we will be compelled to oppose the amendment.

Mr. Bhulabhai J. Desai (Bombay Northern Division: Non-Muhammadan Rural): Sir there is a great deal of substance, when we consider

[Mr. Bhulabhai J. Desai.]

sections 148, 155 and 184, in the matter that is now raised before the House. At all events, if there is any description on which, being a layman, I am mistaken, I do hope that my friend, Sir Leslie Hudson, will correct me. The position rests this way. Under section 148:

"The Governor General in Council may, subject to such condition as he thinks fit, exempt any ship or class of ships from any provision of this Part relating to unberthed passenger ships."

I understand that to mean, if the ordinary English is to prevail, that in such a ship there are no berths at all and that all the passengers carried are carried without any berth. Then, we come to section 155 which runs:

"The second of the certificates (hereinafter called "certificate B") shall state—

(e) in the case of an unberthed passenger ship, if she is to carry passengers to any port in the Red Sea, that she is propelled principally by machinery and, if she is to carry more than one hundred passengers to any such port, that she has on board a medical officer licensed in the prescribed manner;"

That also refers to unberthed passenger ships carrying more than one hundred passengers to any port. When you come to section 184, you find that it refers to a very different class of ships which may include ships having berths but carrying one hundred or more unberthed passengers, as well as ships without any berths at all. Section 184 reads:

"A ship carrying more than one hundred unberthed passengers shall have on board a medical officer licensed in the prescribed manner."

So that, it is not at all correct to say, with great respect, that by adding the words which are sought to be added in section 184 (1) you are carrying out merely what would be otherwise left as an apparent contradiction because of the simple reason that so far as section 148 is concerned the Governor General's power extends to the exemption of ships which are unberthed passenger ships; whereas, so far as the requirements of section 184 are concerned, they refer to the requirement of a medical officer to be had on board, whether berthed or unberthed, so long as it carries one hundred unberthed passengers. In the one case the reference is to all classes of ships carrying one class of more than one hundred passengers; in the other case it is merely the carriage of one hundred unberthed passengers irrespective of the class. So far as the House is concerned, I want the meaning to be clear. The point I wish to urge is this. On the one hand I accept the assurance of the Mover of this Bill that, if he was satisfied that there was no substance in the matter, he would not press it, and that it was with the object of having an apparent inconsistency between sections 148 and 184 removed. If that is the whole object, I submit, the House would and should have no objection. But if you carefully examine 155(e) and 148, the power extends to unberthed passenger ships. So far as 148 is concerned, it has no reference to how many unberthed passengers it may carry. For all I know, a ship may have 50 berthed passengers and more than 100 unberthed passengers

Sir Leslie Hudson: Quite possible.

Mr. Bhulabhai J. Desai: Then, it is apparent that there is no such exemption in a case where 184 is concerned, because 184 emphasises the unberthed passenger fact—"more than 100 unberthed passengers",—whether the ship is a berthed ship or not a berthed ship—whereas 148 refers to unberthed passenger ships. It is perfectly obvious. For instance, I put the question in this form: the Governor General's power would not extend to the case of a ship where there are 50 berths and a carrying capacity of 200 unberthed passengers. To such class of ships the Governor General's power does not and cannot extend

Mr. F. E. James: May I ask my Honourable friend one question? If he would examine the definition of unberthed ship—Does not that cover the distinction he is now trying to make?

Mr. Bhulabhai J. Desai: That is precisely what I am asking to be done

Mr. President (The Honourable Sir Abdur Rahim): Is that defined?

Mr. F. E. James: Yes, in section 149 (2).

Mr. Bhulabhai J. Desai: I am obliged to you, Sir. I will read that, though I have an answer to that which I shall presently give. Mr. James drew my attention to what I submit with respect is an entirely unconnected matter. The point on which I am is unberthed passenger ship: I shall read the definition:

"unberthed passenger" means a passenger of the age of twelve years or upwards for whom no separate accommodation in any cabin, state-room or saloon is reserved."

That only emphasises what I am trying to point out . . .

Mr. F. E. James: Next one—sub-section (2).

Mr. Bhulabhai J. Desai:

"'unberthed passenger ship' means a ship carrying more than thirty unberthed passengers."

Mr. President (The Honourable Sir Abdur Rahim): Is it not possible for the Leaders on both sides to have a talk and settle this question?

Mr. Bhulabhai J. Desai: If we have an opportunity to really understand it, and it is a correction of an apparent inconsistency, I have no desire to press the matter.

Mr. President (The Honourable Sir Abdur Rahim): It will perhaps meet the convenience of the House if the House is adjourned now. The Chair understands it will come up tomorrow. In the meantime, the Honourable Members can get together and consider the matter.

Mr. Bhulabhai J. Desai: Yes. I shall be glad to have proper information being given if it is really to remedy an inconsistency.

The Assembly then adjourned till Eleven of the Clock on Wednesday, the 31st March, 1937.

LEGISLATIVE ASSEMBLY.

Wednesday, 31st March, 1937.

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

QUESTIONS AND ANSWERS.

CESSATION OF REPRESENTATION BY BURMESE MEMBERS OF THE LEGISLATIVE ASSEMBLY.

787. *Mr. Sham Lal: (a) Will Government be pleased to state if it is a fact that according to the Legislative Assembly Rules in force a Member elected to this House can only cease to be a Member on his resigning his seat or on the dissolution of the Assembly?

(b) On what date Members representing Burma in this House will cease to continue to be the Members of this Assembly?

(c) Will they cease to be Members of this Assembly on the 1st April, 1937, and if so, how will this be done, unless they resign, or the Assembly is dissolved?

Mr. G. H. Spence: (b) On the 1st April, 1937.

(c) Under the operation of paragraph 8 of the Government of India (Commencement and Transitory Provisions) Order, 1936, which requires Members of the Council of State and the Legislative Assembly who have been elected or nominated to represent Burma or Burma constituencies to vacate their seats on the commencement of Part III of the new Act.

(a) As Burma Members will vacate their seats otherwise than in pursuance of the Electoral Rules, this part of the question does not arise. But the Honourable Member is mistaken in supposing that resignation and dissolution are the only contingencies which have the effect of vacating a seat.

MANDI AT THE NARELA RAILWAY STATION IN THE DELHI PROVINCE.

788. *Mr. Sham Lal: (a) Are Government aware:

- (i) that a *mandi* was established by Major Beadon, the Deputy Commissioner of Delhi, at Narela Railway Station in Delhi Province;
- (ii) that the sites of the shops were sold by auction and Rs. 1,76,000 were realised by him;
- (iii) that at the time of the auction assurances were given by the Deputy Commissioner to the purchasers that arrangements for light and sanitation of the *mandi* would be made and the *mandi* would be connected with other important places by *pucca* roads;

- (iv) that after the establishment of the *mandi* a further tax of As. 1-3 per rupee of the rent was also imposed upon the shopkeepers;
- (v) that Government or the District Board have done nothing to make good the promises held out by the Government that there are no arrangements for sanitation or light and that no roads have been constructed to connect Narela *mandi* with important towns; and
- (vi) that there are no arrangements for drinking water, there being only one well, the water of which is saltish and unfit for drinking?
- (b) Will Government give an account of the sale proceeds realised at the time of the auction?
- (c) Is the money lying to the credit of the Government or the District Board?
- (d) How much money has been spent for the *mandi* and in what manner?
- (e) Are Government aware that this *mandi* can be connected with Alipur, Kharkhaudah and Bahadurgarh by *pucca* roads?
- (f) Are Government aware that if this is done, it would become a flourishing *mandi*?
- (g) Are Government prepared to provide a well at this *mandi*? If not, are Government prepared to allow the *mandi* people to sink a well in the District Board land adjacent to the *mandi*?
- (h) Are Government prepared to enquire into all the grievances of the *mandi* people and redress them?

Sir Girja Shankar Bajpai: (a) to (h). Information has been called for and will be supplied to the House as soon as possible.

TRANSFER OF CERTAIN OFFICIALS IN THE RAILWAY MAIL SERVICE, 'E' DIVISION, CALCUTTA, TO THE *MOFFUSIL*.

789. *Mr. D. K. Lahiri Chaudhury: (a) Are Government aware that some officials enjoying the higher scale of pay in the Railway Mail Service, 'E' Division, Calcutta, have been recently transferred to the *moffusil* (lower scale of pay)?

(b) Is it a fact that the financial position of the department is showing signs of recovery?

(c) How do Government reconcile their policy with the statement made by the Director General, Posts and Telegraphs, last year on the floor of the Assembly in the course of which he definitely stated that: "As regards the number of the staff employed at present, Mr. Giri has undoubtedly some reason for the grievance which he put forward....." Now that the financial position is easier. I do not think there is the same complaint as existed some time ago?

The Honourable Sir Frank Noyce: (a) Government have no information. If the officials concerned consider that they have a grievance, it is open to them to represent it to the proper authority in the usual manner.

(b) Yes.

(c) The passage quoted by the Honourable Member related to the provision of adequate staff in post offices and the R. M. S. and has no relation to the point raised by the Honourable Member.

Mr. D. K. Lahiri Chaudhury: With reference to the reply to part (a) of my question, will Government kindly make inquiries and take the necessary steps if they find that the case is a genuine one?

The Honourable Sir Frank Noyce: No, Sir; my reply was that if any official considers that he has a grievance, it is open to him to represent it to the proper authority in the usual manner. So far as I know, that has not yet been done, and if it is done, the proper authority will deal with it.

Mr. Lalchand Navalrai: May I know, Sir, if the Honourable Member will be good enough to send a copy of the question and answer to the officer there to consider the matter?

The Honourable Sir Frank Noyce: Certainly.

RELAXATION TO THE STAFF WORKING IN THE HOWRAH RAILWAY MAIL SERVICE OFFICE.

790. *Mr. D. K. Lahiri Chaudhury: (a) Is it a fact that with a view to giving relaxation to the staff in the Railway Mail Service office at Howrah, Government have issued orders to afford relaxation to four officials per week?

(b) Are Government aware that the strength of the staff is about 40 in the above office and, according to present arrangement, an official can only get one day off in two months?

(c) Is it not a fact that officials belonging to the Post Offices get relaxation every alternate week?

(d) If the answer to part (c) be in the affirmative, what are Government going to do to remove this anomaly and to afford proper relaxation to the staff working in the Howrah Railway Mail Service office?

The Honourable Sir Frank Noyce: (a) and (b). The Honourable Member's attention is invited to the statement laid on the table of the House on the 31st August, 1936, in reply to parts (d) and (e) of his starred question No. 1365.

(c) No, not in all cases.

(d) Does not arise.

FIXATION OF THE SCALES OF PAY OF THE RAILWAY MAIL SERVICE OFFICIALS.

791. *Mr. D. K. Lahiri Chaudhury: (a) Are Government aware that in the statement laid on the table of this House on the 31st August, 1936, in answer to starred question No. 1388, asked on the 23rd March, 1936, Government stated that less period of duty is prescribed for administrative office due to the exacting nature of the work done by the officials concerned?

(b) Is it a fact that work in the Head and Sub Record Offices and in the Sorting Mail Offices in the Railway Mail Service has been classed as less exacting and less hazardous than work in the administrative office? If so, are Government aware of the portion of the speech of the Director General, Posts and Telegraphs, in the course of which he stated in the Assembly (1936) amongst other things—"that in fixing the scales of pay of the Railway Mail Service officials, some small additional allowance is made—that they are given twenty days casual leave as compared with 12 days' leave enjoyed by the department and that a leave reserve of 20 per cent. is maintained in the Railway Mail Service, as against 17 per cent. in the Post Office"?

(c) Is it a fact that these extra concessions were allowed to the Railway Mail Service officials in view of the fact that their nature of work is more hazardous and more exacting?

(d) If the reply to part (c) be in the affirmative, are Government prepared to revise the working hours of the above offices and prescribe a less period of work?

The Honourable Sir Frank Noyce: (a) Yes, but it was in reply to question No. 1387, dated the 23rd March, 1936.

(b) The reply to the first part of the question is in the negative. In regard to the second part, Government are aware of the statement made by the Director-General of Posts and Telegraphs.

(c) No. The facts are not as stated by the Honourable Member.

(d) Does not arise.

RECESS INTERVAL TO THE GOVERNMENT OF INDIA PRESS EMPLOYEES ASKED TO STAY FOR OVERTIME.

792. *Mr. C. N. Muthuranga Mudaliar: (a) Is it a fact that Government do not allow any recess interval to the Press employees, when they are asked to stay for overtime and that the employees have to find their own recess interval, i.e., they have to break for half an hour for which they are not paid, before returning for overtime?

(b) Is it also a fact that they have to put in 2½ hours while they are paid only for two hours?

(c) Is it also a fact that formerly they used to enjoy the privilege of getting this recess interval from Government?

(d) Is it also a fact that Mr. Coombs, the then Controller, had recommended to the Government of India that "as the employees have to work overtime in the interest of Government work, Government should allow them the recess interval"?

(e) Are Government prepared to go into this matter with a view to granting the Press employees relief in this respect?

The Honourable Sir Frank Noyce: (a) Rest intervals are allowed to the Press employees as required under the Factories Act, 1934; no payment is made for them.

(b) I presume that the Honourable Member refers to overtime. Payment for overtime is made for the whole period of overtime worked exclusive of the rest interval.

(c) They still get the rest interval: but prior to 1928, payments were made for intervals to certain men.

(d) Views expressed departmentally by officers of Government are confidential and Government are not prepared to disclose them.

(e) No.

SCANT ATTENTION GIVEN TO THE ECONOMIC CONDITIONS OF INDIA IN THE BOOK "WORLD ECONOMIC SURVEY, 1935-36" OF THE LEAGUE OF NATIONS.

793. *Mr. K. Santhanam: Will Government state:

(a) if they have read the book 'World Economic Survey, 1935-36' of the League of Nations;

(b) if they have noted the scant attention given in the book to the economic conditions of India during the period dealt with; and

(c) if the answer to part (b) be in the affirmative, whether they propose to draw the attention of the authorities of the League of Nations to this fact?

The Honourable Sir James Grigg: (a), (b) and (c). The "World Economic Survey" published by the League of Nations deals with economic tendencies in the world as a whole and with international trade and finance. It illustrates these tendencies by reference to national conditions, but does not purport to present a complete picture of the domestic economy of any particular country. The Government of India do not consider that the number of references to India calls for any action of the kind suggested.

Mr. T. S. Avinashilingam Chettiar: Are Government aware, Sir, that statistics for India are not available on the same scale as they are available in other countries?

The Honourable Sir James Grigg: That is precisely the trouble; the statistics compiled do not give a complete picture as they do in other countries, and that is one of the matters which will have to engage the consideration of the Government.

Pandit Lakshmi Kanta Maitra: Why don't Government set up a machinery by which accurate statistics could be obtained?

The Honourable Sir James Grigg: Hitherto the reason has been that the preparation of complete statistics is a very expensive matter, and the limitations placed on the collection of statistics have been on grounds of finance alone.

Pandit Lakshmi Kanta Maitra: Did the Honourable Member make inquiries as to the probable cost of establishing a machinery for the collection of statistics?

The Honourable Sir James Grigg: A good deal of information about it is contained in Bowley-Robertson's Report.

Mr. Lalchand Navalrai: May I know if there will be sufficient funds for that purpose at any time?

The Honourable Sir James Grigg: I am not a prophet.

Mr. S. Satyamurti: Have Government considered the question of the accuracy or adequacy of the "World Economic Survey, 1935-36" the book mentioned in this question,—whether that survey is adequate when the references to India are so scant as alleged in this question? I am merely asking whether the scant attention paid to India is or is not likely to affect the accuracy or adequacy of the World Economic Survey.

The Honourable Sir James Grigg: I don't think so. The World Economic Survey relates mainly to international conditions, and not so much to domestic conditions, and I have often gathered that it was the desire of the Party opposite to limit the trade exchanges with the world outside.

Mr. S. Satyamurti: Nothing of the kind! May I know whether the Honourable the Finance Member has considered from the point of view of international trade with which alone this book is concerned that the scanty references to India are sufficient to give us a true picture of the international trade considering that India is a very big part of the world?

The Honourable Sir James Grigg: That is a matter of opinion. I think it is conceivable that there might be more references to India if we advertise ourselves a little more.

Mr. K. Santhanam: Does the Honourable Member know that even China gets greater attention in this book than India?

The Honourable Sir James Grigg: I am prepared to take it from the Honourable Member, but China is a very big country.

Mr. S. Satyamurti: Will Government be pleased to draw the attention of the League of Nations to the scant attention paid to India in this book, considering the fact that we are contributing a large sum to the League, and in view also of the fact that we are an original Member of the League, may I know if my friend will be pleased to draw the attention of the League of Nations to the scant attention paid to India?

The Honourable Sir James Grigg: I would rather like first to put our own house in order?

Mr. T. S. Avinashilingam Chettiar: Is the Honourable Member of opinion that the money spent on the collection of statistics is not commensurate with the benefit we derive?

The Honourable Sir James Grigg: I don't think that arises out of this question.

ACQUISITION OF A BUILDING IN PURANI MANDI, AJMER, TO PROVIDE A LIQUOR SHOP ON RENT.

794. ***Babu Baijnath Bajoria:** (a) Are Government aware that the Ajmer Local Administration is acquiring a building in Purani Mandi, Ajmer, to provide a liquor shop on rent to a liquor vendor under the Land Acquisition Act?

(b) Is the Collector appointed also the Excise Officer and as such officially interested in the acquisition?

(c) Are Government aware that the liquor shop, if acquired, would mean a continued permanent nuisance to the richly populated locality?

(d) Did the Collector reject the protests of the gentry inhabiting the locality?

(e) What is the price offered for the building and what is its present rent?

The Honourable Sir James Grigg: Information has been called for and will be laid on the table of the House in due course.

EXTENSIONS TO OFFICERS ON ATTAINING THE AGE OF SUPERANNUATION.

795. ***Syed Ghulam Bhik Nairang:** (a) Are Government aware that the communal proportions in the services fixed by them for new recruitment cannot come into effect unless, *inter alia*, senior officials are retired on attaining the age of superannuation?

(b) Are Government aware that extensions of service above the age of 55 years are being granted, especially in the Postal Department?

(c) If the answer to parts (a) and (b) be in the affirmative, will Government be pleased to state how they propose to give effect to their orders regarding fixation of communal proportions in the services?

(d) Are Government aware that by the grant of extensions referred to above, the promotion of junior officials is blocked, and the unemployment situation is also *pro tanto* aggravated?

(e) If the answer to part (d) be in the affirmative, are Government prepared to issue strict orders that such extensions should not be granted in future?

The Honourable Sir Frank Noyce: (a) The proportions fixed are for recruitment and are thus already in effect.

(b) Under Fundamental Rule 56 (b), a ministerial servant should ordinarily be retained in service, if he continues efficient, up to the age of 60 years, and, therefore, the question of granting extension of service does not arise before he attains the age of 60 years. This rule is being strictly followed in the Posts and Telegraphs Department.

(c) By applying those orders to vacancies as they occur.

(d) and (e). Do not arise in view of the reply given to part (b) above.

Mr. Lalchand Navalrai: May I know, Sir, what is the present policy of the Government in regard to extensions? Do they give extensions now-a-days?

The Honourable Sir Frank Noyce: Does the Honourable Member mean the policy of Government generally in regard to extensions?

Mr. Lalchand Navalrai: Yes.

The Honourable Sir Frank Noyce: Extensions are only given when they are in the public interest.

Mr. Lalchand Navalrai: From the point of unemployment in the country, I am asking whether this policy of extensions is desirable. If extensions are given, then no employment could be found for those who really need openings. Is there any change in the policy of the Government with regard to that?

The Honourable Sir Frank Noyce: I should say that the number of extensions is infinitesimal compared with the number of unemployed in the country.

ARTICLE ENTITLED "RAILWAY STORES SCANDAL" PUBLISHED IN THE *PILOT*.

796. ***Mr. Sham Lal:** (a) Has the attention of Government been drawn to an article headed "Railway Stores Scandal" in the *Pilot*, dated 3rd of January, 1937?

(b) Is it a fact that an Indian officer of the Stores Department has made grave accusation against the Controller of Stores? If so, what are the accusations, and what sort of cases have been cited by this officer against the Controller of Stores?

(c) Is it a fact that no action has been taken on this report? If so, why?

(d) Are Government prepared to appoint an independent enquiry committee immediately to look into this and to punish the officer at fault? If not, why not?

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

(b) to (d). Government have decided to appoint a committee of enquiry into the whole question of the disposal of scrap on the North Western Railway.

Mr. Lalchand Navalrai: Will there be any non-officials on this Committee?

The Honourable Sir Muhammad Zafrullah Khan: I am afraid I am unable to give any further information.

Mr. S. Satyamurti: Is this Committee appointed to inquire into the allegations referred to in the question?

The Honourable Sir Muhammad Zafrullah Khan: It is appointed to deal with the whole question of the disposal of scrap iron.

Mr. S. Satyamurti: Who are the Members of this Committee, may I know?

The Honourable Sir Muhammad Zafrullah Khan: I am unable to supply the names of the members at present.

Pandit Lakshmi Kanta Maitra: May I know, Sir, what are the terms of reference?

The Honourable Sir Muhammad Zafrullah Khan: They will have to look into the whole question.

Mr. S. Satyamurti: Will the Committee conduct a public inquiry?

The Honourable Sir Muhammad Zafrullah Khan: At the moment I am not able to add anything more to the information I have already given.

Mr. S. Satyamurti: Is it only a departmental committee, or will it consist of non-officials as well?

The Honourable Sir Muhammad Zafrullah Khan: The same reply.

CONNECTION OF SOME CLERKS OF THE GOVERNMENT OF INDIA PRESS, NEW DELHI, WITH THE CO-OPERATIVE CREDIT DEPARTMENT.

797. ***Maulvi Syed Murtuza Sahib Bahadur:** (a) Will Government be pleased to state if it is a fact that some clerks of the Government of India Press are connected with the Co-operative Credit Department as well and are attending to the duties connected with the latter in the Office of the Government of India Press?

(b) Do Government propose to see that they disconnect themselves from the Co-operative service?

The Honourable Sir Frank Noyce: (a) I am not clear to which Press the Honourable Member refers and what he means by "connected with the Co-operative Credit Department". I understand that Co-operative Thrift and Credit Societies have been established in certain Government of India Presses, and some of the Press employees do work connected with them in their spare time.

(b) No; I see no reason for discouraging co-operative effort of this kind.

FILLING UP OF CERTAIN VACANCIES IN THE GOVERNMENT OF INDIA PRESS

798. ***Maulvi Syed Murtuza Sahib Bahadur:** (a) Is it a fact that vacancies in the Government of India Press are not filled up for months together and the work in the Press suffers on that account?

(b) If so, do Government propose to see that vacancies are filled up without delay?

The Honourable Sir Frank Noyce: (a) The Honourable Member has not indicated the press to which he refers. But vacancies in the Government of India Presses are normally filled with the least possible delay.

(b) Does not arise.

APPOINTMENT OF THE INDIAN TRADE COMMISSIONER AT MOMBASA, EAST AFRICA.

799. ***Mr. Ganga Singh:** (a) Will Government be pleased to state if they are aware that the post of an Indian Government Trade Commissioner at Mombasa (East Africa) was recently advertised by the Public Service Commission?

(b) Will Government be pleased to state (i) the number of applicants for the aforesaid post, and (ii) the number of persons interviewed by the Public Service Commission?

(c) Will Government be pleased to state the name of the person selected for the appointment and the special qualification he has, for being chosen for the post?

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

(b) 92 and 10 respectively.

(c) Government have provisionally made the selection but are not yet in a position to announce the name of the selected candidate. The selected candidate stood first in the opinion of the Public Service Commission.

SUBJECTS FOR THE COMPETITIVE EXAMINATIONS HELD BY THE PUBLIC SERVICE COMMISSION.

800. ***Mr. Akhil Chandra Datta:** (a) Will Government be pleased to state the object of holding competitive examinations by the Public Service Commission?

(b) Is it for the purpose of testing the general culture and intelligence of the prospective public servants, or is it for testing their specialised knowledge in any particular subject or subjects?

(c) If the former, what is the principle on which some subjects of cultural and intellectual importance, which are taught in the Universities, are excluded from the syllabus of some of these examinations?

(d) If the latter, what is the practical value to a public servant of the specialised knowledge of subjects like Higher Physics, Astronomy, Old English, Latin, etc., which are included in some of these examinations?

(e) Are Government aware of the opinion of the Inter-University Board that the exclusion of subjects of high cultural value from the syllabus of the competitive examinations reacts adversely on the study of these subjects in the Universities?

(f) In the matter of selection of subjects for the syllabus of the Public Service Examinations, do Government propose to act on the expert advice of the Inter-University Board?

(g) Are Government prepared to recast the syllabi for the competitive examinations in the near future in consultation with such expert and competent bodies as the Indian Universities and the Inter-University Board?

The Honourable Sir Henry Craik: (a) to (d). The object of holding competitive examinations is to obtain recruits for Government service after testing the fitness of candidates for admission to the public service. The general object kept in view in the framing of the syllabus is to obtain a fair criterion of intellectual ability and to afford a fair opportunity to the average Indian student to compete. Highly specialised subjects studied by very few students are excluded because of the difficulty of comparing results in these subjects with those in others and the difficulty of securing the services of suitable examiners.

(e) Yes.

(f) and (g). No.

Mr. S. Satyamurti: With reference to the answer to clause (e) of the question, may I know whether Government have taken any action on this expression of opinion by the Inter-University Board?

The Honourable Sir Henry Craik: The answer is "Yes".

Mr. S. Satyamurti: But I am asking a supplementary question on that, whether, in view of the knowledge on the part of the Government of this opinion, they have taken or propose to take any action with a view to including subjects of high cultural value in the syllabus of these competitive examinations?

The Honourable Sir Henry Craik: I think due weight has been given to the opinion of the Inter-University Board in regard to this matter and subjects of high cultural value are to some extent included, but experience has shown that they are subjects which are taken by very few competitors and it is difficult to obtain competent examiners.

Mr. S. Satyamurti: Will Government consider the suggestion contained in clause (g) of the question, that is to say, to recast the syllabus or syllabi as it is called, for the competitive examinations in the near future in consultation with such expert and competent bodies as the Indian Universities and the Inter-University Board?

The Honourable Sir Henry Craik: No. I cannot pledge the Public Service Commission to accept the opinion of the Inter-University Board in such matters.

Mr. S. Satyamurti: I am not saying that they should accept the opinion of these bodies. I am simply asking whether the Government will consult these highly competent bodies on a matter on which they are quite competent to advise?

The Honourable Sir Henry Craik: I cannot say as regards the future, but I will pass that suggestion on to the Public Service Commission.

Pandit Lakshmi Kanta Maitra: Is it not a fact that the Inter-University Board made certain representations to the Government of India for inclusion of subjects of high cultural value in the syllabus for the competitive examinations?

An Honourable Member: What are such subjects?

Pandit Lakshmi Kanta Maitra: There is, for instance, Indian Philosophy.

The Honourable Sir Henry Craik: There is a later question about it.

Mr. Lalchand Navalrai: May I know from the Honourable Member if the Sapru Committee considered this question and made any recommendation on the subject?

Mr. President (The Honourable Sir Abdur Rahim): That does not arise. Next question.

EXCLUSION OF SOME SUBJECTS FROM THE PUBLIC SERVICE COMMISSION EXAMINATIONS.

801. ***Mr. Akhil Chandra Datta:** (a) Is it a fact that the Inter-Universities Board forwarded to the Public Service Commission their

resolutions conveying protests against the exclusion of some subjects from the Public Service Examinations and urging that subjects should be fixed in consultation with them?

(b) What action, if any, has been taken in the matter?

The Honourable Sir Henry Craik: (a) Yes.

(b) Government considered these protests and recommendations and informed the Inter-University Board that the existing syllabi were adequate, and that they did not intend to burden candidates with more options, it being the duty of intending candidates to study the syllabi framed by Government and plan their studies at the Universities accordingly.

Pandit Lakshmi Kanta Maitra: Is it not a fact that the Inter-University Board represented to the Government that these subjects should be included in the syllabus, because their case was not that the syllabus was inadequate but that the syllabus excluded subjects of high cultural value?

The Honourable Sir Henry Craik: Exclusion of which particular subjects?

Pandit Lakshmi Kanta Maitra: I am referring particularly to Indian philosophy.

The Honourable Sir Henry Craik: There is a question about it.

Pandit Lakshmi Kanta Maitra: The Honourable Member said that the syllabus was adequate. What did he mean by saying that it was adequate?

The Honourable Sir Henry Craik: I meant what I said—adequate, sufficient, satisfactory.

EXCLUSION OF INDIAN PHILOSOPHY FROM THE SYLLABUS OF THE INDIAN CIVIL SERVICE EXAMINATION.

802. ***Mr. Akhil Chandra Datta:** (a) Are Government aware that Indian Philosophy is going to be excluded from the syllabus of Indian Civil Service Examination from 1938?

(b) Is it a fact that this exclusion has been decided upon in spite of the protests of such competent and expert bodies as the Inter-University Board, the Calcutta University and the All-India Philosophical Congress and of the Press?

(c) Is it a fact that Indian Philosophy has been until now one of the optional subjects carrying 100 marks only in the Indian Civil Service Examination?

(d) If the answer to parts (a) and (b) be in the affirmative, will Government be pleased to state their reasons for the exclusion?

The Honourable Sir Henry Craik: (a) to (c). Yes.

(d) The main reasons for the exclusion of Indian Philosophy are those given in part (a) of the Honourable Member's next question No. 803?

Pandit Lakshmi Kantra Maitra: Have Government examined the objections, and is it not a fact that the University of Calcutta gave a reasoned reply to all these points?

The Honourable Sir Henry Craik: I think the Honourable Member is correct in saying that the University of Calcutta was in favour of inclusion of Indian Philosophy as a separate subject, but that was not the opinion accepted by the Public Service Commission. As a matter of fact, Indian Philosophy has not been completely excluded, as I shall show subsequently.

Pandit Lakshmi Kanta Maitra: May I know, apart from the Public Service Commission, whether the Government of India in the Education Department, represented by my Honourable friend, Sir Girja Shankar Bajpai, or I do not know who else represents that Department—may I know whether the Government of India in the Education Department applied their minds to this aspect of the question?

The Honourable Sir Henry Craik: Yes. The Government of India accepted the view that Philosophy should not be included.

Mr. S. Satyamurti: With reference to the answer to clause (d), of the question, referring to the statements made in the first part of question No. 803, may I ask for an elucidation of the exact difficulty of securing suitable examiners sufficiently detached from the candidates? What is the suggestion there?

The Honourable Sir Henry Craik: The Honourable Member had better put that question to the Honourable the Deputy President.

Mr. S. Satyamurti: My Honourable friend has accepted those suggestions as his own answer, and I am simply asking what is meant by saying, "the difficulty of securing suitable examiners sufficiently detached from the candidates"? Is it suggested that they will give more marks than the candidates deserve, or they are relations, cousins and so on?

The Honourable Sir Henry Craik: This is not my phrase but that of the Honourable the Deputy President.

Mr. S. Satyamurti: But the Honourable Member has accepted it as his own reason. The question is this:

"If the answer to parts (a) and (b) be in the affirmative, will Government be pleased to state their reasons for the exclusion?"

My Honourable friend's answer was that the reasons are what are given in clause (a) of the next question.

Mr. President (The Honourable Sir Abdur Rahim): The next question has not yet been answered.

Mr. S. Satyamurti: He has answered by referring to it as his reason for the exclusion of Indian Philosophy. I am asking for an elucidation of the answer contained in sub-clause (ii) of clause (a) of the next question, namely, "the difficulty of securing suitable examiner sufficiently detached from the candidates".

The Honourable Sir Henry Craik: What my Honourable friend, the Deputy President, had in mind was probably the difficulty of getting as examiners in these subjects people who had not been teaching the subjects themselves.

Mr. Akhil Chandra Datta: May I intervene and say, Sir, that the reasons suggested in question No. 803 are not my reasons at all? Those are the reasons which had been communicated by the Government of Bengal to the Calcutta University.

Pandit Lakshmi Kanta Maitra: Those are the exact wordings of the Government of Bengal to the Calcutta University.

The Honourable Sir Henry Craik: Communicated by the Government of Bengal to the Calcutta University?

Mr. Akhil Chandra Datta: Yes.

The Honourable Sir Henry Craik: Anyhow, I did not invent the phrase.

Pandit Lakshmi Kanta Maitra: May I know from the Honourable Member if his Department has not even got this reply from the Government of Bengal? The Government of Bengal wanted the Calcutta University to give their opinion on these points and the question has been framed on the very wording of the reply of the Government of Bengal.

Mr. President (The Honourable Sir Abdur Rahim): The Government of Bengal is the best authority then to explain it.

Pandit Lakshmi Kanta Maitra: This has been approved by the Government of India. Opinions were invited from the different Universities, and the Calcutta University was also addressed. "Sufficiently detached from the candidates" was the point which was put by the Government of Bengal to the Calcutta University, and those are the grounds on which philosophy has been excluded and the Government of Bengal wanted the opinion of the Calcutta University. My Honourable friend, Sir Henry Craik, says that that has been approved by the Public Service Commission and also by his own Government. I want to know from the Honourable Member, when this is an expression which emanates, not from the questioner himself, but from the Government who wanted the opinion of the Calcutta University—I want to know what is it that is exactly meant by saying, "the difficulty of securing suitable examiners sufficiently detached from the candidates".

Mr. President (The Honourable Sir Abdur Rahim): The Chair thought the Honourable Member gave an answer.

Pandit Lakshmi Kanta Maitra: He never gave any answer. He has invited us to ask the Deputy President.

The Honourable Sir Henry Craik: I gave an explanation.

Mr. Akhil Chandra Datta: Is the Honourable Member aware that there are as many as 57 optional subjects out of which Indian Philosophy was only one up to 1937, and even that one subject has been excluded. There are six compulsory and 57 optional subjects.

The Honourable Sir Henry Craik: The Honourable Member asks me if I am aware whether there are still 57 optional subjects?

Mr. Akhil Chandra Datta: Including Indian Philosophy which it is proposed now to be excluded.

The Honourable Sir Henry Craik: I cannot say offhand. I cannot remember the whole syllabus by heart.

Pandit Lakshmi Kanta Maitra: Will the Honourable Member kindly consider all these questions and the replies given by the Calcutta University, the Inter-University Board and other bodies and then take up the question of revising the syllabus of these examinations?

The Honourable Sir Henry Craik: All the relevant opinions were taken into consideration.

Pandit Lakshmi Kanta Maitra: Will the Honourable Member reconsider them in the light of all these questions?

Mr. President (The Honourable Sir Abdur Rahim): The Chair thinks the matter has been fully discussed.

EXCLUSION OF INDIAN PHILOSOPHY FROM THE SYLLABUS OF THE INDIAN CIVIL SERVICE EXAMINATION.

803. ***Mr. Akhil Chandra Datta:** (a) Is it a fact that the reasons for the exclusion of Indian Philosophy from the syllabus of the Indian Civil Service Examination are:

- (i) the small number of candidates who have taken this subject;
- (ii) the difficulty of securing suitable examiners sufficiently detached from the candidates; and
- (iii) the opinion that Indian Philosophy is another name for Hindu Philosophy and therefore it will be a source of sectional rivalries?

(b) If the answer to the above be in the negative, will Government be pleased to state in detail their reasons for the exclusion of this culturally important subject?

(c) If the answer to part (a) above be in the affirmative, will Government be pleased to lay on the table of this House a list showing the number of candidates who had taken Indian Philosophy as one of their subjects for the Indian Civil Service Examination during the last five years?

(d) Will Government be pleased to lay on the table a comparative statement showing the total number of candidates taking up in their examination, as subjects, Latin, Arabic, Pali, Higher Mathematics, Higher Geology and Astronomy?

(e) Are Government aware that the exclusion of Indian Philosophy will act as a great handicap to those candidates who are trained in it and desire to take it as one of the subjects for the competitive examination?

(f) Are Government aware that the exclusion will also have the effect of discouraging a study of the subject in the Indian Universities?

The Honourable Sir Henry Craik: (a) Yes.

(b) Does not arise.

(c) and (d). I lay a statement on the table.

(e) and (f). Government have not excluded questions on Indian Philosophy but have arranged for the inclusion of the Hindu part of the subject in the paper on Sanskrit Civilisation and for the inclusion of the Muslim part in the papers on Arabic Civilisation. They have, therefore, no reason to think any student of the subject is unduly handicapped or that the study of the subject is discouraged at the Indian Universities.

Statement showing the number of candidates who had taken Indian Philosophy, Latin, Arabic, Pali, Higher Mathematics, Higher Geology and Astronomy as one of their optional subjects for the Indian Civil Service Examinations held in India during the years 1933—37.

Year.	Indian Philosophy.	Latin.	Arabic.		Pali.			Higher Mathematics.		Higher Geology.	Astronomy.
			Language.	Civilisation.	Language.	Civilisation.	Total.	Pure.	Applied.		
1933 . . .	5	1	10	9	..	1	1	29	17	1	6
1934 . . .	..	2	10	7	..	..	..	34	20	..	8
1935 . . .	1	..	2	1	1	..	1	22	14	..	3
1936 . . .	7	1	8	8	1	1	2	17	11	..	..
1937 . . .	4	..	16	13	1	1	2	21	7	..	1

Pandit Lakshmi Kanta Maitra: May I know the answer to parts (e) and (f)?

The Honourable Sir Henry Craik: I said that Government have not excluded questions in Indian Philosophy, but have arranged for the inclusion of the Hindu part of the subject in the paper on Sanskrit Civilisation and for the inclusion of the Muslim part in the paper on Arabic Civilisation.

Pandit Lakshmi Kanta Maitra: Is it not a fact that Indian Philosophy is a subject by itself and Indian Civilisation is a matter which deals with Epigraphy, Ancient History, and so on. Indian Philosophy used to be an independent subject, and that has been excluded.

The Honourable Sir Henry Craik: That is the same question as the Honourable Member has asked. Indian Philosophy was a separate optional subject, but is so no longer.

Mr. S. Satyamurti: With reference to part (f) of the question, are Government aware that in many Indian Universities there is a landslide in favour of sciences at the expense of humanities, and that Indian Philosophy is practically neglected? I can speak for Madras. Are Government aware that this landslide is not educationally sound and that the exclusion of Indian Philosophy is having a deleterious effect on educational standards?

Mr. President (The Honourable Sir Abdur Rahim): That is a highly controversial matter.

RULES REGARDING TRANSFER OF STAFF ON THE BOMBAY, BARODA AND CENTRAL INDIA RAILWAY.

804. ***Mr. Mohan Lal Saksena:** Will Government be pleased to state if there are any rules on the Bombay, Baroda and Central India Railway regarding transfers of staff? If so, will Government be pleased to lay on the table a copy of them?

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

REPRESENTATION REGARDING THE AMALGAMATION OF THE TWO CLERICAL GRADES IN THE OPERATING DEPARTMENT OF THE DIVISIONAL SUPERINTENDENT'S OFFICE, LUCKNOW.

805. ***Mr. Mohan Lal Saksena:** (a) Is it a fact that the clerks of the Divisional Superintendent's Office, Lucknow, submitted a representation to the Secretary, Railway Board, regarding the amalgamation of the existing clerical grades of Rs. 55—3—70 and Rs. 75—5—90 in the Operating Department? If so, will Government state the reasons for not granting their prayer made therein?

(b) Is it not a fact that a similar prayer for amalgamation of grades in the Accounts Department of the Railway was accepted in December, 1934?

(c) Is it not a fact that the duties of the clerks in grades Rs. 55—3—70 and Rs. 75—5—90 in the Accounts and Operating Departments are similar? If so, are Government prepared to consider the feasibility of amalgamating the two grades in the Operating Department for the clerks?

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

MEETINGS OF THE WORKS COMMITTEE IN THE GOVERNMENT OF INDIA PRESS, NEW DELHI.

806. ***Qazi Muhammad Ahmad Kazmi:** (a) Will Government be pleased to state whether they are aware that prior to the arrival of the new Manager of the Government of India Press, New Delhi, the meetings of the Works Committee used to be held monthly, but since he has taken charge, for months together no meeting is held? If not, how many meetings have been held since April 1936?

(b) Are Government aware that no steps are taken to remedy the grievances put up in the Works Committee under the new regime? If not, what was the number of grievances and how many of them were redressed?

(c) Is it or is it not a fact that some of the members of the Works Committee resigned as a protest against this treatment, and their places were filled up by persons of a very low grade? If not, what has been the number of resignations since April, 1936?

(d) Is it or is it not a fact that the Manager does not often even attend the meetings of the Committee? and

(e) Have Government considered the advisability of removing the complaints of the members of the Works Committee, so that it may work efficiently as before? If so, what steps do they propose to take in the matter?

The Honourable Sir Frank Noyce: (a) So far as my information goes, general meetings of the Works Committee were not held regularly every month either during the time of the previous Manager or of the present Manager. Six meetings of the Committee have been held since April, 1936.

(b) No; steps are being taken to redress the legitimate grievances of the employees. The last part does not arise.

(c) No. Two members resigned since April, 1936, but not for the reason given by the Honourable Member. Their places were filled by persons duly elected.

(d) The reply is in the negative.

(e) Does not arise. So far as I am aware, the Committee is working satisfactorily.

REMOVAL OF SHOES BY VISITORS TO THE MOSQUES AND TOMBS UNDER THE ARCHAEOLOGICAL DEPARTMENT.

807. ***Qazi Muhammad Ahmad Kazmi:** (a) Are Government aware that the visitors to the mosques and tombs under the Archaeological Department often do not take care to take off their shoes before entering the buildings, which is shocking to the feelings of Muslims?

(b) Have Government considered the advisability of removing this grievance by putting up notices at such places for the removal of shoes? If not, what other steps do they propose to take in this matter?

Sir Girja Shankar Bajpai: (a) and (b). Notices have already been put up at important mosques and tombs in charge of the Archaeological Department requiring visitors to remove shoes when entering these places and cloth over-shoes or slippers have been provided.

Prof. N. G. Ranga: Are Government aware that at the Taj Mahal Europeans are not expected to take off their shoes?

Sir Girja Shankar Bajpai: I do not know that, but I have already answered that either cloth over-shoes or slippers must be worn. One of the two things has got to be done.

Mr. M. Ghiasuddin: Are Government aware that putting on cloth over-shoes is not enough according to Indian sentiment?

Sir Girja Shankar Bajpai: So far as I am aware, this particular rule has been in force for a number of years, and no protest has been made against the use of over-shoes.

Qazi Muhammad Ahmad Kazmi: Have Government provided sufficient number of cloth covers?

Sir Girja Shankar Bajpai: If my friend has personal experience of any place where they are inadequate, I shall have the matter looked into.

Prof. N. G. Ranga: The provision of over-shoes does not take away the character of the leather shoe?

Sir Girja Shankar Bajpai: I am merely referring to the practice which has been in force for 15 years. It has not so far given rise to any complaint.

Mr. Sri Prakasa: Will Government be satisfied if we, Indians, when visiting churches, put on some artificial hair over our caps? (Laughter.)

Sir Girja Shankar Bajpai: I fail to see what relation this had to the question of wearing shoes.

Qazi Muhammad Ahmad Kazmi: May I know how the persons who do not put on these things when visiting tombs are dealt with? I know, as a matter of fact, that they do enter without any of these things. Is there any punishment?

Sir Girja Shankar Bajpai: I am afraid there is no special penalty for a person forcing his way into tombs.

Mr. Ganga Singh: Will Government make the system uniform and say that shoes should be removed?

Sir Girja Shankar Bajpai: I will have that suggestion considered.

Mr. Lalchand Navalrai: If notices are put up, are they not intended for all classes of people including Europeans?

Sir Girja Shankar Bajpai: They are intended for all classes; there is absolutely no distinction.

GIVING OF WORK IN CONNECTION WITH THE KILOKARI EXTENSION SCHEME TO MESSRS. DUNCAN STRATTON AND COMPANY.

808. ***Mr. Ganga Singh:** (a) Is it a fact that work worth about 25 lakhs in connection with the Kilokari Extension Scheme has been awarded to Messrs. Duncan Stratton & Co., a British firm, without calling for any competitive tenders for the work?

(b) Is it a fact that the work is of a special kind?

(c) Is it a fact that the work includes construction of staff quarters, roads, and re-inforced concrete tanks?

(d) Are Government aware that work of a similar nature in Bihar, excluding the installation of machinery, was given as a result of calling of tenders and executed by an Indian firm?

(e) Have Government considered the question of separating the contract for Kilokari Extension Works, Delhi, into two portions, *viz.*, construction of staff quarters and roads, etc., and the installation of machinery? If not, why not? If so, why could separate contracts, particularly quarters and roads, not be given to a local Indian firm?

(f) Why were not tenders called for even from foreign firms?

(g) How did Government satisfy themselves that the works are given out at the most economical rates, beneficial to the tax-payers?

(h) Is it a fact that only lump sum quotations were obtained for two different types of installation from two English firms? Was it not possible to obtain item rate tenders for the work?

(i) Are Government prepared to institute an enquiry into the circumstances under which the contract was given? Have Government taken steps to see that alterations will not be made in the plans, specifications, etc., during its actual execution, bearing in mind the fact that the work has been given on a lump sum basis?

(j) Was it not possible, to get the work executed through the Central Public Works Department, as recommended by Hydari Sewage Enquiry Committee in its Report?

(k) Is it a fact that this work is being executed by the Superintending Engineer, Health Services, without the assistance of an Executive Engineer or the control of a Chief Engineer?

(l) Will Government state the reasons for combining the executive and administrative functions in this particular case?

Sir Girja Shankar Bajpai: (a) No. Competitive tenders were called for.

(b) Yes.

(c) Yes. The roads and staff quarters represent about 2.5 per cent. of the total cost.

(d) At Patna also the machinery is being installed by Messrs. Duncan Stratton and Company, who, however, have not given the same stringent guarantees as are incorporated in the Delhi contract. On the other hand, at Secunderabad and Bombay similar works and subsequent extensions thereto have been constructed by Messrs. Duncan Stratton and Company on Lump-Sum Contracts and with stringent guarantees which have been met.

(e) The main work relates to the installation of Bio-eration plant. The construction works relating to this are integral part of the scheme and Government were satisfied that the efficiency of execution would be better secured by entrusting whole of this part of the work to one agency than by separating construction work and the fixing up of machinery. The construction of quarters was also entrusted to the firm because of the cheapness of the tender.

(f) and (h). (i) Tenders were called from all firms established in India who deal in this variety of plant. (ii) For the reasons explained in answer to (e) it was not necessary to obtain item rate tenders.

(g) The lowest tender was accepted.

(i) The tenders were submitted to Government who made the decision. Whether the contract is on a lump sum or other basis no changes in plans or specifications may be made without the sanction of competent authority.

(j) The Enquiry Committee recommended that the agency of the Public Works Department should be employed for the construction elements of the scheme but for the reasons explained in answer to part (e) the whole contract for this part was given to one firm. As the work will be constructed under the supervision of the Superintending Engineer, Health Services, the technical advantages of construction through the agency of the Public Works Department have been secured.

(k) The Superintending Engineer, Health Services, is an officer of the Delhi Administration and is responsible directly to the Chief Commissioner for technical advice on Public Health Engineering Works in the Delhi province. The executive control of the work is under a Resident Engineer and suitable staff.

(l) Does not arise.

Mr. Ganga Singh: May I ask, with reference to part (f) of the question if a public notice was issued calling for tenders?

Sir Girja Shankar Bajpai: All the formalities which are required for the purpose of calling for tenders were complied with.

Mr. Ganga Singh: My question is simple, *viz.*, whether a public notice in the newspapers was issued, or not?

Sir Girja Shankar Bajpai: I am not in a position to say as to what particular details are included in this procedure; all I am telling my Honourable friend is that the usual procedure was followed on this occasion.

Mr. Ganga Singh: My information is that certain contractors were asked to quote rates and no public notice was called for?

Sir Girja Shankar Bajpai: As far as I know, the whole of the proceedings fell into two parts. In the first instance, inquiries were made from certain firms. After that, tenders were called for in the ordinary way.

Dr. Ziauddin Ahmad: What is the reply to part (g)?

Sir Girja Shankar Bajpai: I have said that the lowest tender was accepted.

POSTS OF GAZETTED OFFICERS CREATED IN THE GOVERNMENT OF INDIA OFFICES.

809. ***Mr. C. N. Muthuranga Mudaliar:** Will Government be pleased to state:

(a) the number and designation of new posts of gazetted officers above the rank of Superintendents created in 1934, 1935 and

1936 in the following Secretariat Departments and offices attached thereto:

Home, Foreign, Army, Education, Health and Lands, Industries and Labour, Commerce and Railways, Legislative and Finance; and

(b) the salary of such posts and the names of the officers who occupied such posts?

The Honourable Sir Henry Craik: With your permission, Sir, I shall reply to questions Nos. 809 and 810 together. The information is being collected and will be laid on the table in due course.

FILLING UP OF POSTS OF GAZETTED OFFICERS IN THE GOVERNMENT OF INDIA OFFICES BY NON-INDIANS.

†810. ***Mr. C. N. Muthuranga Mudaliar:** Will Government state how many gazetted officers' posts above the rank of Superintendents in the following Departments which were previously held by Indians, were filled by non-Indians in 1934, 1935 and 1936 and the designation of such posts:

Home, Foreign, Army, Education, Health and Lands, Industries and Labour, Commerce and Railways, Legislative, Finance?

EXPENDITURE ON OFFICIAL WHIPS.

811. ***Mr. Sri Prakasa:** (a) Do Government maintain a regular office for their whips? If so, what is the cost?

(b) Is the cost borne by the members of the Government and their supporters from their private pockets, or is it a charge on the public revenue?

The Honourable Sir Frank Noyce: (a) No.

(b) Does not arise.

INSANITARY CONDITION OF THE GOL MARKET AREA IN NEW DELHI.

812. ***Pandit Lakshmi Kanta Maitra:** (a) Will Government please state how many times the Health Officer, New Delhi, himself inspected the Gol Market area and its adjacent squares (Foch, Diaz, Pershing, etc.) of quarters during each week in the last three months?

(b) Are Government aware that generally the whole of that area is neglected and has been a centre of various infectious diseases?

(c) Are Government aware that the drains, parks in front of quarters and service roads, are generally seen full of dung and other rubbish and are not kept clean and tidy?

(d) What steps do Government propose to take to ensure proper looking after of this area in future to safeguard the health of the locality?

Sir Girja Shanker Bajpai: I have called for the information and will supply it to the House as soon as possible.

††For answer to this question, see answer to question No. 809.

RADIO RECEIVING LICENCES.

813. ***Mr. Ganga Singh:** Will Government be pleased to state the number of Radio Receiving Licences issued during the years 1934-35, 1935-36 and 1936-37, in British India and the other parts of India?

The Honourable Sir Frank Noyce: The number of Wireless Receiving Licences issued in British India is in round number as follows:

1934-35	18,000
1935-36	28,100
1936-37 (eleven months to end of February, 1937)	38,400

Government have no information regarding the number of licences issued in places outside British India.

BROADCASTING STATIONS IN INDIA.

814. ***Mr. Ganga Singh:** (a) Will Government be pleased to state at which places in British India and other parts of India, broadcasting stations are established, up to date?

(b) Will Government be pleased to state in which places they have plans to establish broadcasting stations during 1937-38, 1938-39 and 1939-40?

The Honourable Sir Frank Noyce: (a) The All-India Radio at present maintains broadcasting stations at Delhi, Bombay and Calcutta. There are privately owned stations at Lahore, Dehra Dun and Madras in British India, and I understand that there are stations at Hyderabad (Deccan), Aurangabad, Gulbarga, Warangal and Mysore in the Indian States.

(b) The Government of India propose to establish new stations at Peshawar, Lahore, Lucknow, Madras, Trichinopoly and Dacca during the next two years.

RADIO RECEIVING SETS IMPORTED OR MANUFACTURED IN INDIA.

815. ***Mr. Ganga Singh:** Will Government be pleased to state the number of radio receiving sets imported or manufactured in this country during the years 1934-35, 1935-36 and 1936-37?

The Honourable Sir Frank Noyce: The number of radio receiving sets imported during the ten months ending January, 1937, was 19,702. No figures are available for previous years, nor of the number of sets manufactured in this country.

RELAYING OF THE SPEECHES DELIVERED BY MEMBERS OF LEGISLATURES IN THE LEGISLATIVE CHAMBERS.

816. ***Mr. Ganga Singh:** (a) Will Government be pleased to state if they are aware that the masses of India have a keen desire to hear the Members of Legislatures when debates take place in the Chambers of the Legislatures?

(b) If so, will Government please state if they are prepared to relay the speeches when they are actually delivered in the Legislative Chambers? If not, why not?

The Honourable Sir Frank Noyce: (a) No.

(b) Does not arise.

REMOVAL OF UNEMPLOYMENT AMONGST THE EDUCATED CLASSES AND OTHERS.

817. ***Sardar Sant Singh:** (a) Are Government aware that a youngman, namely, Natya Nand Kapur, committed suicide by hanging in one of the Government quarters in New Delhi, on or about the 4th or 5th March, 1937? If so, is it a fact that the deceased left a note in his handwriting to the effect that he was committing suicide for want of employment?

(b) In view of the desperate situation of educated youngmen, do Government propose to take immediate steps to remove unemployment amongst the educated classes and others?

The Honourable Sir Frank Noyce: (a) The only report I have seen of this case was contained in a local newspaper. This report mentioned a note left by the deceased but did not indicate that that note gave unemployment as the reason for the act.

(b) As regards the steps which Government have taken, or are taking, to relieve unemployment, I would refer the Honourable Member to the reply given by the Honourable Mr. Clow to parts (a) and (c) of the Honourable Lala Ram Saran Das's question No. 60 in the Council of State on the 28th September, 1936.

APPOINTMENT OF COMMISSIONS, BOARDS OF TRIBUNALS BY LOCAL GOVERNMENTS.

818. ***Sardar Sant Singh:** (a) Will Government be pleased to state if it is a fact that Local Governments have been appointing Commissions, Boards or Tribunals under the provisions of section 3 of the Act 1850 read with Section 23 of the Act?

(b) Is it a fact that in the case of one Sukumar Sen, late of Indian Police Service, Bengal Government appointed such a Tribunal in the first instance when, after objection as to the legal constitution and consequent jurisdiction of the Commission, legal opinion was obtained and the Commission had to be dissolved and reappointed by the Government of India?

(c) Was there any similar case in any other Province? If so, did Government issue any general instructions to the Local Governments not to appoint such Commissions? If not, do Government propose to issue such instructions in order to save the public exchequer from waste of money?

(d) How many cases are either pending before such Commissions in Bengal, or in other Provinces, or the proceedings of such Commissions before the Government of India or Public Service Commission?

(e) Has the question of the legality of the constitution of the Commission been considered by Government of India? If not, are Government prepared to take the opinion of their Law officers on the point?

(f) How many cases during the last seven years were dealt with by the Commission against Imperial Service Officers (All India Services)?

(g) How many Indians and how many Europeans were proceeded against and with what result?

The Honourable Sir Henry Craik: (a) Except the case referred to in part (b) of the question, I have not heard of any case of infringement of the kind referred to by the Honourable Member in recent years.

(b) Yes.

(c) Instructions were issued.

(d) I am not aware of any inquiries now proceeding.

(e), (f) and (g). I do not know to what Commission the Honourable Member refers.

Sardar Sant Singh: May I know if it is not a fact that, under that Act of 1850, a Local Government can appoint Commissions of Inquiry into the conduct of public servants only in those cases where the appointment and dismissal of public servants rest with the Local Government, and not in those cases where the appointment and dismissal rest with the Government of India?

The Honourable Sir Henry Craik: I think that is correct.

Sardar Sant Singh: Is it a fact that Commissions are sometimes appointed by a Local Government in cases where members of the Imperial Services are concerned?

The Honourable Sir Henry Craik: Excepting the case referred to in part (b) of the question, where a mistake was made, I have said I have not heard of any other case.

Sardar Sant Singh: May I remind my Honourable friend if he has not heard of the case in the Central Provinces of a Bengali officer of the Imperial Service where a Commission was appointed, where an objection was taken up that the Commission had no jurisdiction, but where the Government of India did not overrule the Local Government and the latter appointed a Commission? It was about the case of one Mr. M. Chaudhury.

The Honourable Sir Henry Craik: When did this happen?

Sardar Sant Singh: It has been going on for the last two years?

The Honourable Sir Henry Craik: I have not heard of it.

MEAT SHOPS IN THE MINTO ROAD AREA, NEW DELHI.

819. ***Dr. N. B. Khare:** (a) Is it a fact that there are only two meat shops in Minto Road area to cater for the need of the residents of more than one thousand quarters?

(b) Is it a fact that sufficient meat is not kept for sale in these two shops and the residents are compelled to purchase their meat from the city, where meat is kept for sale exposed to flies and dust?

(c) Are Government aware that these two shops remained closed from the 22nd to the 25th February, 1937, on account of Id-uz-Zuha and the 15th and the 16th March, 1937, on account of strike, and also remain closed off and on at the sweet will of the butchers, causing great inconvenience to the residents?

(d) Do Government propose to put some restrictions at the time of the allotments of all the shops in New Delhi whereby butchers may not be able to close their shops without the previous sanction of the authorities?

(e) Do Government also propose to construct more meat shops or make some other provision for more meat shops in the Minto Road area? If not, why not?

Sir Girja Shankar Bajpai: Information has been called for and will be furnished to the House as soon as possible.

BAJRI QUARRIES IN THE NEW DELHI CANTONMENT.

820. ***Seth Sheodass Daga:** (a) Is it a fact that the *bajri* quarries in the New Delhi Cantonment were given on contract during 1935-36 for Rs. 800?

(b) Is it also a fact that a compensation to the extent of Rs. 500 was allowed to the contractor for releasing a portion of the quarries for a period of less than six months?

(c) Are Government aware that the compensation is out of all proportion to the number of quarries released and the period for which they were returned to the Cantonment authorities?

(d) Is it a fact that the application for compensation by the contractor was received privately by the Executive Officer and did not pass through the Office? Is it also a fact that it was not produced before the Board of monthly proceedings?

(e) Is it a fact that both the Executive Officer and the contractor belonged to the same community?

(f) Do Government propose to investigate the matter and punish the officer responsible for irregularity, if any?

Mr. G. R. F. Tottenham: I am making enquiries and will place the information on the table of the House when received.

CASE OF ONE MR. GURUMUKH SINGH, A PRISONER IN THE ANDAMANS.

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

(i) when Mr. Gurumukh Singh (1914-15 prisoner) was sent to the Andamans;

(ii) whether he was found to be suffering from bleeding piles on the eve of his departure to the Andamans;

(iii) whether his teeth were extracted under medical advice a few days before he was deported and his gums were swollen and bleeding;

(iv) whether he had protested in the presence of high C. I. D. officials and other officials against his being deported;

(v) whether it is a fact that his repeated requests to permit him and arrange for him to interview his Counsel when he was in Lahore Fort Jail and also when he was serving his sentence in Lahore Central Jail were not acceded to; and

(vi) what is his present state of health?

The Honourable Sir Henry Craik: (i) On February 8th of this year.

(ii), (iii) and (vi). I have no information on these points, except that a Medical Board convened on the 19th December last found him to be fit for deportation to the Andamans.

(iv) and (v). I have no information.

Pandit Lakshmi Kanta Maitra: Did not the Honourable Member call for any information?

The Honourable Sir Henry Craik: I have not got it yet.

Prof. N. G. Ranga: What was the answer to part (vi) of this question?

The Honourable Sir Henry Craik: I have not any information yet; I have called for it, but I have not yet had a reply.

Pandit Lakshmi Kanta Maitra: When the information is received, will the Honourable Member furnish it to Honourable Members and lay it on the table at some future date?

The Honourable Sir Henry Craik: If the Honourable Member wants the information, he had better put down a question.

Prof. N. G. Ranga: I want to know whether the Honourable Member is prepared to place that information on the table of the House when he gets that information,—that is, with regard to parts (vi), (ii), (iii) and (iv) of the question.

UNSTARRED QUESTIONS AND ANSWERS.

COLLECTION OF STATISTICS OF PROPERTY OWNED BY THE EMPLOYEES OF THE CENTRAL PUBLIC WORKS DEPARTMENT IN NEW DELHI.

130. **Maulvi Muhammad Ahsan:** Is it a fact that Government have collected statistics of the property owned by the Central Public Works Department officers, subordinates, clerks, etc., in New Delhi? If so, for what purpose, and what action has been taken?

The Honourable Sir Frank Noyce: The reply to the first part of the question is in the affirmative. The information was collected in pursuance of the Government Servants' Conduct Rules which require that every Government servant should submit a declaration to Government of all immovable property held or acquired by him or his wife or any member of his family dependant on him. The object of the rule is to enable proper supervision to be exercised over Government servants.

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LEGISLATIVE ASSEMBLY.

[31ST MARCH 1937.]

APPOINTMENTS IN THE CENTRAL PUBLIC WORKS DEPARTMENT.

131. **Maulvi Muhammad Ahsan:** Will Government please state whether the appointments in the Central Public Works Department are made according to communal quota? If so, what is the number of Christians, Hindus, Muslims and Sikhs in various capacities in the Divisional Offices of the Central Public Works Department?

The Honourable Sir Frank Noyce: Yes. A statement—the latest available—showing the communal composition of the permanent staff of the Central Public Works Department, as it stood on the 1st January, 1936, is placed on the table. I am unable to give separate figures for each divisional office.

Statement showing the Communal Composition of the Permanent Staff of the Central Public Works Department as it stood on the 1st January, 1936.

Name of service.	Europeans.	Hindus.	Muslims.	Domiciled Europeans and Anglo-Indians.	Sikhs.	Indian Christians.	Total.
Superintending Engineers.	..	..	..	1	1	..	2
Executive Engineers.	5	2	2	..	1	..	10
Assistant Executive Engineers.	3	10	5	3	1	1	23
Subordinates	..	73	23	6	13	3	118
Superintendents	..	5	1	..	..	..	6
Stenographers	..	1	..	2	..	..	3
Assistants	..	23	2	2	..	1	28
Head Clerks	..	6	2	..	..	..	8
Clerks	..	126	46	..	2	4	178
Draftsmen, etc.	..	22	21	..	2	1	46

WORK GIVEN BY THE CENTRAL PUBLIC WORKS DEPARTMENT TO THE HINDU, MUSLIM AND SIKH CONTRACTORS.

132. **Maulvi Muhammad Ahsan:** Will Government please state the amount of work given by each circle in the Central Public Works Department to the Hindu, Muslim and Sikh contractors, separately, during the last and the current financial years?

The Honourable Sir Frank Noyce: The information asked for by the Honourable Member is not readily available, and Government do not propose to collect it as contracts are not given on communal grounds.

ENTERTAINMENT OF NEW SUBORDINATES IN THE CENTRAL PUBLIC WORKS DEPARTMENT.

133. **Maulvi Muhammad Ahsan:** (a) Will Government please state if it is a fact that last year certain new subordinates were entertained in the Central Public Works Department but no Muslim was taken? If so, why were the claims of the Muslims ignored?

(b) Is it a fact that Government orders are that appointment of 25 per cent. Muslims do not apply to the appointments in the Central Public Works Department especially in the Second Circle? If so, will Government be pleased to lay a copy of those orders on the table of this House?

The Honourable Sir Frank Noyce: (a) It is not a fact. Sixteen permanent and 27 temporary subordinates were appointed in 1936 of whom five and seven respectively were Muslims.

(b) The orders as to communal representation apply to, and are duly observed in, the Central Public Works Department.

COMMUNAL COMPOSITION OF STAFF IN THE DIVISIONAL OFFICES OF THE CENTRAL PUBLIC WORKS DEPARTMENT.

134. **Maulvi Muhammad Ahsan:** (a) Will Government please state the total number of Europeans, Hindus, Muslims and Sikh Superintending Engineers, Executive Engineers, Sub-Divisional Officers, Subordinates, Clerks and Mistries, etc., separately employed in the Divisional Offices of the Central Public Works Department?

(b) Is it a fact that though Muslims, in comparison to the ratio of their population in the country, number much less in all ranks of this Department. Government orders for appointing 25 per cent. Muslims are not acted upon in the department, and non-Muslims are being frequently appointed in new vacancies? If so, are Government prepared to take steps to safeguard the claims and interests of Muslims in this respect?

The Honourable Sir Frank Noyce: (a) I would refer the Honourable Member to the statement I placed on the table in reply to his question No. 131. This does not, however, include *mistries* and other work charged establishment whose numbers are not readily ascertainable.

(b) The Government orders referred to are being observed, but it must be remembered that they relate only to direct recruitment and must, therefore, take some time to have full effect.

COMMUNAL COMPOSITION OF CONTRACTORS OF THE CENTRAL PUBLIC WORKS DEPARTMENT.

135. **Maulvi Muhammad Ahsan:** (a) Will Government please state the number of Hindu, Sikh and Muslim, first, second, third class, and petty approved contractors of the Central Public Works Department separately?

(b) Is it a fact that non-Muslims, and Sikhs in particular, with no question of financial status have been and are being enlisted as approved contractors of this Department? If so, are Government prepared to take necessary steps in the matter to stop this practice?

(c) Is it a fact that Muslims are mostly refused enlistment as approved contractors of this Department and are discouraged from entering the Department as contractors? If so, do Government propose to take any steps in the matter?

The Honourable Sir Frank Noyce: (a) The information desired by the Honourable Member is not readily available, but I can assure the Honourable Member that the registration of contractors is not done on a communal basis and depends solely on their reliability, previous experience and financial status.

(b) and (c). No.

PRIVATE BUSINESS CONDUCTED BY CERTAIN EMPLOYEES OF THE CENTRAL PUBLIC WORKS DEPARTMENT.

136. Maulvi Muhammad Ahsan: Will Government be pleased to state whether it is a fact that some of the officers and subordinates of the Central Public Works Department are doing business in different shapes, contrary to the Government Servants' Conduct Rules?

The Honourable Sir Frank Noyce: I have no information that this is the case, but if the Honourable Member has any information, I shall be glad to be supplied with full particulars so that I can have enquiries made.

REVISION OF THE FREE PASS RULES FOR THE RAILWAY STAFF.

137. Mr. Amarendra Nath Chattopadhyaya: (a) Is it a fact that the free pass privileges of railway staff were taken into consideration in fixing their rates of pay, both under the old scales and the revised scales, at a figure less than that granted to other departments of Government?

(b) Will Government please state the corresponding scales of pay of ministerial staff for the following departments as regards both the old and revised scales of pay:

- (i) Railway Department,
- (ii) Posts and Telegraphs Department,
- (iii) Customs Department, and
- (iv) the Staff of the Secretariat?

If not, is this information available to the public in any published records? If so, which records?

(c) If the answer to part (a) be in the affirmative, will Government please state whether in view of the recent drastic curtailment of the free pass privileges of the Railway Department from the 1st January, 1937, they propose to increase the scales of pay of the staff of the Railway 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.

REVISION OF THE FREE PASS RULES FOR THE RAILWAY STAFF.

138. Mr. Amarendra Nath Chattopadhyaya: (a) Is it a fact that the revision of the free pass rules issued under the Railway Board's letter No. 2740/T.A., dated the 21st September, 1935, did not materially affect the

privileges of the non-gazetted staff, either as regards the number of passes granted per annum, or as regards the inclusion of dependent relatives?

(b) Is it a fact that the above revision reduced the privilege of the gazetted officers from receiving an unlimited number of passes per annum to twenty-four single journey passes per annum?

(c) Is it a fact that many gazetted officers misused the privilege of passes by taking over fifty passes per year?

(d) Will Government please state why the curtailment of the free pass privilege for non-gazetted staff was only done fifteen months after that of the gazetted officers and not at the same time?

(e) Why are 24 single journey passes granted annually to gazetted officers?

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

(b) No. A reduction to twelve had effect from the 1st April, 1932, but the number was subsequently increased to 24.

(c) I understand that one case of this nature was brought to notice.

(d) I would refer the Honourable Member to the reply I gave to part (b) of Mr. Lalchand Navalrai's question No. 608 on the 24th September, 1936.

(f) Government considered that restricting the number to 24 when under the rules in force prior to April, 1933, there was no limit was a sufficiently serious curtailment of the privileges officers had been allowed.

PAY LIMIT FOR FREE PASSES FOR THE RAILWAY STAFF.

139. Mr. Amarendra Nath Chattopadhyaya: (a) Is it a fact that the pay limit for free passes has been raised twice during the last two years:

- (i) second class from Rs. 116 to Rs. 126 and intermediate class for all non-gazetted staff below Rs. 116 to those drawing over Rs. 50, vide the orders of the Railway Board contained in their letter dated the 21st September, 1935; and
- (ii) second class passes from Rs. 126 to Rs. 176 and intermediate-class passes from over Rs. 50 to Rs. 76 and over with effect from the 1st January, 1937?

(b) If the answer to part (a) be in the affirmative, will Government please state why the pay limit was raised by Rs. 50 and Rs. 25 for second and intermediate classes, respectively, from the 1st January, 1937, compared to the Rs. 10 and the holding of a non-gazetted post for second and intermediate classes as per the orders, dated the 21st September, 1935?

The Honourable Sir Muhammad Zafrullah Khan: (a) The general pay limits on the majority of the Railways concerned were Rs. 126 for second class and Rs. 50 for intermediate class for many years previously and have since been raised once with effect from the 1st January, 1937.

(b) The reason for raising the pay limits governing the class of pass admissible was explained in the reply I gave to part (d) of Mr. Lalchand Navalrai's question No. 159 on the 25th January, 1937. I am unable to understand the comparison which the Honourable Member makes in the latter part of his question.

FREE PASSES GRANTED TO NURSES, GOVERNESSES OR GUARDIANS OF GAZETTED OFFICERS ON RAILWAYS.

140. **Mr. Amarendra Nath Chattopadhyaya:** (a) Is it a fact that under the Railway Board's new orders regarding free passes which are now in operation, Matrons and Sisters-in-charge of Railway Hospitals are treated as gazetted officers for the purpose of obtaining the benefits of the first class free passes? If so, will Government please state whether they are actually gazetted officers or not?

(b) If these employees are not gazetted officers, will Government please state why they should be granted first class free passes instead of second class passes?

(c) Is it a fact that in the orders of the Railway Board, nurses, governesses or guardians accompanying gazetted officers' families may be included in the pass issued for such families, but when travelling alone on the business of the gazetted officer, they may be given second class passes?

(d) If the answer to part (c) be in the affirmative, will Government please state:

- (i) whether nurses, governesses or guardians accompanying gazetted officers' families are treated as Government servants; if not, why they should travel in the first class;
- (ii) whether nurses, governesses or guardians of gazetted officers when travelling alone on the business of gazetted officers are private servants; if so, why they are eligible for second class passes;
- (iii) whether the private servants of non-gazetted staff when travelling alone on the business of the non-gazetted employees are eligible for passes; if not, what is the reason for this distinction; and
- (iv) whether they propose to discontinue the grant of free passes to the nurses, governesses or guardians of gazetted officers when travelling alone on the business of the gazetted officer?

The Honourable Sir Muhammad Zafrullah Khan: (a) and (b). Matrons and sisters-in-charge are not gazetted officers. Their inclusion in the list of those to whom first class passes are admissible merely continues a practice which has been in vogue for many years.

(c) Yes.

(d) Nurses, governesses or guardians are not Government servants. The privileges referred to have been allowed to gazetted officers for many years, and Government do not propose to withdraw these privileges at present.

RULES FOR EMPLOYMENT OF DEAF PERSONS IN RAILWAY SHEDS OR YARDS.

141. **Mr. Amarendra Nath Chattopadhyaya:** Is it a fact that Government have prescribed certain rules which lay down that employees who suffer from deafness are not to be employed in sheds or yards where there are train movements? If so, will Government please state whether these rules are obligatory or discretionary?

The Honourable Sir Muhammad Zafrullah Khan: I would refer the Honourable Member to the regulations for the medical examination of candidates and employees, non-gazetted, (including inferior) and labourer's grades, Indian State Railways, a copy of which is in the Library of the House.

TRANSFER OF STAFF EMPLOYED IN THE CARRIAGE AND WAGON SECTION ATTACHED TO THE DIVISIONS OF THE EAST INDIAN RAILWAY.

142. **Mr. Amarendra Nath Chattopadhyaya:** (a) Is it the policy of the East Indian Railway that the staff employed in the Carriage and Wagon Section attached to the Divisions should be transferred every three to five years?

(b) Is it a fact that this policy is observed on all the Divisions except the Howrah Division?

(c) Is it also a fact that out of the 768 employees in the Carriage Inspector's section about 95 per cent. have been retained at Howrah since their appointments? If so, why?

(d) Is it also a fact that illiterate staff have been promoted as trains examiner on Rs. 180? If so, why?

(e) Are Government aware that considerable discontent prevails among the staff of this section due to the unusual methods of operation on the Howrah Division? If not, do they propose to have this matter investigated?

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

TELEGRAPHISTS RECRUITED TO THE STATION SERVICE IN 1930 UNDER CERTAIN CONDITIONS.

143. **Sardar Sant Singh:** (a) Is it a fact that some telegraphists were recruited to the station service in 1930 under conditions laid down in the "Memorandum (August, 1928), regarding the conditions of service, recruitment and training of telegraphists"?

(b) Is it a fact that one of the conditions of service of those telegraphists was that they would have the option to join general service?

(c) Has any of them applied for transfer to general service in pursuance of the above-mentioned condition? If so, how many of them were transferred?

The Honourable Sir Frank Noyce: (a) Yes.

(b) The condition was contingent upon the fulfilment of the conditions described in Section II of the Memorandum referred to by the Honourable Member, namely, that the question of transfer to the general service of station service telegraphists will be considered when applications for such transfer are called for by Heads of Circles and that only those who are selected will be transferred.

(c) As regards the first part, the reply is in the affirmative. As regards the second part, no one has been transferred as further recruitment to the general service has been discontinued.

DIFFERENT RATES OF PAY FOR LINEMEN AND CLASS II OPERATORS OF THE TELEGRAPH ENGINEERING BRANCH.

144. **Sardar Sant Singh:** (a) Is it a fact that there are at present three different rates of pay for linemen and class II telephone operators of the Telegraph Engineering Branch?

(b) Is it a fact that there is no difference in the nature of duties performed by linemen or class II telephone operators drawing different rates of pay?

(c) Are Government aware that the officials working side by side with others drawing a higher rate of pay are dissatisfied?

(d) Are Government prepared to consider this matter and make one scale of pay for all linemen and one scale for all class II operators, allowing them at the same time option to elect any of the existing scales?

The Honourable Sir Frank Noyce: (a) So far as new entrants to the service are concerned, there are three different scales of pay for linemen as well as for telephone operators. The scales vary according to the costliness of living in the different localities.

(b) It is a fact that the nature of duties performed by linemen are the same in all localities. The same applies to telephone operators.

(c) Government are not aware that any dissatisfaction of the nature mentioned by the Honourable Member exists. The rates of pay vary according to the date of recruitment and the nature of localities where the officials are serving.

(d) No.

CLASSIFICATION OF THE STAFF OF THE TELEGRAPH OFFICES.

145. **Sardar Sant Singh:** (a) Will Government be pleased to state the reasons for classification of the staff of Telegraph Offices into superior and inferior?

(b) Are Government prepared to change the designation "Inferior" and grant the staff, so called, the privileges of superior service in the matter of leave and pension, etc., by changing the existing rules in the matter? If not, why not?

The Honourable Sir Frank Noyce: (a) Service under Government (including service in Telegraph Offices) is classified as superior or inferior according to the nature of the duties performed in it.

(b) No. The duties and responsibilities of inferior servants are not of such a character as to justify the grant of superior status.

INFORMATION PROMISED IN REPLY TO CERTAIN UNSTARRED QUESTIONS REGARDING THE NORTH WESTERN RAILWAY.

146. **Dr. N. B. Khare:** Is it a fact that in reply to unstarred questions Nos. 240, 242 and 243, put by Sardar Sant Singh on the 16th October, 1936, in regard to the North Western Railway the Honourable the Railway Member stated that he was collecting information? If so, do Government propose to disclose the information during the current Session of the Assembly?

The Honourable Sir Muhammad Zafrullah Khan: The reply to the first part of the question is in the affirmative. As regards the second part, the information in regard to unstarred questions Nos. 240, 242 and 243 asked by Sardar Sant Singh on the 16th October, 1936, was laid on the table of the House on the 25th January, 1937.

ARTICLE ON RAIL-ROAD COMPETITION WRITTEN BY MR. HAWKES, CHIEF COMMERCIAL MANAGER, NORTH WESTERN RAILWAY.

147. **Dr. N. B. Khare:** (a) Is it a fact that in reply to question No. 241, asked by Sardar Sant Singh on the 16th October, 1936, regarding an article on Rail-Road competition written by Mr. Hawkes, Chief Commercial Manager, North Western Railway, the Honourable the Railway Member stated that Government had no information? If so, will Government state if enquiries were made from Mr. Hawkes? If not, why not?

(b) Is it a fact that the article referred to appeared in the *Civil and Military Gazette*, dated the 27th August, 1936?

(c) Further, will Government now reply to the question No. 241 put by Sardar Sant Singh at the last Session of this Assembly?

The Honourable Sir Muhammad Zafrullah Khan: (a) The reply to the first part is in the affirmative; to the latter parts in the negative as Government did not consider any enquiry necessary.

(b) I have now seen the article referred to by the Honourable Member.

(c) Government do not consider that permission to publish the said article was necessary.

CASES OF FRAUD AND EMBEZZLEMENT IN THE NORTH WESTERN RAILWAY GENERAL STORES.

148. **Mr. Sham Lal:** (a) Is it a fact that there have been several cases of fraud and embezzlement in the North Western Railway General Stores in which the Chief Controller of Stores is stated to be the chief culprit?

(b) Is it a fact that an assistant in the Stores Department has disclosed most of these defalcations in a representation to the Agent?

(c) Is it a fact that this state of affairs has been commented upon in the Press *vide Daily Herald*, dated the 23rd December, 1936, and the *Pilot*, dated the 3rd January, 1937, and has also been the subject of interpellations in the Assembly?

(d) If the answer to the above be in the affirmative, are Government prepared to order an impartial enquiry into the affairs of the Stores Department?

The Honourable Sir Muhammad Zafrullah Khan: (a) to (d). Government are appointing a Committee of Enquiry into the whole question of the disposal of scrap on the North Western Railway.

MOTION FOR ADJOURNMENT.

RACIAL DISCRIMINATION AGAINST INDIAN MEMBERS OF THE MILITARY MEDICAL SERVICES IN INDIA.

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member, Mr. Ghiasuddin, has given notice of a motion for "the adjournment of the business of the House to discuss a definite matter of urgent public importance and of recent occurrence, namely, the racial discrimination against the Indian members of the Military Medical Services in India as set forth in the Government communiqué of the 25th March, 1937". Is there any objection?

Mr. G. R. F. Tottenham (Defence Secretary): No, Sir; there is no objection.

Mr. President (The Honourable Sir Abdur Rahim): The motion will be taken up at 4 o'clock today.

ELECTION OF MEMBERS TO THE CENTRAL ADVISORY COUNCIL FOR RAILWAYS.

Mr. President (The Honourable Sir Abdur Rahim): I have to inform the Assembly that the following Non-Official Members have been elected to serve on the Central Advisory Council for Railways, namely:

- (1) Babu Baijnath Bajoria,
- (2) Mr. B. B. Varma,
- (3) Mr. Muhammad Nauman,
- (4) Mr. Kuladhar Chaliha,
- (5) Mr. Lalchand Navalrai, and
- (6) Mr. Umar Aly Shah.

ELECTION OF MEMBERS TO THE STANDING COMMITTEE FOR ROADS.

Mr. President (The Honourable Sir Abdur Rahim): I have to inform the Assembly that upto 12 Noon on Tuesday, the 30th March, 1937, the time appointed for receiving further nominations for the remaining two vacancies on the Standing Committee for Roads, only two nominations were received. I, therefore, declare Pandit Lakshmi Kanta Maitra and Babu Kailash Behari Lal duly elected to the Committee.

ELECTION OF MEMBERS TO THE STANDING ADVISORY COMMITTEE FOR THE INDIAN POSTS AND TELEGRAPHS DEPARTMENT.

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 Advisory Committee for the Indian Posts and Telegraphs Department for the financial year 1937-38."

ELECTION TO THE STANDING ADVISORY COMMITTEE FOR THE INDIAN POSTS AND TELEGRAPHS DEPARTMENT. 2453

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

"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 Advisory Committee for the Indian Posts and Telegraphs Department for the financial year 1937-38."

Pandit Lakshmi Kanta Maitra (Presidency Division: Non-Muhammadian Rural): May I know if this Committee ever met last year?

The Honourable Sir Frank Noyce: Yes, Sir, regularly, as do all the Committees connected with my Department.

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 Advisory Committee for the Indian Posts and Telegraphs Department for the financial year 1937-38."

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 Advisory Committee for the Indian Posts and Telegraphs Department the Notice Office will be open to receive nominations upto 12 Noon on Thursday, the 1st April, and the election, if necessary, will be held in the Assistant Secretary's Room in the Council House between the hours of 10-30 A.M. and 1 P.M. on Saturday, the 3rd April, 1937. The election will be conducted in accordance with the principle of proportional representation by means of the single transferable vote.

Mr. Mohan Lal Saksena (Lucknow Division: Non-Muhammadian Rural): May I make one suggestion, Sir? Will you kindly fix the date of nomination on the 2nd April, and not on the 1st?

Mr. President (The Honourable Sir Abdur Rahim): No. We receive nominations up to 12 Noon. Notice can be sent even today.

THE REPEALING AND AMENDING BILL.

Mr. President (The Honourable Sir Abdur Rahim): The House will now resume consideration of the following motion:

"That the First Schedule stand part of the Bill."

Sir Leslie Hudson's following amendment is now before the House:

"That in the First Schedule to the Bill, in the proposed amendment to section 155 of the Indian Merchant Shipping Act, 1923, after the words 'unberthed passengers' the words 'unless she is exempted from the provisions of sub-section (1) of section 184' be inserted."

Mr. Bhulabhai J. Desai (Bombay Northern Division: Non-Muhammadian Rural): Mr. President, the matter to which I was calling the attention of the House, when it rose yesterday, can be stated in a very few words.

[Mr. Bhulabhai J. Desai.]

The House may or may not be troubled to come to a decision if the explanation satisfies the Honourable the Mover and my friend, Sir Leslie Hudson. I presume that they will be so satisfied. Under section 148:

"The Governor General in Council may, subject to such condition as he thinks fit, exempt any ship or class of ships from any provision of this Part relating to unberthed passenger ships."

Therefore, if reference has got to be made to any existing Act, it must be to that single part of the Act where the provision for those qualifications exists, and it would be erroneous entirely so to do. To illustrate the matter which is familiar to this House: Suppose the Governor General has power to exempt any particular person or class of persons from any of the conditions necessary to qualify them to stand as a candidate for a particular constituency or for a particular office, the condition being that the man shall not be less than 25 years old. It may be under such an exemption section open to the Governor General to say that he can exempt a class of persons, say, the graduates of the Bombay University, though they are not 25, but above 21. I am only suggesting that with a view to pointing out that that does not qualify the conditions. The general conditions must always remain the same for all persons qualified to stand subject to this that there may be an order either of a temporary duration or a longer or shorter duration or applicable to a class of persons. Therefore, if you put conditions there, you must qualify each of them; they may be 10 or 20. In fact, the whole of Part IV has numerous other conditions, and, therefore, by merely putting an exception under section 155 (cc), you do not achieve any object at all. You will have to have under each one of those sub-sections (a), (b), (c), (d), (e), (f) and many other provisions existing in the Act by which it is competent to the Governor General to exempt a class of ships. Therefore, the object can be attained by an appropriate wording of the exemption order and not by putting an exception in every single condition. The drafting of these conditions, I respectfully submit, would be entirely erroneous and very confusing. For instance, section 153 requires that "a ship intended to carry unberthed passengers or pilgrims shall not commence a voyage from a port or place appointed under this Part, unless the master holds two certificates". Then, the contents of the certificate are given in sections 154 and 155. Take another certificate, say, Certificate C. Supposing the Governor General says that the master of a particular ship or class of ships need not hold Certificate A and the section is to stand as it is, it would be perfectly all right, but if the other side were right, you would have to have an exception thereto except in cases where the Governor General has so exempted. Therefore, you must have an exception in each single sub-section of the whole of that part of the Act, which, I submit, is in itself a sufficient condemnation of such drafting. What is, therefore, required by law is that a man who says that he does not hold any of the certificates or any of the conditions in any of those certificates has got to produce the appropriate order under section 148 in order to protect himself and he finds this protection by an express mention in the Act itself. For this reason I submit that the proper course is not to put in an exception in section 155 as sub-clause (cc), because such an exception would have to be put down in every one of the sub-clauses. Such exemption can be given with reference to each one of those conditions, because section 148 says that the exemption may apply to any

provision of this part. Therefore, by putting an exception to any particular condition merely because it exists now will be an entirely wrong way of drafting legislation. I, therefore, suggest and submit that it would be a proper thing to do if the language of the exemption of the present operating order is not sufficiently wide to make it comprehensive enough to exempt that class of ships from having item 155 (cc) as a part of their certificate. That, Sir, is the submission I make and I submit that the intended exception is erroneous.

Mr. F. E. James (Madras: European): Sir, in view of the suggestion which has been made by the Honourable the Leader of the Opposition, I would like to ask the Government Member in charge of this Bill as to whether the notification which is now issued by the Commerce Department exempting ships carrying 100 unberthed passengers engaged on short voyages of less than 72 hours duration under sub-section (4) of section 148 can be extended to include an exemption from the requirements of section 155, sub-section (cc). That is the real point. If the notification can be so amended as is suggested by the Leader of the Opposition, then there is a substance in his point that there is no need for this particular amendment. But I think we should be assured on that point by the Member in charge of the Bill before any further action is taken.

Mr. J. Bartley (Government of India: Nominated Official): The notification will, as a matter of fact, be issued by the Commerce Department, and it is impossible for me to say anything about the notification. But speaking of the language of the notification, it would, as the Honourable the Leader of the Opposition has pointed out, and with his authority I should be very sorry to quarrel, be quite possible to so re-draft the exemption notification that the difficulty that we are attempting to overcome by this amendment could be met.

Sir Leslie Hudson (Bombay: European): Sir, in view of what the Honourable Mr. Bartley has told the House, I feel that I cannot possibly press my amendment. After what the Honourable the Leader of the Opposition has said, I do not press my amendment. I beg leave to withdraw my amendment.

The amendment was, by leave of the Assembly, withdrawn.

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

"That the First Schedule do stand part of the Bill."

The motion was adopted.

The First Schedule was added to the Bill.

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

"That the Second Schedule do stand part of the Bill."

Mr. Sri Prakasa (Allahabad and Jhansi Divisions: Non-Muhammadan Rural): Sir, I move:

"That in the Second Schedule to the Bill, the last item repealing the Criminal Law Amendment Act, 1935, be omitted."

Mr. President (The Honourable Sir Abdur Rahim): Is the Honourable Member really serious?

Mr. Sri Prakasa: I am very serious. When Mr. Bartley moved that the Bill be taken into consideration, he very rightly said that even if this amendment was carried, that would make no practical difference. But the difference is of a moral and sentimental nature, to which I personally, and I am sure many of my Honourable friends in this House, do attach more importance. If Honourable Members will kindly see the list in the Second Schedule, they will find that there are four sets of Acts: there are the Acts of the Governor of Bengal in Council; there are the Acts of the Governor General in Council; there are the Acts of the Indian Legislature; and lastly, there are the Acts of the Governor General. I am not concerned much with the first two types of Acts, because they deal with a period before the Flood. But in passing I should like to say that I was rather surprised to hear Mr. Bartley saying that year after year such Bills have come before the Legislature and no objection has ever been raised to any of the items in them. If that is a fact, how is it that Acts passed so far back as 1864 are still allowed to be here; and that notice of such ancient Acts had not been taken during the many years in which he or his predecessors have been moving similar Bills in this House.

Now, Sir, we come to the next two types of Acts, the Acts of the Indian Legislature, and the Acts of the Governor General. I am particularly concerned with the Acts of the Governor General. The first three Acts, to which amendments are sought to be made, are the Finance Acts. Now, Sir, these Finance Acts are in the nature of annual functions; they begin with the year and die at the end of the year. The last Act, the Criminal Law Amendment Act, however, is a permanent Act. If this is repealed the result will be that the necessary relative entries will be made in the Act of 1932; and the naked fact that this particular Act was made by the Governor General despite the vote of the House, will be obliterated. That is the main point which I should like the House to concentrate its attention upon. The House will remember that this Act in the form of a Bill, was presented to the House, and it was rejected. Then the Governor General in the exercise of his own discretion made it into an Act despite the wishes of this House. Now if this Act, under the General Clauses Act of 1897, as amended in 1935, gets itself incorporated in the Act of 1932, then the heading of this portion will also be "passed by the Indian Legislature" and not "made by the Governor General on the 4th October, 1935," as is the case today. My desire is that this Act should stand in all its naked horror and be a sort of a permanent blot on our statute book. I do not want that this Act, under the cover of the General Clauses Act, should be so incorporated in the earlier Act of 1932, as to show to the world that that particular Act was passed by the Indian Legislature and not forced upon the country by the Governor General against the express verdict of that Legislature. That is the chief reason why I have ventured to move this amendment. I should like to assure you, Sir, that I am very serious when I move this amendment.

Now that I have made my point perfectly clear to the House, I should like to appeal to all sections of this House—I am not now discussing the merits of the Act itself, as it is quite possible that many Members of this House think that the Act as it has been made by the Governor General is justified and is absolutely necessary for the safety of the

country—I appeal to Honourable Members to vindicate the honour of this House, because it seems to me that our honour is at stake today. It may be that by a majority we on this side of the House reject an Act that the other side brings forward as has been the case in this particular matter; but some day it might easily happen that they may reject an Act which we bring forward; and if an Act should happen to be restored by the Governor General, it would and should be their natural desire that the fact that despite the verdict of the House some outside authority has forced the Act on the country, must be permanently known to the people who follow. In these circumstances I have every confidence that to vindicate the honour of this House and to enhance its dignity and prestige, every side of the House will support the amendment that I have ventured to move.

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

"That in the Second Schedule to the Bill, the last item repealing the Criminal Law Amendment Act, 1935, be omitted."

Mr. J. Bartley: Sir, I oppose this amendment. I admit that I was very considerably puzzled as to the reasons which actuated Mr. Sri Prakasa in tabling this amendment.

Mr. Sri Prakasa: Will the Honourable Member speak up, at least as loud as I spoke, because we on this side cannot hear what he says?

Mr. J. Bartley: I admit that to a certain degree I was puzzled as to the reasons which influenced Mr. Sri Prakasa in originally tabling this amendment and in sticking to it. I thought perhaps first that he might not like the appearance of the entry here, secondly that he was so affectionately disposed to the Act which is referred to here that he did not like it to be removed from the statute book. Now, I find that his reason for retaining it is not affection, but he desires it to be retained just as in less enlightened times the instruments of punishment for crime were exhibited in the form of gibbets all over the country side as an act in *terrorium* to malefactors. I can only say that if this item is omitted from the Second Schedule and the Criminal Law Amendment Act, 1935, is not removed, the main disadvantage will be that it may have to be reprinted from time to time, and it will no doubt be a matter of gratification to all concerned that Mr. Sri Prakasa has been unable to part company with an old friend. I think myself that there is a good deal to be said for removing it and every trusting people will know enough about the provisions of the Government of India Act to be aware that the Governor General has power to pass legislation without any artificial reminder of this kind. Sir, I oppose the amendment.

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

"That in the Second Schedule to the Bill, the last item repealing the Criminal Law Amendment Act, 1935, be omitted."

The motion was negatived.

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

"That the Second Schedule do stand part of the Bill."

The motion was adopted.

The Second Schedule was added to the Bill.

Clause 1 was added to the Bill.

The Title and the Preamble were added to the Bill.

Mr. J. Bartley: Sir, I move:

"That the Bill to amend certain enactments and to repeal certain other enactments be passed."

All I need say is that I am very grateful for the attention that Members of this House have devoted to the Bill, and that I shall always value criticism and corrections, where necessary, in matters of this kind. The points dealt with in Bills of this kind are generally small and sometimes abstruse points, and the more the attention given by Members of the House the less probability there is of the Legislative Department slipping up and of our making unintentional errors. I desire to thank the Members of the House who have paid attention to the details of this Bill.

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

"That the Bill be passed."

The motion was adopted.

THE COMMERCIAL DOCUMENTS EVIDENCE BILL.

The Honourable Sir Henry Craik (Home Member): Sir, I move:

"That the Bill to amend the Law of Evidence with respect to certain commercial documents be circulated for the purpose of eliciting opinion thereon."

This measure has been under consideration in the Government of India for a pretty long time as a result of a suggestion made by the Bombay High Court. That court, while investigating various ways of improving the procedure in commercial causes, found one obstacle which could not be removed except by legislation. In the court's letter, an incident was quoted which will illustrate the difficulty. In a certain case, one side produced copies of Lloyd's Weekly Index to show that, according to the information received at Lloyds from their agents, a certain ship visited certain European ports on certain dates. It was admitted that though Lloyd's Weekly Index is a publication which business men would treat as affording reliable information regarding the movements of ships, it was not evidence, and that it would be necessary, in order to prove where a ship was on particular date, to produce evidence of witnesses who had actually seen the ship. That is one instance, and the Bombay High Court gave other instances of documents generally accepted by business men but not admissible under any provision of the Indian Evidence Act without further proof. These instances included a certificate issued by the Manchester Chamber of Commerce about the national strike of coal miners in England between certain dates in 1921; it was decided that this was not admissible.

When we received this letter from the Bombay High Court we consulted all Local Governments on the question of introducing legislation and on the nature of the legislation to be introduced. The Local Governments were unanimously agreed that legislation should be undertaken:

and this was the general, but not altogether unanimous, view of the High Courts, Bar Associations and commercial associations. As regards the form of legislation, the general opinion was in favour of the sort of Bill which we have introduced

Sir, having decided to introduce a Bill, we set about preparing the list of documents to be appended as a schedule to the Bill. This proved a laborious as well as an important task. The House will observe that our schedule now contains more than 40 documents. We do not claim, even in its present form, any finality for this, but I should explain how it has been prepared. We first of all asked the Local Governments to give us, after consulting High Courts and commercial bodies, their views as to the documents that should be put in the schedule. We thus obtained a great many suggestions. On that the Director General of Commercial Intelligence and Statistics threw these into the form of a draft schedule and forwarded it to the Associated Chambers of Commerce and the Federation of Indian Chambers of Commerce for scrutiny. With the assistance and advice of these bodies, a further list was prepared, and this, after more laborious examination by the Draftsman, has developed into the schedule at present appended to the Bill. This process has taken a long time; and although, as I have explained, a great deal of care and labour has gone into the preparation of the schedule, we do not think it safe to assume that it is even now beyond criticism. It is in fact necessary to give it the widest possible publicity, specially in commercial circles; and that is why my motion today is that the Bill may be circulated, in order that we may have the views of the persons most concerned, both on the provisions of the Bill and on the details of the somewhat lengthy schedule.

Sir, I move.

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

"That the Bill to amend the Law of Evidence with respect to certain commercial documents be circulated for the purpose of eliciting opinion thereon."

The motion was adopted.

REPORT OF THE PUBLIC ACCOUNTS COMMITTEE ON THE ACCOUNTS OF 1933-34.

Mr. President (The Honourable Sir Abdur Rahim): The House will now resume consideration of the following motion moved by the Honourable Sir James Grigg on the 26th September, 1935:

"That the report of the Public Accounts Committee on the accounts of 1933-34, Parts I and II, be taken into consideration."

Mr. S. Satyamurti (Madras City: Non-Muhammadan Urban): Sir, there is one point on which, if you will be so good, I should like to abide by your views and direction. There are two motions given notice of, one with regard to the accounts of 1933-34 and the other with regard to the accounts of 1934-35. You will realise that these are continuing accounts, and there are points taken year after year. I have tabled a motion which I hope the House and the Finance Member himself will agree to, when we come to consider the accounts of 1934-35 and the report thereon, that the evidence which had been published during the

[Mr. S. Satyamurti.]

last 15 years should be published. I propose at the proper time to move that motion. I take it that I shall confine myself, in these remarks of mine, to the report on the accounts of 1933-34 alone, and we shall take up this question, and the House will decide at that time, on a consideration of all the relevant factors, whether my amendment will be accepted or not. If that is so, I want to draw the attention of the House to the fact that this Public Accounts Committee is a statutory body which has very important powers, and it is right for the Honourable Members of this House to be able from time to time to take a lively interest in what is happening; because, after all, Sir, the basis of all modern democratic government, so far as it is based on British precedent, is that all moneys sanctioned by this House are spent for the purpose for which they are sanctioned; and not only that, but that all extravagance is avoided, and that the various spending departments observe certain canons of sound financial propriety. Now, on that matter, this Committee sits for nearly three weeks or slightly more, and we go through a very elaborate procedure: we get the departmental heads who come before us as witnesses and answer questions. Of course, they vary. Some of them are very frank; some of them are reticent; some lose their temper; but all of them somehow manage to survive our examination. I do not know whether as a result of our examinations things improve: things move so slowly in this country and so imperceptibly, that it is impossible for us to expect quick results; but, on the whole, I should like to give a certificate to the committee, although it includes myself, that we get on as a happy family, in so far as we have not taken a vote on any question, in spite of the presence of a highly peppery gentleman in the chair, the Honourable the Finance Member. Although he often loses his temper there, I think we abuse one another for a minute or two, and immediately after become friends and get on. That is the way in which this Committee has been going on, and I am hoping that when I draw the attention of this Honourable House to a few important features or recommendations in the report and evidence to show that too much attention cannot be paid by the House to the important matters brought before this Committee and before this House by the Committee.

So far as the main functions as detailed in the rules are concerned, the first is the most important: that is, we have got to satisfy ourselves that the money is spent within the scope of the demand. On this matter, there has been some difference of opinion in the Committee; but on the whole, I think, the Committee is fairly unanimous, that is, the phrase "within the scope of the demand" is interpreted by several spending departments like this, namely, "after all you have given us, say, five crores: we have spent on the whole only five crores: you must not look into the sub-heads: suppose I have exceeded in one demand by half a crore, I have saved under another demand; and if on the whole I have spent only five crores, then you must not criticise us too much." I have dissented from that view strongly. The Honourable the Finance Member seemed to agree with me; but, sometimes when a harassed spending department appealed to his sympathy, he seemed to veer round and suggest: "Oh, yes: we must not be so strict in a matter like this." I take a strict view that the Government of India are not a mercantile concern: they are not as if this House votes for them 85 crores every year, and tells them:

"You may spend it as you like, so long as you do not exceed that amount". I am satisfied that that is not the function of the Public Accounts Committee or of this House. I think the bulky volume of Demands for Grants which is placed before us every year containing detailed heads and sub-heads has some purpose and some meaning. That purpose and that meaning are that the demands asked for and voted by this House should be spent for the purpose mentioned in those demands under the various sub-heads. I quite recognise there are minor exceptions; but there is a tendency on behalf of some departments, notoriously on the part of Railways, Civil Works Department, about, which I shall say a few words later on, and some other departments, to treat these grants as more or less lump grants to be spent at their sweet will and pleasure, so long as they do not exceed very much the entire demand granted for that department. I think that is a tendency which this House should condemn; otherwise, these detailed heads and sub-heads become a farce.

The second purpose is to report to this House every re-appropriation from one grant to another. I am told that there is no such re-appropriation at all. If that is the case, I think this ought to go out from the rules altogether. We are asked to report to the House every re-appropriation from one grant to another: and I am assured by the Finance *pundits* of the Government of India that this thing never takes place. If that is so

The Honourable Sir James Grigg (Finance Member): There never has been.

Mr. S. Satyamurti: I suggest then that this function should be taken away from the rules.

The Honourable Sir James Grigg: It is a very good safeguard.

Mr. S. Satyamurti: We should like to hear from the Honourable the Finance Member how it is a safeguard, and I shall be glad if all safeguards will remain, as this safeguard, wholly unused.

The Honourable Sir James Grigg: It is there.

Mr. S. Satyamurti: It is no use: you are never going to use it; and if you are wise, you will assure us you will not use it, or you will rue the day.

Then, we have got also to report every re-appropriation, not in accordance with the rules. That is always done by the Finance Department and we recommend to the House, if there is an excess grant, that the grant be sanctioned; otherwise we simply put some questions, and satisfy ourselves that the re-appropriation was inevitable.

Then, there is another subject on which I wanted some information; but that was not available because I heard from the Accountant-General that they have entered into a convention regarding "all expenditure which the Finance Department has requested should be brought to the notice of the Assembly". In the two years during which I was functioning there was not a case in which any expenditure was asked by the Finance Department to be brought to the notice of the Assembly by the Public Accounts Committee. I am told that this is really in desuetude; and the

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Accountant-General told the Committee that there is a convention, i.e., where the Accountant-General and the Finance Department differ, they hammer out their differences; and if they agree nothing more is heard: if they do not, then the Auditor-General reports the matter to the Public Accounts Committee for such action as we may take. My information is that so far no case has come before the Public Accounts Committee of any instance in which an expenditure was recommended by the Finance Department to be brought before the Assembly—I can asseverate that with regard to the two years during which I was a Member.

Now, coming to the report of 1933-34, at page 4 the Committee say:

"We went through the appropriation accounts in great detail and were struck by the large number of major variations between the estimates and actuals. Even in cases where variations under the totals of the grants were not great, the variations in individual sub-heads were very large indeed. This was especially the case in the case of Civil Works and Posts and Telegraphs grants. We understand that until two years ago there were no proper rules for budgeting for Civil Works and we hope that, as a result of the rules then issued, the appropriation accounts of later years will show some improvement."

I do not know about the rules, but there is an unhappy feeling in my mind that "Civil Works" is one of those spending Departments of the Government of India which requires very close scrutiny. We had a scene last year—I will deal with that when we come to the accounts of 1934-35. But I do suggest to this Honourable House that we are losing some money, the extent of which we do not know, in this expenditure on civil works, and I think it is a matter which needs very careful looking into by those who can usefully do so:

"As regards the Posts and Telegraphs Department, previous Committees have commented on the serious faults in budgeting and control of expenditure."

I am bound to admit that there has been some improvement in the Posts and Telegraphs budget and control of expenditure. But from the way those witnesses spoke before the Committee, there is an impression that they talk too much, although I am not the man to blame others in this respect—still it seems to me that these witnesses from the Postal Department who came before us have missed their vocation: I think they ought to be more propagandists than official witnesses, and I do suggest to the Honourable the Finance Member and the Honourable Member for Posts and Telegraphs that we should have more help by way of actually carrying out these suggestions, rather than always attempting at window-dressing and trying to make the worse appear the better. The Committee say:

"Judging from the results of the year 1933-34, we too are definitely of opinion that budgeting and control of expenditure in the Department were far from satisfactory and the Auditor-General particularly brought to our notice the continuance of the over-budgeting under the Repairs grant which had been a marked feature of the preceding ten years . . . we hope that future appropriation accounts, at least from 1935-36, will show the results of the action taken by the Department."

Another grant under which we found large variations was the grant under the Survey of India. The Committee say:

"The grant for the Survey of India was another grant under which there were large variations, due mainly, we understand, to the difficulty of estimating the work to be done for Provincial Governments and consequent recoveries from them . . ."

I realise, Sir, that in this matter the Government of India are more or less helpless. After all if they continue to do work for Provincial Governments,—and these Provincial Governments make their programmes sometimes very ambitious, which they are not able to carry out, but I do hope whatever else may or may not happen, at least these financial irregularities will not be allowed to continue, and that we shall have some kind of real financial control and proper financial dealings between the provinces and the centre. . . .

Mr. N. M. Joshi (Nominated Non-Official). You reject the constitution, and still you hope that something will come out?

Mr. S. Satyamurti: Yes, because there are men like you. If you come to me, there will be Swaraj tomorrow.

Mr. N. M. Joshi: You talk one thing and do another. You talk of rejection and you don't reject?

Mr. S. Satyamurti: What do you mean by that? You don't want me to be here?

The Honourable Sir James Grigg: Hear, hear.

Mr. S. Satyamurti: I am willing to pair with him, this very minute. He will go to England and I will go to Madras.

Then, Sir, at the end of this paragraph the Committee lays down,—and I want the House to attach very great importance to it and endorse it:

"We specially desire to impress upon the various Departments that, though variations within a grant are less important than variations in the grant as a whole, even here large variations are to be deprecated as showing a certain indefiniteness in estimating."

That is a matter to which, I think, increasing attention is being paid, and more attention should be paid, and we should avoid this undue disturbance of the variations of the grants under particular heads.

Then, Sir, on the question of supplementary grants, I merely want to say this, that until, I think, the Finance Member and this Committee began to deal with this question, it was very unsatisfactory; I do not know if the Finance Member has supplied to all Members a copy of the rules which the Finance Department issued, I think, some time last year, regulating the procedure with regard to supplementary grants. Copies were given to the Members of the Public Accounts Committee, I believe. If copies have not been given, I would suggest to the Finance Member the desirability of supplying copies of these new rules to all Members of this House. There is nothing confidential about it. . . .

The Honourable Sir James Grigg: I will consider it.

Mr. S. Satyamurti: . . . and I hope as a result of that, we shall get a more satisfactory deal with these supplementary demands. I may mention that every year we come across cases in which supplementary grants obtained from the Assembly proved to be unnecessary. I hope

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that kind of thing will not be allowed to continue. In paragraph 11, the Committee say this:

"The Accountant General, Central Revenues, has brought to our notice six cases in which supplementary grants obtained from the Assembly proved to be unnecessary. We were informed that the Finance Department were considering the whole question of more effective control of expenditure and the procedure for obtaining supplementary grants."

We made a suggestion that—"the Finance Department should consider whether, when they go for a supplementary grant to the Assembly for a portion of the amount required for a scheme as a whole, the balance being met by re-appropriation from savings elsewhere, the particular sub-heads under which the savings are available should not, in the case of large savings at least, be shown in the supplementary demands presented to the Assembly. We understand that a similar procedure is in force in Great Britain."

I believe I am right in saying it is being done now.

The Honourable Sir James Grigg: Yes, Sir.

Mr. Bhulabhai J. Desai (Bombay Northern Division: Non-Muhammadan Rural): Very respectful.

Mr. S. Satyamurti: Yes, very respectful, but I am afraid something else is coming up later.

Then, in paragraph 12, we make a suggestion with regard to the various funds which have now been constituted like the Development of Civil Aviation, Bihar Earthquake Relief Fund, Broadcasting, etc., and we recommend that "progressive accounts of expenditure from the various funds should be included in future appropriation accounts." I believe that is also being done. I think it is a good thing, because we can know how money is being spent year after year.

Then, in paragraph 14, at page 4, we deal with the London Stores Department. We are convinced that there is no need for the continuance of a separate London Stores Department. Considering the transactions, they put through and the money we spend on it, I think the Committee is fairly unanimous that the Indian Stores Department as such can deal with all the purchases in London, and there is no need for a special London Stores Department. This is what the Committee say:

"We are informed that the Government of India have decided to depute Sir James Pitkeathly, the Chief Controller of Stores, Indian Stores Department, who will be on leave during the winter of 1935-36, to make a detailed examination of the working of the London Stores Department and to submit a scheme for the amalgamation of the two Departments."

I think, Sir, Sir James Pitkeathly has gone and returned, but even last year we were not told whether any final decision has been taken. I think the House will be interested to know from the Finance Member if he is in a position to state whether any final decision has been taken in this matter. This matter has been hanging fire for a very long time.

Then, Sir, I would invite the attention of Honourable Members to the continuance of the Mathematical Instruments Office at Calcutta. In view of the decision of the Army Department to get their work done through their own agencies, the Committee thought that that office should be closed down, as it has not been able to pay its way. Last year we got a report from the Department concerned saying that they made some economies, they hoped to continue the Department for some time and that they did not propose to close it down. I think as a matter of economy, the matter should be pursued further to see whether the Department cannot be closed down altogether.

Then, coming to the North West Frontier Province, about which one has to speak with very great trepidation nowadays, because what is happening in the Frontier Province nobody knows, and we get alarming news morning after morning. In that province, there are about 30 funds which are called Unauthorised Excluded Funds. The important ones are the Motor Lorry Depreciation Funds and the Khas Sadar Fund. Now, Sir, some of these funds have been closed, and orders have been issued to close the other funds as well. Even last year we found that all the funds had not been closed. We would like to know from the Finance Member whether all the funds which the Committee wanted to be closed down within two months after the Committee's sittings last year have been now definitely closed.

Then, we come to a very big question in paragraph 17 of our Report with regard to the financial position of the Indian Posts and Telegraphs Department. I do not want to weary the House with various figures, but there is one point on which I think this House would like to have its opinion recorded on a proper occasion. I do not know if it is possible to do so on this discussion. In the Postal Department, they have what is called a Depreciation Fund. It is one of those phrases which are used by all people. I do not know what is the latest financial theory about the depreciation fund. There are as many ideas of depreciation funds as there are departments which are spending. I have not come across a uniform rule on which you build up a depreciation fund. I think ultimately at the instance of the Finance Member the Committee agreed that this depreciation fund should be only a repairs and renewals fund, and no more and no less. And if it is to be a repairs and renewals fund, we find on a calculation of actual expenditure incurred on repairs and renewals year after year, you want only 12 to 15 lakhs a year, but they used to set apart 20, 25 or 30 lakhs for depreciation. I think the ultimate decision now arrived at by the Finance Member and the departments concerned is about 20 lakhs

The Honourable Sir James Grigg: 25 lakhs.

Mr. S. Satyamurti: 25 lakhs year after year. I am of opinion, and I believe a large number of Members of the Committee agree with me in that opinion, that this errs on the generous side, that is to say, that there is no need to set apart Rs. 25 lakhs for renewals and replacements. That is a matter of some importance to this House, because when we ask for the half-anna postcard we are constantly told it means Rs. 50 lakhs and so we cannot have it. I say that this matter of a depreciation fund on the basis of repairs and renewals should have some relation to the actual needs of the department from year to year, and should not be put at too

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high a figure, so that the chances of either opening more post offices in rural parts and thus giving more facilities to the villagers, or the possibility of giving the half-anna postcard as early as possible or of both, may be brought nearer, and that depends to a large extent on a proper computation of the basis on which the depreciation fund is made.

This Public Accounts Committee constitutes a Sub-Committee of its own called the Military Accounts Committee. It goes into the accounts of the Army Department and makes a report in its turn to the Public Accounts Committee, which reports in its turn to this Honourable House. That report is to be found at pages seven and eight of this volume, and one or two matters in that report to which I desire to draw attention are these. With regard to the control of over expenditure:

"We are glad to note that the Auditor-General considers that 'so far as control of expenditure in bulk is concerned, the financial administration of the year has been shown to be careful, efficient, and, in the abnormal circumstances mentioned by the Financial Adviser, successful'."

But it adds:

"There is, however, room for still further improvement, and we hope that this will be achieved in future years as a result of the efforts that are being made by the Army authorities."

I want to add one comment on all these remarks of ours. This is the lowest common minimum of the agreement of all the members. Therefore, when we say that there is room for still further improvement, you must understand that some of us feel more strongly than the words actually convey. But as I told the House, we do not take a vote on the wording of these sentences and we leave a fairly wide margin to the Finance Member and his very efficient Secretary, Mr. Sanjiva Row, in drafting this report. Therefore, it must not be imagined that this expresses the entire feeling of every Member of the Committee, but as I said, this is the lowest common minimum of the agreement among the members of the Public Accounts Committee, and when we say that there is still room for further improvement, some of us feel very much more strongly than the words actually convey. I should like to know with regard to the revision of the army regulations mentioned in paragraph 4, what is the latest position.

"We consider that this is a very important matter and the Army Department should take every step possible to complete the revision earlier, if possible."

Concepts of time vary with people. Once Lord Morley wrote to Lord Minto: "Time is one thing, and eternity is another". When we ask the Department how long it will take to revise, they say two or three years coolly, as if it does not matter. It looks as if these gentlemen can never do a thing in less than a year or two. Months and weeks are simply fleeting moments for them; they must take years. I do hope that we shall get something definite, by way of the completion of these regulations in some recognisable time. With regard to the financial irregularities, we make one comment in paragraph five to which I should like to invite the attention of this House:

"In any case we assume that, in view of the instructions which have been issued by His Excellency the Commander-in-Chief and the impending simplification of the regulations, it will not only be clear that the Army authorities take a serious view of the negligence or inefficiency but also that they will in no wise admit ignorance of the regulations as an extenuation of shortcomings under these heads. The natural corollary of this should be a manifest tendency for the punishments awarded in such cases to become heavier in future."

There lies a tale behind this. We have often found, I will not say often, but sometimes, we have found in dealing with punishments meted out to people who disobey regulations or who are dishonest that Government's cautions differ. If it is a case of punishing a civil disobedience offence, the Government are ruthless, but in the case of a breach of their own regulations or dishonesty, I find that the punishments vary. I have known at least of one or two cases in which the standard of punishment of the lower paid official was much heavier than the standard of punishment of the higher paid official. That is why we have said in this paragraph that the standard of punishment must be heavier and stricter, than we happened to notice in these cases. There are just one or two matters in the report of this Military Accounts Committee to which I should like to draw attention. At page 10, paragraph 11:

"The Military Accountant-General informed the Committee that he had agreed to take over certain trained Public Works Department accountants who will also train others. The Committee desired to have a report of the success or otherwise of the new arrangement after two years."

I think two years will be nearly over next summer, and I hope that by that time we shall have a report as to how far this matter has really progressed. Then, with regard to the Royal Air Force we found a case—page 11, paragraph 13, I will read the paragraph:

"In this connection, the Auditor-General brought to the special notice of the Committee the former absence of a proper system of provisioning, the overstocked condition owing to this reason, and the necessity of a valued account of all surplus and obsolete stores in the Royal Air Force. The Army Secretary circulated a note explaining the steps taken to improve the system. The Auditor-General stated that he thought that measures had been taken locally to remedy the defects in the provisioning system, and that as far as he could see they were reasonably satisfactory. He urged that Government should issue authoritative orders regarding a provisioning system and fix stock limits."

I forget just now, but I shall be obliged if the Finance Member will inform us at the appropriate time whether Government have issued these authoritative orders and have fixed stock limits for the Air Force particularly. I should like to have some information on that matter. At page 13, Honourable Members will find that in the statement given by the Department, paragraph 6 is very important:

"The fact that surplus stores are held is admitted. They represent the accumulation of several years and will take time to dispose of economically."

We have often asked in this House that the army expenditure should be reduced. We are told that they cannot do that. I am not now on the larger question of British personnel or of the equipment of the army, but I am satisfied, Mr. President, as a member of the Military Accounts Committee, that there is considerable scope for retrenchment in expenditure even on the present scale without reducing a single British soldier or officer. I am convinced that if the pruning knife were applied by an honest, efficient officer who did not care for vested interests and who cared only for the money of the poor tax-payer of this country, we could still save some crores of unnecessary and wasteful expenditure in the army. I am informed by my Honourable friend, the Chief Whip of the Party, that the surplus stores are sold as out of date, at very low and very cheap rates. I think that this deserves looking into. The army is a sealed book to us, and it will become a still more sealed book tomorrow, when one man will become the lord of the whole defence expenditure of this country. But even then, it seems to me if there is any financial conscience

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anywhere, if the Finance Member is not merely out to kill protection in this country but also to do something to raise the standard of financial administration, he may occasionally turn his capacious brain to the way in which the public money is being wasted.

The Honourable Sir James Grigg: I don't want to kill that kind of protection.

Mr. Lalchand Navalrai (Sind: Non-Muhammadan Rural): Not on the 1st April, but when the Federation comes in.

Mr. S. Satyamurti: You will see an Order-in-Council today or tomorrow constituting the Viceroy the sole autocrat of all this, whether Federation comes or not. My Honourable friends are too clever for all this.

These are the main matters in the report of the Public Accounts Committee on the Civil and Military, the Posts and Telegraphs, to which I should like to invite the attention of the House, but, Sir, as the question of the publication of evidence will come before the House very shortly, I want to point out to the House by a very few references to the evidence volume, how valuable this publication will be to the Honourable Members of this House. I am still hoping that the Honourable the Finance Member will, in a generous mood, accept my amendment and agree to publish this evidence volume. The idea of saying that the publication of 500 copies of this volume is going to be so expensive as to upset the financial equilibrium, is too thick even for the Finance Member.

The Honourable Sir James Grigg: I do not say that.

Mr. S. Satyamurti You mentioned the question of expense. I would refer Honourable Members to pages 4 and 5 of the evidence volume. I raised this point and said:

"This rule says that it shall be our duty to bring to the notice of the Assembly all expenditure which the Finance Department has requested the Committee to do so. Have you any idea in your mind as to the class of expenditure which you request us to bring to the notice of the Assembly.

Mr. Badenoch: There is a rule under the Auditor-General's rules laying down that when the Auditor-General and the Government are at issue over an objection, the Auditor-General may waive the objection provided the Finance Department brings the expenditure to the notice of the Public Accounts Committee and through them to the Legislative Assembly. It is a method of resolving a difference of opinion between Government and the Auditor-General."

This is a matter of great importance, and if the evidence volume is not available, how will Honourable Members know it?

The Honourable Sir James Grigg: I do not know what argument the Honourable Member is developing but differences of opinion between the Government and the Auditor-General are not brought to the notice of the House in the volume of evidence but in the appropriation accounts or in the Auditor-General's report on them.

Mr. S. Satyamurti: I quite accept that, but my point is this. The House is entitled to know what are the circumstances under which the Auditor General raises the objections. That is my only point. Then I had a long discussion with the Finance Member over this Convention,

which I understood is based on the British convention, that all money remaining with the Government out of the budget grant for the year which is not appropriated before the end of the year, on a motion by the Honourable the Finance Member, goes automatically to the reduction or avoidance of debt. I raised that point and the Honourable the Finance Member mentioned that Mr. Winston Churchill as Chancellor of the Exchequer wanted to bring in legislation that the balance of the year, instead of lapsing into the sinking fund should be available for general expenditure in the following year. That required specific legislation and could only be undertaken on the initiative of the executive. That is an important point. Then, I refer to pages 7 and 8 of the evidence. I said:

"I want the Legislative Assembly to have the right to say how we shall use the money. They may want to use it for other purposes. Is it right that by ignoring the legislature the executive should by a fiat of its own say that this money shall go towards reduction and avoidance of debt? It is an opening balance which should come under the control of the Assembly.

Chairman: In order to intercept that surplus or prospective surplus action has got to be taken before the close of the current financial year. Nothing that you do after the financial year can get hold of the money for the current requirements of the subsequent year."

I do not want to pursue this matter but this is a matter which the House is entitled to know—how the money voted by us is being utilised. We should be very careful not to vote a pie more than what is actually required, because, once we vote the money, it goes beyond our control. Before we vote, we must be satisfied that the money is required, and we must vote not a pie more. At any rate, one point is very clear to me and that is that we must see that we are not voting for a surplus budget.

Then, there is one point to which I want to draw attention, and that is on page 17. It arose from page 25 of the Auditor General's report about the decision to reduce the sinking fund:

"Mr. Satyamurti: When was it taken?"

Mr. Sanjiva Row: It is mentioned in the budget speech.

Mr. Satyamurti: Is it considered financially proper to do that in the middle of the year?

Mr. Tallents: The reasons are fully set out in Sir George Schuster's speech.

Mr. Satyamurti: The original grant was for 2 crores 14 lakhs and you spent only 68 lakhs and you saved 68 per cent. of the original grant. It seems to me rather extraordinary for any Finance Member in the middle of the year to say that he will save this money.

Chairman: I imagine one of the prevailing motives was that, if he had not reduced it, he would have shown an apparent deficit which would have had a bad effect on the world's markets and the other thing was to release a certain amount of money to help Bihar. It was really a raid on the sinking fund and people have different opinions as to the extent to which it is legitimate.

Mr. Satyamurti: It seems to me trifling with the revenues of this country. It seems to me that you cannot change this in the middle of the year.

Chairman: Circumstances beyond your control may occur.

Mr. Satyamurti: You gave as one reason that there may be a deficit. Why not face the deficit. I think we should record a resolution that the sinking funds should not be raided in the middle of the year to avoid a deficit.

Chairman: I am prepared to draft a formula saying that as a general rule it is illegitimate to raid the sinking fund in the course of a year.

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There is one other matter to which some attention should be drawn, and that is on pages 19 and 20 of the Evidence Volume. In our country, once money is voted, there is no control, and we don't know how the money is spent. We get only an *ex post facto* control. I said:

"I suggest we recommend that no payment should be made without a specific appropriation.

Chairman: I am a little out of my depth because in England there is not only the voted supply but there is the Appropriation Act and you cannot possibly have money issued in the absence of any specific appropriation, but not so here.

Mr. Badenoch: We have discussed that *ad nauseum* and we consider it is not practical politics. When you are spending money not from one but from thirty or forty treasuries, you cannot keep an account in the same way as you can in England."

This is a very important question. Once the money is voted, the expenditure is beyond our control, until audit detects it and brings it to our notice. As the Chairman said, there is no machinery in India just as they have got in England.

I now wish to refer to another point and that relates to the contract allowances to the Viceroy's House. It is found on pages 21 and 22. Mr. Das raised the point on page 21:

"Mr. Das: Why were items C and D on page 84 left unaudited?

Chairman: All the Governors and the Governor General have contract allowances, and they are unaudited.

Mr. Satyamurti: Under what authority does he get this sum?

Chairman: Under the orders of the Secretary of State.

Mr. Satyamurti: I want to know under what statutory authority these accounts are left unaudited.

Mr. Badenoch: We merely get a statement from the Military Secretary that so much money has been spent against the grant.

Mr. Satyamurti: Why don't you call for vouchers?

Mr. Badenoch: The whole system of a contract grant is a recognised system.

Mr. Satyamurti: By whom is it recognised and under what authority?

Mr. Badenoch: It is recognised in this case by the Secretary of State.

Mr. Satyamurti: So, the money under these two accounts was spent without being audited?

Chairman: You cannot go behind the orders of the Secretary of State. Do you want every penny that he spends out of his salary to be audited?

Mr. Satyamurti: No.

Chairman: Then, these amounts are only an addition to his salary.

Mr. Satyamurti: Where do you get them from?

Chairman: It is laid down by the Secretary of State. It is not actually part of his salary but it is part of his allowances.

Mr. Satyamurti: C. and D. are not called allowances; only B is so called.

Mr. Badenoch: They are also contract allowances. Actually, I think if an inquiry is made it will be found that His Excellency spends quite a lot out of his pocket. It costs him more than Rs. 43,000 to run his cars.

Mr. Satyamurti: What is wrong from the point of view of reasonableness if it is audited? Who is going to suffer from this?

Chairman: Is it not rather absurd to extend the scope of audit to that extent? One of the terms of the office of the Governor General is that he shall have a salary of so much, he shall have a contract allowance of so much for motor cars and so on. These allowances were fixed after elaborate calculations.

Mr. Satyamurti: Who says that his salary shall include all these allowances?

Chairman: The Secretary of State's orders are there.

Prof. Ranga: If Secretary of State's orders are there, why not show them to us?

Chairman: It is the Audit people who are entitled to be satisfied with the Secretary of State's orders. You cannot expect me to produce every order before this Committee.

Mr. Satyamurti: Are you satisfied that these two items, namely, expenditure from contract allowance and State conveyances and motors, are contract allowances sanctioned by the Secretary of State for the Viceroy?

Mr. Badenoch: Yes.

Mr. Satyamurti: Therefore, you think they are above audit?

Mr. Badenoch: They are unaudited. They are sanctioned as contract unaudited allowances.

Sir Muhammad Yakub: If these are contract grants and if they are exceeded, what happens?

Mr. Badenoch: Either His Excellency will have to pay himself or he will have to come to the Government of India and say that his grant is not enough. The Government of India will consider the matter. They cannot sanction it themselves but will have to go to the Secretary of State."

Mr. President, the House will be glad to know that after lunch, Mr. Badenoch came to the Committee, and this is what happened; *vide* page 53:

"Mr. Badenoch: On the question of the contract grants and audit, I had a talk with Mr. Satyamurti and I hope he understands now what a contract grant is. His difficulty is that he wants some assurance that the contract grant is actually spent on the purpose for which it was granted and if a certificate is given by the Controlling Officer he is content. At lunch time I rang up Colonel Muir, the Military Secretary and I asked him whether he had any objection to giving a certificate. He said 'none in the world'. We shall arrange now that he will give an annual certificate,—that the expenditure from the grant has been incurred for the purposes for which it was given."

Sir, I think we must see that these accounts are also audited; I do not see any reason why they should not be.

Then, with regard to the Survey of India, I have already said a word. On that, we had Sir Girja Shankar Bajpai. Sir, as the witness, he said so much that at the end of it we found that we were not very much enlightened as to why this grant could not be more accurately spent. This is what we find on page 62 of the Evidence Volume:

"Chairman: If you make it as a sort of general proposition that, if in any department, although its main budget total is not very far out, there are a very wild number of large excesses and savings in its sub-heads, you should consider that the budgeting was not very good and take steps to tighten it up, it is all right, but the Auditor General's point is that, if one saving emerges and you also want a supplementary grant, it would be proper to re-appropriate from that saving."

Sir, I leave it at that. I come now to New Delhi, with great respect, because we all live here. Sir, it seems to me that the New Delhi Municipality is a joke. It has no money, it has no constitution, you nominate a few people, and, as my friend reminds me, it is a fraud. Mr. Badenoch himself speaks on this thus at page 68:

"Mr. Badenoch: This grant-in-aid is to the New Delhi Municipality and it is very difficult to deal with it because the expenditure is divided over between the Departments of Industries and Labour and the Home Department and the control is with the Department of Education, Health and Lands. Actually, the reason why I want to raise the matter is that, as is known, the New Delhi Municipality has been formed by Government. It is a body which manages a very large amount of Government property and we are at issue with the Government as to the extent of the audit of this account. The attitude of the Department of Education, Health and Lands has been that we should content ourselves with the ordinary standard and scale of audit. Sir Ernest Burdon thinks that as a great deal of Government money is involved in it, there should be proper audit of it."

[Mr. S. Satyamurti.]

I think, Sir, they have appointed a Financial Officer to the New Delhi Municipality, and I hope that the standard of audit has improved.

Then, I come to the evidence with regard to the Central Publications Department. I do not know what is the latest position. We examined it, and we found that it left very much to be desired. Mr. Badenoch says this at page 80:

"So far, there has been no real check of stock at all. We found actually that the figures for stock were not correct according to their own vouchers. I think the audit comments speak for themselves. They are strong. With regard to the policy adopted by the Department of Industries and Labour stated in paragraph seven, we do not actually accept that policy as the ideal policy by any means. I have talked the matter over with Mr. Clow and he can give you his explanation of why that policy is adopted, but we consider that, whatever the difficulties, there ought to be an effort to count the stock on its arrival in Delhi and to take as the opening figure in ledger accounts the actual stocks which have been counted. There is no doubt that stock accounts of the Publication Branch are in a pretty mess and the only way in which you can get the stock accounts in the proper form is to count your stock, put the verified figure down in your ledger and start on a clean sheet; and if there are very big variations, try and get some explanation of them afterwards."

Sir, I know there has been some improvement, because we were told last year something about this, but the House would like to know what the latest position in this matter is. With regard to the Indian Stores Department, it is brought out from the Evidence Volume pp. 105-08 that although many Departments are now trying increasingly to use the Indian Stores Department for their purchases, the Army and the Railways have not yet come into line. The company-managed Railways are the worst; even the Railways have annual conferences, and Sir James Pitkeathly is doing his very best to get this Department to buy through his own Department. But the Army, Sir, is above all control, and they will not buy through the Indian Stores Department as much as they can usefully do. We must ask the Government to see if they cannot make the army and the railway authorities buy very much more through the Indian Stores Department.

Sir, there is one more matter. I refer to page 145 of the Evidence Volume. Sir, out of the revenues of this Government to which the poorest contribute, the Government indulge in the luxury of giving loans to States and individuals, and some of them are becoming irrecoverable. Take these loans to Alwar of Rs. 25 lakhs. This is what we find on page 145

"Chairman: Is the Bhawalpur loan being repaid now?"

Mr. Tallents: No; they cannot pay. They have been let off interest now for two years. The principal is remaining there."

I think, Sir, they have settled the matter now? I raise the whole question—why should taxes be raised in this country from the poor taxpayer, for whom we are told the heart of my Honourable friend bleeds, in order to oblige impecunious Princes with loans to individual States and so forth? Sir, it is not proper, it is not just, it is not right.

Then, Sir, with regard to the Railways, the Railways are always with us and I think we shall be having a discussion either now or during the Simla Session as regards the quiet proposal of repudiation of debts that they make! Sir, when we, the humble folk of the Congress, made a proposal that the national debts should be examined, there arose a huge

outcry from the banks of the Thames and the Jumna that the Congress are trying to repudiate debts but today this Government come forward with the proposition to write off Rs. 61 crores of debt. As a preliminary to my dealing with that, let me invite the attention of the Honourable House to this report and to the two published volumes of evidence, the first being with regard to Civil, Military and Posts and Telegraphs, and the second being with regard to Railways. On page 8 of the report, we say this:

"We also noticed several cases where either no funds were allotted for expenditure which could reasonably have been foreseen and provided for or insufficient or excessive provision of funds was made Even after making allowance for all these, we are of opinion that there is considerable room for improvement. The Railway Administrations should see that the totals allotted by the Railway Board are distributed among the individual subheads with greater accuracy."

Again, I may add the comment that this is a positive statement in a mild form. Some of us felt very strongly, but, after all, the

I P.M. Finance Member is mild where his own departments are concerned, and his colleague, Mr. Sanjiva Row, is still milder. That is why the report is written in that mild form. In the next paragraph we say:

"Under demands for capital expenditure on the other hand even the total expenditure diverged very far indeed from expectations. For example, under Demand No. 8, the total expenditure amounted only to 5.81 lakhs against an allotment of 8.92 lakhs."

What is this budgeted for? It is a fraud on this House to come and ask you to vote nearly nine crores, when they cannot spend even six crores. Is it not really giving a false picture to this House to ask you to vote nine crores when they cannot spend more than six crores? The explanation is:

"We were told by the Financial Commissioner that the capital programme was settled several months in advance, that it was very difficult for Railway Administrations to make accurate estimates so much in advance and that many factors entered into the picture over which Railways had little control. The Financial Commissioner has informed us that he is drawing the attention of all Railway Administrations to the large difference between the amounts they have been demanding and the amounts they have been actually able to spend."

Last year, we were told that they have now introduced a system under which they will make a lump cut, but there is a danger in that also. I think the Chairman pointed it out that, unless it was done very carefully, the result will be that the railways would put it up by 50 per cent., and the thing will go on in a vicious circle. Therefore, it has got to be done in a more scientific and much more effective manner. Then we raised this point:

"While examining the question of the control of the Railway Board over Railway Administrations we have considered whether a more effective control could not be exercised if the Board were enabled, by a further delegation in minor matters, to relieve themselves of any necessity for interfering in questions of detail and so to leave themselves free to concentrate on securing effective control in matters of first class financial importance."

I should like to know what has happened to this recommendation. Has any attempt been made to re-constitute the functions of the Railway Board, so that they may be able to deal with these large questions of financial policy and financial control and give us better results? What will happen is that they will undoubtedly relieve themselves of lot of work but whether the relief will result in effective control is a different matter altogether. I should like to wait and see.

[Mr. S. Satyamurti.]

Then, as regards the financial position of the railways, I would respectfully suggest to my Honourable friends to read paragraphs nine to twelve on pages four to six very carefully.

Mr. N. M. Joshi: Take it for granted that we have read the report.

Mr. S. Satyamurti: You read only labour comments. Will my friend answer a few questions on these paragraphs? At the bottom of page five we point out this:

"But it is now clear that what appeared to be a process of continuous improvement has suffered an interruption and that unless the remaining months of this year show a great change, the deficit for 1935-36 may not be materially less than that for the preceding year."

I think we were right there:

"Even so, as has already been pointed out, this understates the real position by something like two crores. The question thus becomes not so much one of a slow tendency to overcapitalisation because of a somewhat lax accounting system but of the inability of the railways as a whole to show a profit even on the present system."

We conclude:

"We do not at all intend to imply that the expenditure side should be neglected. We are most reluctant to accept the Railway Board's estimate of the possible further economies and we think that the search for them must be relentlessly pursued."

Then, Sir, there is one point. In 1924-25, we had the separation Convention between the railway and the general finance. One of the conditions of that Convention was that at the end of three years the whole Convention ought to be re-examined. But do you know, Mr. President, that owing to the fault of someone or other that Convention has never been examined and that has resulted in this enormous expenditure on capital works, and today we are paying the price of that failure on the part of this House not to have re-examined the Convention at the proper time? If the Convention was re-examined at the proper time, then we would have known exactly what the railway finances were like. That is what we say on page six:

"We hope we have made clear that we regard immediate and continuous attention to the solution of these problems as of vital importance to Indian interests. Some of the non-official Members wish to place on record their views in regard to the failure to press to an earlier conclusion an examination of the working of the separation convention. Under the Resolution passed by the Assembly regarding the separation of railway from general finance, the convention should have been revised periodically after being tried provisionally for at least 3 years. The explanation given by the Financial Commissioner for not revising the convention is recorded in paragraph 3 of the proceedings. If however the convention had been revised earlier, the question of the proper allocation of expenditure between capital and revenue would have come up for consideration earlier and an examination of the question of allocation between capital and revenue could not have failed to disclose that the surplus was really less than it appeared to be under the old allocation. In the face of this, it is doubtful whether Government would have felt justified in embarking on the very large capital expenditure of the 'prosperity' years. In that case the unremunerative capital at charge would clearly have been reduced and the present financial problems would have assumed a less intractable aspect."

Therefore, it seems to me that so far as railway finance is concerned, the position has not considerably improved. As I said, I do not want to say more on this subject, because I think the House will have a fuller and a more appropriate opportunity of dealing with the whole question of

railway finance, when the Resolution of my Honourable friend, Sir Raghavendra Rau, comes before it. There is only one more paragraph on page seven of this volume, to which I would like to call the attention of the House. In paragraph 15 we say:

"While going through the Quarterly Statement of outstanding items, we found that the departments generally took a considerable time in taking action on the recommendations of the Committee. The departments should try to avoid such delays in future. In this connection, we recommend that a special meeting of the Committee should be held some time during the Delhi session, if so desired by the members, to examine the action taken by the departments on the various recommendations and suggestions of the Committee."

I do not know what has happened to it. I do not propose to read from the evidence volume of the railway, because I have already quoted some extracts from the other volume merely to convince the House, if I may, that there is plenty of material in the evidence, and it should continue to be published.

I only want to make one point in conclusion. When this Public Accounts Committee was originally formed, Sir Malcolm Hailey (Mr. Hailey then), in moving for the appointment of this Committee, said that this Committee was very important and added:

"Let me add, that there is a still wider field for the Committee when it gets, if I may so express myself, thoroughly into its stride. It may be able to compare the scale of expenditure of one Department with another and to point out economies as a result. It may be able to point out where larger financial recoveries can be made on public account. It may be able to reveal cases where expenditure has been incurred on hasty or unbusinesslike lines. Those who are acquainted with the reports of the Public Accounts Committee in England will be aware of the enormous influence exercised by that body in bringing pressure to bear upon the Government to enforce economy in the expenditure of public moneys."

Sir, after all, the Public Accounts Committee is not a mere auditing committee, it is a committee which deals with the manner in which public money is spent, and I think it will be common ground of all sections of this House, including I hope the Government, that there is ample scope for economy in public expenditure. I am not talking of economy in the sense of cutting down budget grants. Once the budget has been sanctioned, even then I suggest, Mr. President, with some confidence, with some knowledge as a Member of this Committee for the last two years, that there is considerable scope for economy in expenditure. In that work, we seek the assistance of the Honourable the Finance Member and of all the Members of the Committee.

I should like to conclude as I began, no doubt in this House we fight on many issues, but on the whole my experience of two years on this Committee has satisfied me that we do not differ fundamentally on the main questions which come before this committee. We are all anxious that rules of business should be observed, that budget control ought to be effective, that there ought to be economy in expenditure, and there ought to be sanction for every item of expenditure, but there is one feeling I have in my mind, that is to say that even such a vigorous personality as the Honourable the Finance Member becomes weak, when faced with the tremendous inertia of the Government of India's Departments, including the Military Department; these witnesses come and tell us stories which will melt even stony hearts, they say, they cannot do this, they cannot do that, they are doing their best, and, therefore, please do not shoot us. That is the answer which all these witnesses give us. While I recognise

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there has been some improvement, and I hope there will be more improvement, I think this House should always expect the Public Accounts Committee to be filled by men who will give freely of their time and energy to study up all these big reports and put useful and searching questions. Let me tell you, Sir, that the work on this Committee is not an easy one. We have got to study for weeks, sometimes for months, all the papers and we have to be ready with questions, because on the one hand you have a vigilant Chairman who trips you up if you make the slightest mistake, there is his watchful Assistant, Mr. Sanjiva Row who is always instructing the Honourable the Finance Member, lest he should allow any Member of the Committee to put inconvenient questions, there is on the other hand the witness, very clever and trained and very able who knows his briefs through and through and who will expose you if you put questions without book or authority. On the whole, however, the work on this Committee is a thankful thing. You get inside knowledge of the way in which the Departments function. I think if the Members of the House should make a serious study of the report and of the evidence volume—which I repeat should continue to be published before this House as it has been done in the past—then the Members of the House will get inside knowledge as to how the money is being spent, and I hope the Honourable the Finance Member will not look at the Members of the Committee as natural enemies, but as colleagues in the great task of improving the financial tone and probity of the administration. (Applause.)

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. B. Das (Orissa Division: Non-Muhammadan): Sir, better late than never; what we should have discussed in September, 1935, or in the beginning of 1936 we are discussing at the end of March, 1937. Sir, I take a good deal of interest in the Public Accounts Committee. Probably I happen to be the oldest Member of that Committee, though there are other people present here who happened to be connected with it earlier than myself,—I refer to Sir Raghavendra Rau. Sir, the Public Accounts Committee, as my Honourable friend, Mr. Satyamurti, explained, happens to be the only Committee where we get a complete picture of the public finances of the Government of India, and where we exercise the largest amount of financial control and scrutiny over expenditure which this House is unable to do while it discusses budget proposals. Unfortunately owing to the statutory changes, some of the powers that the Public Accounts Committee at present enjoys will pass away from our hands, not necessarily through our consent and assent but through machinations over which we had no control. Very likely, the Public Accounts Committee in future will not exercise any control over the railway accounts after the statutory railway authority comes into existence; and I will not be surprised if after we leave New Delhi, Government bring forward an Order in Council whereby the control of this Legislature in matters of accounting is taken away with regard to the railways. While certain Honourable Members of

is House were in London trying to formulate a statutory railway authority, I drew the attention of some of my friends that they must see that the authority of the Public Accounts Committee continues. In private, my Honourable friend, Sir Muhammad Yakub, who happens to be a member of the Public Accounts Committee did assure me that it should be so. I should like to hear from the Finance Member or Sir Raghavendra Rau or Mr. Sanjiva Row,—because every year in the Public Accounts Committee I raise the issue and get no satisfactory answer,—whether the authority of the Public Accounts Committee will continue over the railway accounts after the 1st April, i.e., after the railway authority comes into existence and which might come into existence any moment.

The most important work that the Public Accounts Committee does is to see that the Finance Department have exercised proper control of expenditure through the different statutory auditors and the Accountants-General. I may say with due respect to the Auditor General and the Accountants General that they try to do their utmost, in the light that comes to them at the time they write their report, to bring forward before the Public Accounts Committee any irregularity in financial control or any defalcation that might have taken place. But, of late, I have found that the Auditor General and the Accountants General do not present a large bulk of defalcations that happens in the various spending Departments such as Defence, Railways and Posts and Telegraphs. Recently it has been the practice to just indicate one or two types of the defalcation that takes place, whether it is in the Army or in the railways. Nowhere does the Auditor General indicate the quantity or the quantum of defalcation in particular Departments; but knowing what happens, it might amount to crores of rupees in the Defence Department and crores of rupees in the Railway Department. Of course stricter financial control has been exercised; but when we come to the Defence Department, we find military officers mismanaging funds, drawing travelling or luggage allowances to which they are not entitled, or a director of army contract or his subordinates having permitted running contracts in the army whereby the Government of India and the tax-payers lose lakhs and lakhs of rupees. I do not understand why perpetual running contracts should be allowed by the Defence Department to certain pet contractors, and there is no opportunity for the heads of the Defence Department or for the Quarter-masters General to see that prices have fallen and the rates should be reduced. Certain of my observations regarding this apply to the railways as well.

Sir, I will take the Departments of the Government of India, department by department, and I will first deal with the Leader of Government. The Leader of the House controls the Indian Stores Department. As my Honourable friend, Mr. Satyamurti, pointed out, two years ago we had a debate on the floor of the House and we were promised that Sir James Pitkeathly would go to London, and the India Stores Department of London would be a branch of the Indian Stores Department in India. As one who has taken a keen interest that the Government of India should make all their purchases through the Indian Stores Department, whether in Defence, Railways or any other spending department, one does not know what passes between the India Office and the Government of India, and though the High Commissioner is supposed to control the India Stores Department, the controller of that Department is not amenable to the control of the Government of India, and it is high time to have a uniform policy. I hope that the Honourable Member for

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Industries will see that that Department becomes a part of the activity of the Indian Stores Department. My Honourable friend will shortly leave the shores of India; and if he makes that announcement that he has been successful in bringing down the mighty controller of the India Stores Department, London, under his own Department, it would be a welcome thing not only to us but to the mercantile community all over India.

I do hope I will also hear from my Honourable friend, the Member for Industries whether the Defence Department and the Railway Department are making their full quantum of purchases through the Indian Stores Department. It is a matter in which the Public Accounts Committee takes a keen interest. In the past the Committee got hold of the heads of the Railway Board, the Stores Department and the Military Contracts Department and brought them together to see why they should not purchase everything through the Indian Stores Department. Although the Railway Department have come up to our expectations and are buying large quantities through the Indian Stores Department, the Defence Department is adamant and will not see their way to buy through the Indian Stores Department. These are days when great changes occur: and there may be an Order in Council tomorrow that the Defence Department will not purchase anything through the Indian Stores Department, because defence is an excluded subject completely under the Governor General, and the Governor General in Council will have no further control.

Then, I come to my Honourable friend, the Finance Member. The Finance Department have got much larger spending powers than the Legislature itself. At the same time the Finance Member has received our cordial support in any proposal that his Department brings forward in the Public Accounts Committee about stricter financial control. But the Finance Department is often hoodwinked by the spending departments, they always want to spend more. We know, when this year's budget was introduced, there has been 76 crores of expenditure transferred to the non-voted side and only 26 crores remain on the voted side. That shows the extent of work which the Finance Department takes on itself. If the Finance Department shows laxity there will be lots of waste of public money; and in the Committee, we have very often brought out how the Finance Department can exercise greater financial control. I will give an instance. After the economic depression, the Finance Member who is always the chairman of the Public Accounts Committee agreed with the Public Accounts Committee that there should not be any heavy capital expenditure. That policy has been in actual operation: we find in railways recently there has not been capital expenditure to the extent as used to be the case four or five years ago. But we live and learn. It is not the Finance Department's money: it is our money: they borrow on our account and they borrow at high rates of interest from England and India and they go on merrily spending it through the advice of their spending departments: only the other day, I raised the issue as to why the Finance Member should not see his way to convert some of the sterling loans and rupee loans: I received no answer, but a tittering from the Finance Member that I want to repudiate part of the obligations; and my Honourable friend, Mr. Satyamurti, only spoke this morning: "What about the repudiation by the Government of India of their obligation to the general revenues of 31 crores?"—a Resolution which my unfortunate friend, Sir Raghavendra Rau, will father in a day or two on the floor of this House.

Again, Sir, the Finance Department naturally adopts an attitude of over-lording it: it tries to write off capital without the consent of this House. The fact comes out to light in one or two lines somewhere in the appropriation accounts submitted by the Accountant General, Central Revenues, to the Committee a year or two after the action was taken. I will refer to two instances. It has been discussed already on the floor of the House that the Postal Department, through the recommendations of the Cowasji Jehangir Committee, wrote off 166 lakhs when we discussed the Public Accounts Committee's Report of 1933-34; and this year we learn that they have been written off to the extent of two crores. A line in a note in the appropriation accounts of the Central Revenues revealed that the Education, Health and Lands Department, which Sir Girja Shankar Bajpai represents, that the New Delhi Capital Committee has been permitted to write down its assets by 110 lakhs. The Finance Department do not allow a lakh or two for any nation building department, but when it suits them, it can hand over an asset of 167 lakhs and write off 111 lakhs. There must be certain method in regard to any capital that is written off and which is of a voted character, the Finance Member should introduce resolutions and motions on the floor of this House and inform the House that the Government have decided to write down the capital. On the merits, I do not grudge the writing down of capital in the Postal Department. Under the form of accounting when experts like Sir Cowasji Jehangir and others decided that this should be so, it was done; but it was the duty of the Finance Member to bring it on the floor of the House and inform this House that on such and such grounds such a sum had been written down. I object to the mode of informing the House through budget memorandum: in the first page in the explanatory memorandum this year, it was said that so much had been written off from the capitalised valuation of the Postal Department. My Honourable friend, Sir Girja Shankar Bajpai, got only 110 lakhs: it may be nothing to him; his Department is very poor—it is the step-child of the Government of India. Spending Departments have no business to ask the Government to write off such large amounts without the assent of the House. I will tell the House that we did discuss it in the Public Accounts Committee: there is the New Delhi electric supply company built at an enormous cost of from 60 to 70 lakhs of capital. And today their total assets is 60 or 70 lakhs of rupees of which one electric supply co., is 60 lakhs. Therefore, the Public Accounts Committee suggested to the Auditor General that he should have full control of the accounts of the New Delhi Capital Committee; not only that, we also suggested that in the distribution of revaluation of the assets, he should be the final authority. We do not know what has been done in the matter. While I ask for detailed information from the Departments concerned, I do lay this charge against the Finance Department that they should not treat this House lightly, and in future when they contemplate any expenditure, whether it is to be incurred on revenue account or capital account, it should be brought up by a special resolution or a motion on the floor of this House.

Then, I have one more point to show how the Finance Member can play ducks and drakes with our money. My friend, Mr. Satyamurti, did allude to it.—I refer to the loan to the Bhawalpur Durbar. The Punjab Government contemplate a joint irrigation project for a small State like Bhawalpur State which has got an income of 80 lakhs, and that State is saddled today with a debt of 12 crores of rupees as its share in the Sutlej Valley Irrigation scheme. The Government of India lost money on the

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mad project. They decided last year to write off two and a half crores as the interest charges due from the Bhawalpur Durbar. When the Finance Member does it, this House is entitled to know how and why he does so; he ought to bring up a specific motion saying that the Government of India have decided to make a present of these two and a half crores to the Bhawalpur Durbar. Sir, on the eve of constitutional changes,—I am one of those who is not very friendly to Indian States, nor do I show my friendship to them,—I do not like that the Finance Member should take money from the poor tax-payers or borrow money on India's credit, give it to the Indian States and write off interest charges, and we know it for a fact that for the next 50 years the Bhawalpur Durbar will not be able to repay that loan, and the Finance Member has taken interest, through a special officer, to see if all the lands could possibly be irrigated and the increment of revenue therefrom could meet the dues of the Government of India.

Then, Sir, coming to my friend, the Railway Member,—I am glad Sir Raghavendra Rau is present here,—as one who has seen the extravagance of the Railway Chief Commissioners and the Railway Board, I must say that during the last five years there has been stricter financial control over the railway account. But, Sir, the mischief has been done for which not only the railways but the Indian tax-payer will suffer for years together. There have been mad electrification schemes on the B., B. and C. I. Railway and the G. I. P. Railway. The B. B. and C. I. Railway scheme has now proved to be a slightly paying proposition, but the G. I. P. Railway electrification scheme is an extravagant proposition. We have discussed these schemes. The Public Accounts Committee took note of the reports that the Auditor of Railway Accounts submitted to them, but, Sir, any fair-minded person can say that these mad electrification schemes should never have been undertaken. The Railways have spent five to seven crores of rupees on these schemes, and there is as yet no return on the money, although it was thought at one time or the other that the railways would show increased earnings. Sir, I do think that one of the good things which the Railway Department does through the pressure of the Public Accounts Committee is the Review of the Appropriation Accounts on Railways in India which my friend Sir Raghavendra Rau, submits to the Public Accounts Committee from year to year. It was not the practice in the past,—I am talking of a period of five years before,—to submit such a review. The Chief Commissioner for Railways and the Financial Commissioner used to appear before us and answer any questions that we put. We said: 'Both of you happen to be the managing directors of Indian Railways and it is your duty to submit to the Public Accounts Committee a review of the working of the Indian Railway.' Those friends of mine who have read these reviews will find admirable statistics very well arranged! it is a very fine document from which one can get a balanced view of the railway affairs, but yet a perusal of it shows that things which happened five years ago ought not to have happened at all, and we have now to pay for all those mistakes, and probably the provinces will suffer, because the Railway Department will not pay to the Centre and the Provinces will not enjoy shares of Income-Tax.

Sir, I wish we have discussed both the Reports of the Public Accounts Committee together, but my friend, Mr. Satyamurti, has given an amendment that the evidences of 1934-35 Committee must be published, but

as one is discussing the subject which ought to have been discussed two years ago, it is rather hard to bring back to memory the issues and place them before the House separately. I suggest that in future the Finance Member should see his way to permit the Assembly in the Simla Session to discuss the report of the Public Accounts Committee. If for want of time or for any other reason it is not discussed, then it should be discussed on the first Government day in Delhi. If that is done, then the House will get some idea of the financial control exercised, and the Finance Member cannot say, as he did say last year, that he had a private agreement with Mr. Satyamurti, and he did not want the Public Accounts Committee Report to be discussed in his absence. I do hope that if Government wants a fair discussion, they should bring it up on the first Government day at Simla or Delhi

The Honourable Sir James Grigg: The Honourable Member must arrange that with his leader—it is no good beating me about it.

Mr. B. Das: I am not pulling my friend's leg!

The Honourable Sir James Grigg: If the Honourable gentleman wishes to complain about the action of his leaders, perhaps he had better take it up with them direct.

Mr. B. Das: As my friend the Finance Member did not listen to that portion of my criticism on the defence, I do wish to bring it to his notice that the Public Accounts Committee is not very friendly to the system of giving out running contracts in the army, whereby contracts go perpetually to only one or two firms which are the favourites of the Quarter Master General and the Director of Army Contracts, and whereby thousands of contractors are deprived of their legitimate trade with the Army Department, and probably the army spends more. I was talking to a friend of mine, one who is very proficient in army expenditure, and he told me that if proper scrutiny is kept on the army expenditure 15 per cent. of the present expenditure can be easily reduced. Sir, as my Honourable friend, Mr. Asaf Ali, reminds me, our old colleague, the late Prof. Shahani, made a charge about that on the floor of this House a few years ago. With these few observations, I would commend to the Honourable the Finance Member that he must not delay in future discussions on the Reports of the Public Accounts Committee.

Dr. Ziauddin Ahmad (United Provinces Southern Divisions: Muhammadan Rural): I take up Part II of the Report dealing with
3 P.M. Railways, but before I do so, I would like to relate a story. (Laughter.) A person purchased a pair of boots for Rs. 10, and then he used it for about three or four years. Every three months he had it resoled and on each occasion he paid Rs. 2-8-0 for re-soling. At the end of three years he was asked what was the value of the pair of boots. By calculating all the amounts he had spent, he said Rs. 40, and he would sell it for half the price, that is, Rs. 20. The same is the case with the capital of our railways. One station was built probably about 50 years ago and it had a thatched roof, and the thing cost about Rs. 1,000. Then it was re-shaped and built in a pucca fashion with a cost of another, Rs. 2,000, and this Rs. 2,000 was added to the capital at charge. It was re-modelled after some years and ultimately it became like the station at

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Cawnpore or Lucknow at a cost of one crore. So, the capital has been added to from time to time just as in the case of the re-soling of the pair of boots. Then you have a depreciation fund even on the thatched roof which had been demolished fifty years ago. I come now first to page five of this report where they draw attention to this particular point. They say:

"The question thus becomes not so much one of a slow tendency to over-capitalisation because of a somewhat lax accounting system but of the inability of the railways as a whole to show a profit even on the present system."

This over-capitalisation has been a standing difficulty in the case of the railways. My Honourable friend, Mr. Satyamurti, has pointed out, and I wish to do the same,—at page 10 of this report we have:

"The Financial Commissioner explained that a committee of the Assembly was set up for the purpose in September, 1928. It met in February and March, 1929, and appointed a sub-committee which held one meeting in June, 1929. It then became *functus officio* owing to the dissolution of the Assembly. The question was not again taken up as the revised arrangements for administering Railways under the new constitution were under active consideration, and it was felt that the whole position would be reviewed in that connection."

Eight solid years have passed away and nothing has happened on the subject. In the year 1931, when the Retrenchment Committee met and wanted the railways to have some kind of economy, it was pointed out that an expert committee was soon going to meet which would deal with the entire system of the railways and would probably consider the convention between the Legislature and the Railway Department. But to our great disappointment, this resulted in the Pope Enquiry Committee and job analysis. This was the outcome of the promise which was held out to the Assembly from the year 1929 to the year 1931. Job analysis may be a thing of very great importance, but still it was a very limited enquiry. The whole question of administration and of finance was never gone into though it had been repeatedly promised to us. The question of over-capitalisation is a very important question which we have to tackle sooner or later. In a manner the process of writing off the capital has commenced. They are not paying one per cent. of the capital at charge, they have not paid us for the last several years. The accumulated amount which they have not paid us is over Rs. 30 crores, I have not got the exact figures with me. This amount has not been paid, this means writing off the capital and interest which they have not paid us. Adding on and on to the capital has led to this position that they cannot really pay back what is due by them. The next point, I raise, is page 5, and I shall quote the relevant sentences.

"In paragraph 42 of his Review, the Financial Commissioner expresses regret that it has not been possible to proceed much further with the examination of various important questions essential to a proper financial settlement for Railways, such as, the correct amount to be set aside for depreciation, the principles of allocation of expenditure between capital and revenue, and the amortisation of railway capital at charge."

At page 6 we find:

"If however the convention had been revised earlier, the question of the proper allocation of expenditure between capital and revenue would have come up for consideration earlier and an examination of the question of allocation between capital and revenue could not have failed to disclose that the surplus was really less than it appeared to be under the old allocation."

There is one point which I should like to emphasise. I understand that the Government are contemplating to bring forward a Resolution to write off the whole of the depreciation amount. If this is a fact, I think it is very unfair to the Assembly. The Wedgwood Committee has written a report on the subject and that report should be placed in our hands before we discuss the question of the writing off of the depreciation fund altogether. This method of Government taking action without revealing all the facts to the Assembly has become rather chronic.

The Honourable Sir James Grigg: I am sorry to interrupt the Honourable Member. Is the Honourable Member making a request that the Resolution which stands in the name of my Honourable friend should be postponed until the Wedgwood Committee Report is published? Is that his suggestion?

Dr. Ziauddin Ahmad: Yes. I would like to mention, not in the time of my Honourable friend, but in the time of his predecessor, two instances in which the Government took action without giving us the true facts. Take the case of the sugar duty. The sugar duty ought to have been levied after the publication of the Tariff Board's Report. They never published the Tariff Board's Report, the facts were not given to us and still they took action on the report. The second case was that of the hosiery. The report was before the Government, but they did not take action on the report. They brought forward a Bill embodying all the recommendations which were in their mind but in perverted form. It is only fair that the reports of Committees should be available to Members beforehand so that we may be able to form our own judgment and come to a conclusion. On this question of depreciation fund, my own view is this. There is no need for us to set aside large sums of money under the head of depreciation fund; it is quite unnecessary. From the figures of the last 15 years, we ought to know quite definitely what amount we spend on renewals and maintenance. That we can know and we must set aside the same amount, and it ought to be paid from the revenue.

Now, there ought to be a definite distinction between the expenditure charged under capital and expenditure charged under revenue, and all the expenditure which really brings in revenue, that is opening out new lines and so on, must be paid out of capital, but it is not fair to pay out of the capital for rebuilding the railway station at Lucknow and Cawnpore and adding the capital in the same manner as the price of the original shoe was raised by the amount spent in re-soling it. If this principle is adopted, then the difficulties pointed out by the Auditor and by the Public Accounts Committee will disappear.

In this connection, I would like to point out that the head "Depreciation Fund" is peculiar to the Indian Railways. It does not exist in any foreign railway. May I say in this connection that Sir Joseph Blore was once comparing the working ratio of the Indian railways with the working ratio of foreign railways, and after quoting these things, he said that we have got two ratios, one in which depreciation is included and the other in which it is not, and he failed to understand whether the foreign railways have given these ratios with or without depreciation. The real reason was that they never set aside any big sum for depreciation and they set aside a definite amount for the renewal and maintenance which

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is required during the current year and it was included in working expenses. It is just the same as what we are introducing in the case of the Post Office. They put aside from their experience as much sum as is necessary in any particular year. The third point I take up is on page six of this report, where they say:

"We are most reluctant to accept the Railway Board's estimate of the possible further economies, and we think that the search for them must be relentlessly pursued."

Here I beg to differ from the findings of the Committee. The economies have been carried so far that it is dangerous to travel on the railways. The points of view of the legislators and of the administration differ. We want economy in the pay of the officers but the salary of the officers is only three per cent. of the salaries of the entire staff. Any economy in the pay of the officers will never lead to any real economy. You will never get the desired result unless the economy is carried throughout and that has never been the intention of Legislature. In this connection, I would like to point out one fact—that whenever the railway administration fix up the staff for any particular work, they do it with their experience and knowledge of the European railways, but they forget that in Europe, the work that can be done by one individual cannot be done here by one individual. The efficiency of the man in England is much greater than the efficiency of the man in India, but when you consider how much you pay for a particular work, you will find it very much cheaper here. Here you find that you require more men to do the same work that can be done in England by a smaller number of men. This economy has now gone to extremes and it is time to call a halt. We have already reduced the salaries to a dangerous position. We have reduced the minimum salary to 35 and 30 at which we cannot engage a person of good intelligence. We have stopped altogether the recruitment in upper subordinate and intermediate grade. The result is that whenever these men who are in the intermediate grade will retire, their places will be filled by unintelligent people, and God save us from future travelling on the Indian Railways.

The next point I would like to take up is the question of coal. The Committee say on page 6:

"Incidentally some of us would like to call attention to the fact that Railway finances are being made the instrument of Government policy towards particular industries with the result that burdens are thrown on the railways, which ought to fall on the general tax-payer. An instance of this is the reduction of the output of Railway collieries to help the Indian coal industry. We are informed that, if Railway collieries are worked to their full capacity, the Railways will be able to produce coal at least as cheaply as the market rate and thus avoid a loss in the working of the collieries amounting approximately to 12 lakhs."

Attention to the working of coal was first drawn by Sir A. H. Ghuznavi about five years ago when he proposed a cut on the occasion of the railway budget. We have since then been discussing this question off and on and in one Session we discussed the qualification of what we called the coal demi-God. This is a matter in which the attention of the Government has already been drawn by the Public Accounts Committee, and I hope that Government would treat it as a business concern. I do not see any reason why the Government should not run its own mines and produce coal at cheaper rates.

I next come to the question of auction on page 7. There they say:

"The Director of Railway Audit has brought to our notice a case in which the North Western Railway were unable to recover from the auctioneers about Rs. 44,000, being the sale proceeds of scrap metal auctioned. The decree obtained by the Railway Company could not be enforced as the debtors were paupers."

In this connection, I would draw attention to what is said on page 12:

"Some of the members of the Committee felt that the loss to Railways in this case was due to proper care not having been exercised in selecting auctioneers."

In this connection I would like to point out two things. Just at the time when the new auctioneers were being appointed, I drew the attention of the Railway Board to the undesirability of changing the auctioneers. Mr. Highet who was at that time temporarily in the Railway Board office was going to be appointed Agent of the North Western Railway. At that time they thought it was not necessary to take any action. They changed a reliable person for a person from whom they could not recover any money at all, for reasons which everybody understands very well. The difficulties have not ceased to exist. A series of questions have now come into our hands about the Stores Department of the North Western Railway, and the time has now come when the Government ought to make a proper inquiry into the matter, and I am very thankful to the members of the Committee for drawing attention to this particular matter. The next thing is about rate-cutting and railway freight. I think these are also matters that are over-due. The next thing is about unanticipated credits. I am glad attention was drawn to bad accountancy. I shall give an example. In one place, which I won't mention by name, the capital was invested in Government securities. After some time the securities matured and they gave some bonus. The bonus was considered to be the income of the University—not provided already in the budget but as extra income, it was spent in a careless manner, as if this was money thrown in by unforeseen hand for which no account is to be given to any person. So this system of unanticipated income and of ruthlessly spending it without giving a true account of the whole thing is really bad accountancy, and I am glad the Public Accounts Committee has drawn attention to this irregularity, and this wants looking into.

The next is about the question of freights. Honourable Members have also drawn attention to the fact that this question of rates of freight is determined more out of regard for the foreign tradesman than for the benefit of the people of India. I drew the attention of the Railway Board to one such discrepancy. The freight from Bombay to Calcutta for one particular article was three times the freight from Calcutta to Bombay on the same article. This was really very inconsistent but it was done in order to facilitate traffic from Bombay to Calcutta and to stop the traffic from Calcutta to Bombay. This was very undesirable, and this is a matter which requires the serious consideration of the Railway Department.

Now, I come to page 22 of their report, Vol. I, about local schools. Here the Public Accounts Committee says:

"The expenditure on railway schools proper should be provided in gross in the demands for grants, the amount received from Local Governments being deducted therefrom, provided the amount is received in the same financial year. Grants received after the close of the financial year should be treated as receipts and the same treatment should be accorded to fees recovered from the pupils."

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Now, the Railway Administration maintains some schools of their own like Oakover, that at Dinapur and that at Tundla. In some cases, they give grants and in some cases they give some aid in the shape of fees to the students who are reading in other recognized schools. We ought to provide a lump sum under two heads, and give up the present practice. We set apart so much money for the maintenance of these schools, and let a committee arrange that, and then, so much money as grants-in-aid to schools, and then that should be distributed by a small committee under the direction of the Railway Administration. If there are no regular schools, they might give some money to the students reading in other recognized schools, but as far as the budget is concerned, I think we should only provide a lump sum, and the Administration ought to be left to a small committee in which we should have a person of the rank of a Deputy Agent as its chairman and two other Members, one being a non-official, and if the administration is conducted in this way, then probably the difficulties we are now experiencing will be avoided.

The next thing is about the electrification of the Great Indian Peninsula and the Bombay, Baroda and Central Indian Railway—*vide* page 33 of their report. We spent large sum of money on Kalyan Power Station on mis-calculation. It is not one case, it is one of a dozen cases in which we are asked to make a contribution to a particular undertaking and the expenditure incurred several times the estimate. Sir, they gave a solemn undertaking on the floor of this House that this particular undertaking would yield so much income but ultimately they found that the expenditure had increased or that the income which they had anticipated did not materialize, and that they got definitely less than what they had anticipated. This is what we have got from their own figures in Statement A on p. 33 about the Great Indian Peninsula Railway (last column). They expected a profit of 10.51, but the actual profit was only 4.4, that is, less than half of what they had anticipated. We gave them large sums of money on the supposition that they would get an output of 10.51 from the money. As far as the Bombay, Baroda and Central India was concerned, their anticipation did not fall much short of their expectations. It was 16.19 that had been anticipated, and actually they are getting 15.54, so that is not so very bad. But this question requires serious consideration at present. Sir, if we could utilize the Power Station at Kalyan to the fullest extent and thus enable it to give electricity to both the Great Indian Peninsula and the Bombay, Baroda and Central India Railways, then that could make both ends meet. Sir, I had no opportunity of going into details in the matter, but I had some conversation with a person who knows the subject very well, and I gathered that if they tried to derive the maximum benefit out of the Kalyan Power Station then it can be made a paying concern. But Government will yield to the pressure of capitalists and will purchase electricity from local supply and damage the interests of tax-payers.

I come to the next point. Sir, a question was raised by my friend, Mr. Satyamurti, about the loan to Bahawalpur. Sir, there are two kinds of loans. One is a loan which I myself ask for, and for which I must pay full interest, and the other is a loan which is forced upon me. Now if a loan is forced upon me without my demand, then in that case the position is very different. In the case of Bahawalpur, that State did not

want a loan, but the Punjab Government forced it on Bahawalpur in order to complete their project of canals. So the position is different. Moreover, they diverted the course of the water to some other place, and they did not give water to Bahawalpur as promised. Therefore, my friend, Mr. Satyamurti, should consider these two particular things, that is, the loan was forced upon Bahawalpur in order to complete a certain scheme of the Punjab Government, and then we ought to see whether the scheme for which we forced them to take this loan was to Bahawalpur a really profitable concern. The last point which I would like to quote is from the evidence on pages 7 and 8; incidentally I may mention that I quite agree that the publication of the evidence is exceedingly useful:

“Chairman: I remember Mr. Winston Churchill as Chancellor of the Exchequer made the same point, and he was proposing to bring in legislation that the balances of the year instead of lapsing into the sinking fund should be available for general expenditure in the following year. But you require specific legislation, and that can be undertaken only at the initiative of the executive.”

Now I draw attention to this passage of the Chairman, and I think this is a very important thing. So if the balances are left for expenditure as opening balance in the next year, then that would really mean less taxation in the following year, because so much balance is wiped off . . .

The Honourable Sir James Grigg: What if it is a negative balance?

Dr. Ziauddin Ahmad: Then taxation should also be negative, if this thing is left to the balances of the following year, then that benefit ought really to go to the tax-payer also; and I endorse the views expressed here by the Chairman.

Prof. N. G. Ranga (Guntur *cum* Nellore: Non-Muhammadan Rural): Sir, I wish to make a suggestion to start with to the House as well as to the Honourable the Finance Member that they ought to provide this Committee with a non-official chairman as is the case in England. Sir, it cannot be said that an official chairman, and especially the Finance Member alone, can make an efficient chairman. In fact, in England it is a non-official chairman who has been found to be of immense value by Government, the House of Commons and the Finance Members themselves. Even here we had some experience of it. Last year when the Honourable the Finance Member left for Bombay, we had the exceptional experience of three non-officials presiding over the deliberations of the Committee, and I can assure my Honourable friend, the Finance Member, and the House that they have done extremely well indeed. In fact, if I am not to be misunderstood as casting any aspersions on the Honourable the Finance Member who happens to be the Chairman of the Committee, I would like to say that it is quite possible to have a non-official chairman. It may be because of their comparative inadequacy of the knowledge of the financial matters and financial affairs of this country that these non-official Chairmen have succeeded in giving a bit better lead than our omniscient Finance Member himself. Therefore, I would like to suggest for his consideration and for that of the House that they ought to make a departure, and from now onwards, we ought to have a non-official chairman for this Committee.

Then, Sir, I come to the question of special funds. We raised the point that as far as the special funds are concerned including the rural development grant and earthquake funds and other similar funds, we ought

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to be provided with more or less detailed and audited accounts just as we are provided with audited accounts for the other services and grants and so on. I think in regard to the Bihar Earthquake Fund, we were supplied with a report as to the manner in which that money was being spent by the Bihar Government. But as far as my knowledge goes, we have not had any report at all in regard to the expenditure of rural development grant or the other grants, especially the cess grant we are creating from time to time. So, I think, it is high time that Government should think of providing us with properly audited accounts for all these funds.

Then, Sir, it is a false idea of economy which is being effected in the railways and the posts and telegraphs by the Government trying to economise to a great extent in their expenditure on renewals, repairs, replacements and capital expenditure. It is very easy for Government to say that owing to economic depression they are unable to provide enough money under these heads, but I cannot at the same time see how and why they wish, first of all, to make provision for a certain amount of expenditure on these heads and then later on try to save as much as possible to make use of it, with the permission of the Finance Department, on other heads in the same Department. In fact, the budgeting in the Posts and Telegraphs and the Railway Departments is far from satisfactory, and it is only a conventional thing for anyone to say that their budget is fast improving and so on. We are not here merely to pay compliments to these Departments, but we are here to draw the attention of the House as well as of the public to the very serious nature of the bad budgeting that has been going on in the Railways and the Posts and Telegraphs. We have stated in our report for 1933-34 on page 4:

"We, too, are definitely of opinion that budgeting and control of expenditure in the Department were far from satisfactory and the Auditor General particularly brought to our notice the continuance of the over-budgeting under the repairs grant which had been the marked feature of the preceding ten years."

Then, Sir, there are some other Departments too which seem to be rather bad boys and they have been very troublesome Departments for the Finance Member himself. These are the Survey, the Central Publication Department, Postal Department and the Central Public Works Department. Last year somehow the Honourable the Finance Member gave me the impression that he was rather hard put to it to stand for them rather than join hands with my friend, Mr. Satyamurti, as he usually does, in trying to check these departments in their over-estimating first and then spending either too little or over too much and thus coming in for a lot of bad comments from the Auditor General himself. Now, these Departments will do well to improve their budgeting, and I hope the Honourable the Finance Member will not take very long in succeeding to see that these Departments behave a bit better than they have done in the past.

I was rather surprised to learn only the other day that the Anand creamery has not been able to spend all the money that was allotted to it, and that is how things are happening with respect to the departments on which we would like to spend more money. We would like to see more money spent on the Archaeological Department, the Council of Agricultural Research and other Departments. We would like to see that

money should be saved on every department and more and more of it spent on all those departments which really cater to the cultural and other progressive needs of the nation.

Then, Sir, I come to the Military Department. I find that on the whole the control of the Finance Department over the military finances is not quite so satisfactory or quite so strong as we would like it to be. The Honourable the Finance Member is known to be a very strong man *vis-a-vis* the other Departments, but I do not know whether even he can really say to himself when he is in his own study room that he is able to make these defence services effect as great economies as they ought to and spend the money as wisely as they ought to. I personally feel that he feels about them just as uncomfortable as most of us do. I am rather afraid that he finds somebody whom he finds it difficult to tackle, and, therefore, he is not able to give us a good account at all of the manner in which the military forces have been spending their funds. Here is a recommendation we made, and I do not know what action has been taken on it.

"We desire to lay special stress on the importance of codification of army regulations as soon as possible."

I would like to have some information on that. Later on in the next year we said that the Military Department should not feel so very free as it has done in setting apart the surplus that they have found under various heads for what are known as re-equipment purposes. We were told that the sanction that they have to obtain from the Finance Department is more or less formal, and we saw it fit to make a recommendation that they ought not to consider the sanction of the Finance Department so very formal and the Finance Department ought to go into these things as carefully as possible and see that the Military Department is kept in its proper place. Then, Sir, as my Honourable friend, Mr. Asaf Ali, reminds me, their estimate of the expenditure on re-equipment has gone up from ten crores to twelve crores. The only explanation they have given is rather flimsy, namely, it is due to the rise in prices, and a rise in the standard of equipment that is found necessary. I really do not think that the Honourable the Finance Member should let them go on increasing their own estimates and swallowing large sums of money, as much money as possible, when they are led to over-estimating their needs and utilise these savings for this particular purpose.

The Honourable Sir James Grigg: In fact the military were originally promised their re-equipment in four years, it is now ten years and it has not yet been finished.

Prof. N. G. Ranga: That again supports my point, and it is for this reason. Why have they not done so? Is it because they could not get money from the Government of India? I am sure the Government of India would always be willing to oblige them.

The Honourable Sir James Grigg: Because the Government of India left back the money which they promised to give.

Prof. N. G. Ranga: In the meanwhile what they have done is this. I charge the Military Department for having failed to bring it to the notice of the Government of India that things were changing, and, therefore, if re-equipment was really necessary at all in the interests of efficiency

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of defence forces, these things should be carried out first, and all other things should be given next preference. I am also credibly informed that money that was set aside for re-equipment was made use of for unnecessary campaign on the Frontier in which they have been indulging rather too often and too lightheartedly. Instead of completing their re-equipment policy and programme in four years, they have taken ten years and in the meanwhile, the defence forces have become less efficient. It has made it necessary for us to raise large sums of money as much as three crores or five crores this time next year. Is that the proper thing to do? Is that the way in which real economies can be effected? Is that proper control of military expenditure maintained by the Finance Department? I am afraid that if the Honourable the Finance Member had been a responsible Minister of this House, he would either have found himself pledged to resign his job or to put the defence forces in their proper place and see that they really do conform to the instructions that he had given on behalf of this House and the nation.

Now, I come to the railways. There I find that they are spending very little or almost nothing on the extension of railway services, specially mileage and also better provision of comforts and so on. I can assure them that they should not expect to save any money by cutting down the wages and salaries of low paid people only. If they were to concentrate more and more on provision of better facilities to passengers and by opening up new lines and extending them to different parts of the country, they would certainly be able to give a better account of themselves: But they do not want to do that. They want to follow the line of least resistance. While the railways are anxious to touch the salaries of low paid servants, they do not want to touch the Lee concessions that have been granted to many of these highly paid officials. I have in my mind even the successor of Sir Raghavendra Rau. All these people should have been forced to agree to a considerable reduction in their salaries; but no, the Government would not touch them, they would rather go and retrench the smaller people. As my Honourable friend, Dr. Ziauddin Ahmad, has reminded the House, the Railways have retrenched nearly 160,000 people in the last four or five years. When I asked some of the witnesses who came before the Public Accounts Committee, they had to admit the fact that they found it easier and more possible to retrench these low paid staff than to tackle high paid officials.

Next I come to the various concessions that are being shown to the industrial interests and military authorities by the railways. I am not opposed to the State making various concessions to the various industries in the country in order to help them. I want them to give more concessions to my own section of the people, namely, the peasants and workers, especially for the conveyance of agricultural products from one part of the country to another. I am certainly opposed to the present method of expecting the railways to make this concession and losing money over them and then showing that the railways are losing all this money, instead of crediting all that money to the railways and debiting it to the general budget and thus giving us a true picture of the kind of concessions that are being made, and the reason why those concessions are thought necessary to be made. I think it would rather lead to better budgeting on the whole if the Honourable the Finance Member agrees with us in making this very necessary book adjustment. Even if I consider this to be mere book adjustment and no more, it helps this House

to have a better picture of the manner in which the finances of the country are being utilised and the manner in which the various industries in this country are sought to be protected or treated by this Government. I am told in the Public Accounts Committee that the railways lose nearly two crores per annum on this head alone. I want the Central Government to lose these two crores and even another crore in order to help the agriculturists and thus compensate them for the heavy taxation that they are made to bear from year to year.

Next there are the pensions and allowances for the States. I do not know why the Government of India are so free with the tax-payers' money. Owing to some sort of agreement that they have come to with the Indian States, why should the Government of India continue to spend 30 or 40 lakhs as pensions and allowances for the various Indian States especially when these Indian States are having large incomes? I would like the Government of India to re-examine this question. In conclusion, I wish to add that the Honourable Member will be good enough to give us an assurance that the evidence taken before the Public Accounts Committee will continue to be published as before, and, this would give us some satisfaction at least.

Sir Muhammad Yakub (Rohilkund and Kumaon Divisions: Muhammadan Rural): Mr. Deputy President, being one of the old Members of the Public Accounts Committee, I would like to say a few words on this occasion. In the first place, I would like to point out that with a peppery Chairman of the Committee and with the hot Madras curry which we have in my Honourable friend, Mr. Satyamurti, it makes the whole thing too hot for my Honourable friend, Mr. B. Das, to swallow, and for the last two years, we find that in spite of making several attempts to put in questions, he has to keep mum. I think that some device should be made in future that these spicy curries and peppers do not become too hot for my Honourable friend, Mr. B. Das. We know, of course, what Madras curry means.—I do not want to include my Honourable friend, Prof. Ranga, in Madras curry, because I have seen very often that Prof. Ranga himself feels a bit embarrassed in the Public Accounts Committee and he cannot add his spices to the curry. Another thing to which I should like to draw the attention of the House is that the report of such an important Committee is being discussed this afternoon after two years, and that too at the fag-end of the Session. We have got certain committees elected by the House, but I can say, without fear of contradiction, that the Public Accounts Committee is the most important of all the committees elected by this House, and the work which is done by this Committee is extremely important. Of course, ours is a post-mortem examination but my experience of the last five or six years has shown that this Committee has been able to improve a great deal the system of accounting of the Government of India, and it has been able to put pressure upon the different departments to exercise better control over their expenditure. There are one or two points which deserve the serious consideration of this House, one of them is the general tendency on the part of the Departments of the Government of India to over-estimate their budgets. Year after year the Public Accounts Committee has drawn attention to this fact of over-budgeting, but we do not find any appreciable improvement in this direction; and the result is that the whole budget of the Government of India suffers from over-budgeting. The chief object of raising a discussion on the report of the Public Accounts Committee is

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that the House should adopt some means by which the irregularities which are committed by the different Departments of the Government of India, and are pointed out by the Public Accounts Committee, should be rectified. The discussion on the report of this Committee should not degenerate into a general discussion, as we have on the Finance Bill, when we talk on all sorts of things. Something tangible ought to be done, and I think this House should devise some means by which this tendency to over-budget may be stopped.

[At this stage, Mr. President (The Honourable Sir Abdur Rahim) resumed the Chair.]

Another point to which I wish to draw the attention of the House is the menace of supplementary grants. On several occasions, we find that some items which could easily have been included in the general budget are put in the form of supplementary demands, and the House is thus deprived of an opportunity of giving its opinion on the policy of that expenditure.

Then, another point which deserves to be considered very seriously by the House is that the result of inquiries into embezzlements or defalcations comes to light after three or four years of the occurrence; and when we want to know what punishment was given to the man who committed the offence we are told that the man has already retired or has gone to England on leave or on pension. This awful red-tape system of the Government of India Secretariat is responsible for huge losses of public money. It takes years and years before the inquiry is completed and the thing comes before the Public Accounts Committee. I think some system should be adopted by which these inquiries into misappropriations and embezzlements, particularly in the case of some railway engineers as we have found, should be expedited and the man should be brought to book before he leaves the shores of India and enjoys the fruits of his misappropriation in England.

Now, Sir, the attention of this House has been drawn to the control of expenditure in the Postal Department. On this point, I should like to say that last year we were perfectly satisfied with the manner in which the accounts of the Postal Department were placed before the Public Accounts Committee; and I think the control over expenditure which has now been, seriously, taken up by the Postal Department is such that it ought to be followed by other departments of the Government of India.

The control of expenditure in the Defence Department is still slack and requires a lot of tightening up. We find that the army officers are very slack in following the rules and regulations, and, therefore, the control of expenditure is slack. Then in the matter of transfers or appropriations from one fund to another, the system requires a great deal of improvement. These re-appropriations, we have found, are often done in a very hasty and irregular manner which has the effect of slackening control over expenditure.

Sir, these are the points which require the particular attention of this House. My Honourable friend, Mr. Satyamurti, referred to the Bahawalpur loan. My Honourable friend, Dr. Ziauddin, has pointed out under what circumstances this loan was given. In fact, the ruler of Bahawalpur was a minor at the time and an Englishman was the regent or the man who was carrying on the administration, and it was on his initiative that this burden was placed on the ruler of Bahawalpur. The water which was expected to come to his State on the completion of the Canal for which

loan was raised has now, mostly, gone towards Bikaner side. And, therefore, we can safely say that this money was not lent in order to please any Indian prince.

Mr. S. Satyamurti: And yet you trust these people!

Sir Muhammad Yakub: It is not a question of trusting or not trusting these people

Mr. President (The Honourable Sir Abdur Rahim): It is now 4 o'clock.

MOTION FOR ADJOURNMENT.

RACIAL DISCRIMINATION AGAINST INDIAN MEMBERS OF THE MILITARY MEDICAL SERVICES IN INDIA.

Mr. M. Ghiasuddin (Punjab: Landholders): Sir, I beg to move:

"That the House do now adjourn."

I do so in order to discuss a definite matter of urgent public importance and of recent occurrence namely, the racial discrimination against the Indian members of the Military Medical Services in India as set forth in Government communique of the 25th March, 1937. Sir, somewhere about the middle of the last century a promise was given by Queen Victoria that no person shall be debarred from any public office for which he would be otherwise fit, on account of his religion or the colour of his skin. This promise was heralded with great pomp and show, and it was made with great solemnity and has been so often repeated. As a matter of fact, in our school days, we were made to read this promise again and again in our text books. Today I am going to request the House to judge how far this promise is being kept by His Majesty's Ministers and the Government of India today, in the matter of the medical services. I have before me a communique issued on the 25th March, 1937, which reserves certain posts exclusively for the European members of the Indian Medical Service. Indians will be debarred from holding those posts, however high their professional qualifications may be, however fit they may be considered to render aid to humanity in distress and however invaluable their public service may have been: they are going to be debarred from holding those posts simply because they happen to be Indians; the sons of the soil. This is the respect that is to be shown to the Queen's words. One of the posts which is to be reserved for Englishmen in future is the civil surgeoncy of Lahore. I am mentioning this particular instance, because some two or three years ago this post was held by an Indian, a very eminent officer of the Indian Medical Service, Lt.-Col. Soudhi. This gentleman held this post with great honour and distinction with credit to himself and to his service; and as far as I know all communities, including Europeans, were perfectly satisfied with his work. After his term of office he was made the Inspector General of Civil Hospitals in Burma and I think he is still holding that post. Now, what reason have the Government to bring in this racial discrimination in the matter of postings? My Honourable friend, the Army Secretary, is very fond of using the word

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"experiment". I think at least here is a thing which has been experimented and proved a success. What justification can he have for excluding Indians at least from that post? It is further urged that Indians ought to be excluded from holding those posts on account of a demand made by the European community that they must be treated by their own nationals. Sir, I have too much respect for the intelligence of the European officials in this country to believe that they will put forward such an unreasonable demand. After all, if a man is not well, he wants to go to the best medical attendant, whatever his race or religion may be. I would not mind going to an Eskimo doctor if he was the best man available. But I regret to see that Government are putting forward this excuse of a demand from the European officials. I wish to bring to the notice of the Army Secretary that there happen to be some Indian officials in Lahore too: what if they too bring forward the same unreasonable demand—after all they are too very highly placed officials, high court judges and ministers—have not they got the same right to be treated by their own nationals? This principle is obnoxious in more than one way, because after all Indians enjoy the same status this reservation of posts will create jealousy among the members of the two races; and I am sure it will impair the efficiency of the service. And what about the Indian ministers who have to take office within the next eight hours? Will not their self-respect be greatly injured if they know that they cannot even post a particular man to a particular place? They will be helpless even to do such small things in matters of administration. I think myself that any self-respecting man will think twice before he accepts office under such humiliating conditions.

I will now come to another matter, and that is the reduction of the Indian personnel of the service. My submission is that racial discrimination has even been carried on in this matter, and I cannot do better than read for the information of the House the figures quoted by a newspaper. Taking the military side of the Indian Medical Service, at present there are 200 Britishers. In the future reorganisation this is to be increased to 220 Britishers. There are now 154 Indians and this number is to be reduced to 144. That means that the total will be 364 on the military side. On the civil side, there are 186 Britishers and that number will be reduced to 166; while the number of Indians which is now 109 will be reduced to 54, making a total of 220 on the civil side. If we add up the figures we find that the British personnel of the service is going to remain exactly the same as it is now, whereas the Indian personnel is to be reduced by 65 persons. My submission is that at the present time when we have so many fully qualified and efficient men, people holding the highest medical degrees prepared to accept posts on the minimum pay, it is nothing but sheer callousness to go on reducing the Indian personnel and leave the British personnel untouched. ("Hear, hear" from Congress Benches.)

Then, Sir, there is one other point which I wish to bring to the notice of the Defence Secretary. The Government of India want to be generous to the Indian Medical Department, but generosity at whose expense? At ours. Sir, with your permission, I shall read para. (3) of the part A, of this communique which relates to military postings. This is what it says:

"The future establishments of the Indian Medical Department for employment with British and Indian troops will remain unchanged for the present, but it is under

contemplation that a number of selected officers of the Assistant Surgeons' Branch of the Indian Medical Department, possessing the requisite qualifications shall in course of time undertake the duties of eight Indian and nine European officers of the Indian Medical Service. As an experimental measure, six qualified Assistant Surgeons have already been appointed to Indian Military Hospitals to carry out the duties of Indian Medical Service officers."

I wish to point out that the number of Indians is so small in the Military Branch that it will be a crime to reduce even a single one of them. And, Sir, so far as I know, the Indian Medical Department is not open to Indians at all. This is my information,—I speak subject to correction. It is manned only either by Europeans or by men of my Honourable friend, Sir Henry Gidney's community

Mr. G. R. F. Tottenham (Defence Secretary): They are all statutory Indians.

Mr. M. Ghiasuddin: I welcome them as such, but why not throw open that Department to all Indians, statutory or non-statutory? Of course, I do consider my friend, Sir Henry Gidney's community as Indians, but my only request to them is that they should be a little less Anglo and a little more Indian. Sir, this is the state of affairs. Then, Sir, these English Medical Officers have got a number of avenues open to them, in England and the Colonies. They have the panel system in England, they can go to the colonies and settle down and practise, they can find employment in any of the self-governing dominions; there are a good many shipping companies which will employ them as ship's surgeons, whereas all these openings are closed to Indians, and yet our Government come forward and try to reduce the number of Indians, because whenever retrenchment takes place, only Indians are retrenched. This is a state of affairs which I do hope no Member of this House will tolerate, and they will censure the Government.

Sir, I would just say one word to my friends the Members of the European Group. Sir, they have always held that racial discrimination should be completely abolished in other countries across the seas. Now here is a chance for them to abolish such racial discrimination in our own country. Let them walk with us into our lobby to censure the Government for perpetuating this racial discrimination. Sir, I move.

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

"That the House do now adjourn."

Dr. G. V. Deshmukh (Bombay City: Non-Muhammadian Urban): Mr. President, this House which heard the army debates for the last three years will not be surprised at the communique that has recently been presented to the public. For, Sir, what is our experience so far as the Indianization of the army is concerned? We started with the Indianization of the army, then we came down to a unit, and eventually the whole thing dwindled down to an experiment,—the experiment of admitting two men in a year to the Air Force at a time when Russia is training every child for the Air Force, at a time when more than two thousand volunteers are asked for in England for the defence of their country which is no bigger than a small province in India. These experiments are being done, they are being carried to such an extent that, I am afraid, suddenly the Army has turned into a research department, and instead of carrying out the Indianization

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programme that was promised to this country several years ago, they are trying to camouflage the whole thing, they are trying to throw dust in the eyes of the world in general, and of Indians in particular. They are experiments microscopical in extent and geological in time; because, Sir, at the rate you proceed with the pace of Indianization, I am afraid it will take about 606 years to get rid of this disease of Europeanisation that is afflicting this country in all branches of administration. This is what is happening so far as the fighting side of the army is concerned, but I do not want to deal with it at present,—I shall come to that branch of the activity of the State which is called the Indian Medical Service. And what do we find here? We have the Indian Medical Service.—I do not know what this service really is. I am sure the Defence Secretary himself will find a great deal of difficulty to define this service. Is it a military service or is it a civil service? What is it? You have the R. A. M. C. Service in England. Have they got any civil service on the medical side? None whatsoever. And yet what was the experience of the war? We knew then that the R. A. M. C. covered itself with glory so far as the medical side was concerned, and yet what was the report about this highly praised, much boosted Indian Medical Service? Those who are in doubt, let them read the Esher Committee's Report. What do they say? That Committee said that "the Indian Medical Service lamentably failed so far as the war was concerned"; and we cannot be surprised at it, because it is a mixed service, it is a *khichurri* service. It is supposed to be military service, and yet you cannot get men into it unless you give them the lure of civil practice. That is why you find year after year their emoluments, pensions, and overseas allowances are increasing, and all kinds of temptations are thrown in in order to attract them to join this great military service. Well, Sir, is it a civil service? Can we call it civil service? If it is so, then they are not willing to call it as such, because the competition at the present day is so great on the part of my countrymen that I can assure the Government that an Indian of today, qualified as he is, can hold his own against any medical practitioner in the world. ("Hear, hear" from Congress Party Benches.)

Now, let us look into the history and see what are the chief grounds on which this hybrid Indian Medical Service is maintained at the present day? It is mentioned in this communique,—and I shall presently prove to the House that the communique will do credit to a fraudulent report of a company that is bent on swindling—and I do not want to go outside this communique;—in this communique four grounds are mentioned in order to provide a reserve of British officers. Now, let us look at the history of this reserve. During our lifetime, the greatest crisis that could happen in the life history of a nation has happened, and that was the Great War. Before the Great War, what was personnel of this I. M. S.? We are told that the cadre consisted of nearly 800 men in round numbers. Out of these 800 men, Honourable Members will be surprised to know that more than 60 per cent. were on the civil side. This is supposed to be the military service, and yet nearly 500 men were on the civil side and about 300 men only were in the military line. And during the war time when nearly every available man was requisitioned for service, what do we find? About 80 of these civil service of the Reserve, or nearly one tenth of the total cadre, never saw the war, and yet we are told about this war reserve. 140

of these 500 were never meant to go on to the military side, and the whole brunt of the War, I challenge any army man to deny it,—the whole brunt of the War, so far as this country was concerned, was borne by young men who joined the colours. Nearly 1,000, or 900 of them to be more accurate. All Indians joined the temporary commissions and tided this Empire over the crisis of the War so far as the medical service was concerned. Their services were returned and requited in the usual fashion. When I say in the usual fashion, those who are conversant with British history will not be surprised at it. After the crisis is over, they seem to forget all their obligations. During the war when the crisis is there, you are extolled to the skies. At that time, there is no difference between martial and non-martial races. A Sikh can be a martial race, a Mahratta can be a martial race, and even the Bengali can be a martial race.

An Honourable Member: What about the Sindhi?

Dr. G. V. Deshmukh: It is a very small province. I do not attach any importance to it. (Laughter.) During the war time, I find that everybody can turn martial. All this distinction between martial and non-martial races is all nonsense. I say it is deliberately created to keep out the sons of the soil from joining the army. Well, Sir, during that war time, happy it was both for the Empire as well as for India that they did not make a division into medical and non-medical races. (Laughter.) In future, when the I. M. S. Department enters into the research, I am absolutely expecting that just as in the case of the fighting side, the races of India will be divided into medical and non-medical races, and it would be just as false as this distinction that exists at the present time. In this communique what is it we find? It is true that so far as the present report is concerned, whereas before the War the civil side was something like 60 per cent of the so-called military service, the civil side bears a proportion of 40 per cent. of the total cadre. I admit that, but the joy is very short lived. If you merely go by the figures, then you will get into a trap, and that is why I said that this report is no better than the fraudulent report of a swindling company. How has this percentage been reduced? It has been reduced by doing away with the Indian element altogether. Before this, in this cadre there were about 386 British officials in the I. M. S. I challenge anybody to say that even one British officer has been reduced in this 386. At the present time, the 386 British officers are there in this cadre. Then what happens? If the percentage is to be reduced, then it must be reduced in the case of the Indians. I know that the time at my disposal is very short. This is a vast subject, and I cannot deal with it in detail. I can, therefore, only take some of the salient points. The same mentality that was displayed when we were hearing the military debates is being maintained and being propagated on the medical side. On the medical side, what should be the object of the medical service? It should be service, it should not be anything else. And yet what do we find? You have the same mentality brought in by means of the civil reserve. If you want such a large civil reserve what is the good of calling this, military service? Call it by all means civil and be done with it. No. But they must have both; they cannot come down to this country and accept civilian appointments, because they want the glory of the military uniform. But then, join the military in the same way as the members of the R. A. M. C. do. No! They cannot do it. In that case they cannot have the practice

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that is necessary for their coming to this country. That is the kind of service. I say you will never see the end of this till you get rid of this division of military and civil side and civil reserves. With one stroke, they have stabbed Indianisation as well as provincial autonomy. Out of these 386, 166 are supposed to go on the civil reserve. Very well. Is this military service? Out of these, 79 will never see military service in all their lifetime. They are supposed to be residuary. What is a residuary I do not know. I suppose it is something like a precipitate . . . (Laughter) . . . that settles down at the bottom of a test tube, does good to nobody. If out of the 386, 80 are never going to see the military side, with what affront can you say that this is military service? And yet that is made the basis of this communiqué! 80 will never see the military side. On the other hand, you have about 122 deputed to the provinces to look after the various works, to look after research, to look after jails, to look after lunatic asylums (Laughter), and I do not know what. One thing that has been adduced forward is attendance on the British members of the superior civil services and their families. I wish that this argument had not been used seriously. If it is not a humorous argument to deal with, it is, I do not know whether it is a parliamentary word,—it is a vulgar argument that has been brought forward; and I say for this reason that you cannot deal with that argument unless you lower yourself. Personally I should not like to say anything against a matter wherein women and children are brought in. If you look at the history and traditions of this I. M. S. service, you will find that you need not be surprised at it, because what happened? As soon as Indianisation came into force and as soon as it was thought that provincial autonomy would be coming, a cry was raised in England and everywhere, that the Indian Medical Service was in the melting pot. This body which should have the noblest sentiments before their eyes, of service and the sentiments of the medical profession,—the members of this body sent all kinds of representations, irregular, unconstitutional. They go over to England, make all sorts of representations, representations in the medical schools to say that all opportunities are being lost, and, therefore, no student from any of the decent colleges there should join the I. M. S. They sabotaged it instead of having the noblest sentiments of the medical profession, and they carried the bad methods of trade unionism into their working. And we are to have this service as the medical service of this country! I see there are only two minutes before me. I can assure the House that if there was time I would go into details. You have only to look at pages three and four of this report to know how everything has been done to cheat Indians out of their legitimate birth right, that is, to have a share of the wealth of the country. Besides the wealth that has been taken away, what experience we lose in this country by losing the medical men? Because it is not like the I. C. S. retiring. Unfortunately, politicians have given very little attention to this I. M. S. Besides the fat pay that they have taken and fees they take by way of practice the enormous wealth of the country that goes out of the country,—even that I do not mind,—but what about the experience that is taken away? The younger generations of this country have taken it upon themselves to educate the youth of the country and I can assure you—because I have gone through both kinds of education—I can assure you that the medical profession of India today is very much better than when the medical education was given by the I. M. S. service thirty years ago. This is called the

Indian Medical Service! I have pointed out to you that it is neither military nor medical. The only way you can call this service is the Indian Mercenary Service, because wherever any grub is to be had, like the ubiquitous and omnivorous creature, ameba, it will put forward its hand wherever service can be had. Foreign Department, research,—as if research has anything to do with the service,—Foreign Department, research, asylums, jails, everywhere they can get service, they want it including inspection of drugs, of instruments

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member's time is up.

Dr. G. V. Deshmukh: . . . as if all that cannot be done by anybody else except those who are entitled to put on the military uniform. Sir, the main object of this service in this country has nothing noble about it. It has been selfishness and money. Lucre has been the main object and aim of this service and this House would be doing the proper thing by showing its condemnation of the report by carrying this adjournment motion.

Lieut.-Colonel Sir Henry Gidney (Nominated Non-Official): I join in this debate, not with the desire to emulate the Honourable Member who has just sat down, my legislative and professional colleague, Dr. Deshmukh, in indulging in a diatribe on the I. M. S., for like him, I and others in this House have much to be grateful for to this great Service, the Indian Medical Service, that has rendered India service second to none in the Empire. Sir, I find it difficult to use words adequately to express my personal gratitude to the I. M. S., not only for what it has done for me personally as a medical man, but for India, and I think Dr. Deshmukh was entirely wrong in his reference to the Esher Committee. The Esher Committee did not say that the I. M. S. had "lamentably failed". The Esher Committee, if it said anything, referred to the medical arrangements of the Mesopotamian campaign, i.e., a very isolated section of that service employed in that area and not to the I. M. S. I am very very proud to say that the Mesopotamian exposures were more of an administrative than professional nature.

But, Sir, today I stand here as one who has personally suffered and has suffered cruelly from the perpetuation of this racial discrimination in the I. M. S. In giving expression to that feeling, I associate myself entirely with all those adverse criticisms that have been passed on this point by my Honourable friends who have spoken. I have no desire, nor is it necessary to my speech, to refer to any other matter, but racial discrimination; and so I shall go straight to the point. We are today discussing a matter which has been promised us for some time. The future of the I. M. S. has been in the melting pot for years. Committee after Committee has sat to solve this complex problem, with no avail, except to prove that "a Committee is a body of men who keep minutes and waste hours". But what do we see before us today? An order from Whitehall endorsed by the Government of India in the year 1937, a few days before provincial autonomy, whose chief feature is a perpetuation of this cursed racial discrimination. And what do we see in the order. Although it reduces the British and Indian elements in the civil cadre of the I. M. S. it increases the Lee

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Concessions to the Britisher and reduces the basic salary of the Indian, and it cuts right across the traditions of the service and the avowed policy of the Government of India from Queen Victoria's time "No racial discrimination" as is being so rigidly observed today by Government in the subordinate services. Let me take my memory back to 1890, about 40 years ago, when I was a student in India. There was no racial discrimination then in our professorial staff then, for one of our finest physicians, who held a professorial appointment in the Calcutta Medical College, was Colonel Chandra. A finer physician never existed in this country, and now the Government, for reasons best known to itself, in the year 1937, asks this Honourable House to accept a scheme in which the chairs of Medicine, Surgery, Gynaecology (and in some cases) Ophthalmology in the three largest provincial towns and other important appointments are kept as a reserve for the British Officer only. Why this communal reservation? I consider this to be not only racial discrimination in excelsis but an acute perpetuation of it and at a time when racial discrimination should be killed, not encouraged. The Government of India, in operating this scheme for the I. M. S., are practising the very thing which they are demanded must be stopped, in the subordinate service. Did not the Railway Member use "No racial discrimination" as his reply to my demand for higher wages for Anglo-Indians serving on Railways? A sick man—Britisher or otherwise—does not want a white, black or brown doctor, he wants a skilled and experienced doctor, whatever be his colour, and to talk about this humbug—I call it nothing else but humbug—that you must have a Britisher doctor for a British patient is nothing but trash—absolute trash dished up to perpetuate racial discrimination. I repeat, when a man is dying, does he or his relatives want a white doctor or does he want a skilled man? If you apply this undeniable principle and practice to anybody, where does racial discrimination come in? But the British and Indian Governments think otherwise. Sir, I can readily understand, indeed I can sympathise and agree with the Britisher who wants a British doctor to attend his wife and family.

Mr. S. Satyamurti (Madras City: Non-Muhammadan Urban): Why?

Lieut.-Colonel Sir Henry Gidney: Why do you wear a white cap? (Laughter.) I say I can readily concede that demand, though facts do not support it in India. I have no quarrel with the Government desiring to supply a white doctor for a white patient, but I vehemently object to them reserving specific posts for Britishers and excluding Indians, Anglo-Indians and Domiciled Europeans. This unjustifiable racial discrimination in the civil medical administration must be stopped, not encouraged. To continue to import British officers today, even in reduced numbers, and to continue giving them the Lee concessions is absolutely wrong and against the foundations of the Reforms. There should be no more extension of the Lee concessions to new entrants. Let the best doctors come from all countries. The I. M. S. still needs the best—none others—be he white or brown. I do not want to stop the Britisher coming in. I do not care whether the whole service is manned by Britishers, if he is the best man available. Let us kill this racial discrimination. It is the curse of India and it will always be a curse, as we witness it in this scheme. When I was a Member of the Services Sub-Committee, of the first Round

Table Conference, I submitted a Resolution, before that Sub-Committee and so did others. That Resolution, blended with two others, was accepted by the Committee. I shall not weary this House by reading it, but it is very significant. Possibly some of our demands are impracticable of acceptance, but granting that, that Resolution was one that could not, at that time, be carried out by the Government, even then I submit there is absolutely no reason or justification for the Government now to issue a communiqué in the year 1937—the one we are discussing—which perpetuates this cursed racial distinction, the chief cause of all discontent in India today. I would not mind, as a "start-off", even a 50—50 basis between Britishers and Indians, but this communiqué which, as I have told the House, is a perpetuation of racial discrimination. I am not interested in the question of communal percentages in the I. M. S. or in the R. A. M. C. What I am interested in is to stop any further racial discrimination. If the I. M. S. is to have a war reserve, and I say it, along with the I. M. D. must have a war reserve, let the Provinces be allowed to use that war reserve as it thinks best, whether British or Indian, but do not order the Provinces to exercise racial discrimination by compelling them to appoint a Britisher for the prize and lucrative posts, e.g., in Bengal at Chittagong, 3 or 4 Britishers for the most important posts at Calcutta, where a lot of money can be made, or order that only a Britisher must go to Lahore, etc., and not only deprive Indians and Anglo-Indians from such jobs, but appoint them only to the smaller stations. On the one hand you ordain that an Indian must be medically treated by a Britisher, while on the other you say that an European must not be treated by an Indian, but by a Britisher only. This is arrant humbug and nonsense. You order that such and such a post must be reserved for a Britisher and you pack the Indian off to the smaller and unhealthy districts with no private practice. In short all fat appointments in the Provinces are reserved for the Britisher. Sir, this House should stoutly resist such a scheme. Sir, I have nothing else to say. To my mind, there is no difficulty and I do not see any reason why the Provincial Governments and the Central Government should not come to an amicable arrangement regarding the use and distribution of the I. M. S. war reserve both for the I. M. S. and I. M. D. on the lines of the Resolution which I moved and which was accepted by the Round Table Conference, or if that is impractical, why not adopt the amended scheme before the House today, but with *all* racial discrimination excluded from it, that is to say, treat Britishers and Indians as equals in all Provincial appointments.

There should be no hesitation to do this, because, as my friend, Dr. Deshmukh, has shown during the great war over a thousand youths of this country gallantly responded to the call of more and more medical men and they distinguished themselves, and the country is very proud of them (Hear, hear). This *can* be done and I know it can because, at one time, during the great war, I had twenty such men under me. Sir, I consider that we in this House should stoutly refuse to accept this insult, and we should demand from Government, in no uncertain voice, that this new scheme of the I. M. S. does not meet with the approval of this House and we should call upon them to re-shape it and offer us a scheme in harmony with an India on the eve of Provincial Autonomy (Laughter). Sir, in the present scheme, the control of I. M. S. officers in the Provinces is singularly peculiar, i.e., some will be under the control of the Minister, some under the Governor, and some under the Army which has the first and last say over

[Lieut.-Colonel Sir Henry Gidney.]

him. How can you possibly tell us you are giving provincial autonomy to the medical branch of the service when you know very well that you are not doing so and that is a huge camouflage—a humbug. You can, if you so want, let things remain in their present form, I have no objection to this but I say, Sir, we must, at all costs, eradicate this racial discrimination, the curse of India for years past and the curse of India for many more years to come. Sir, I protest strongly against this scheme. (Loud and Prolonged Cheers.)

Mr. G. R. F. Tottenham: Sir, in the time at my disposal I shall only be able to deal with the broader aspects of the subject-matter of this adjournment motion. That being so, it is quite unnecessary for me to deal with the speech of my friend, Dr. Deshmukh, which I may say I was extremely sorry to hear. I think it was an entirely unworthy attack on a very fine Service. It certainly had nothing whatsoever to do with the subject-matter of my friend Mr. Ghiasuddin's motion. Dr. Deshmukh wished the whole of the I. M. S. to be abolished. He said not a word about the number of British or Indian officers inside the I. M. S., which is the subject-matter of Mr. Ghiasuddin's motion. Sir, the crux of the matter is whether it is necessary to have any British officers in the I. M. S., and if so, how many. There are, I know, many people in this House who think that British recruitment to the I. M. S. might cease at once and that it is unnecessary to have any British officers. With them, Sir, I am afraid it would be quite useless for me to attempt to argue. I must assume that there is a body of opinion which recognizes—as indeed was recognized by the Round Table Conference and by the leaders of the party to which the Honourable mover belongs who were present at that Conference, and also by the Honourable Member who has just spoken, Colonel Sir Henry Gidney, that the Army and the Civil Services must continue to require the services of a number of British officers, (Pandit Govind Ballabh Pant: "I M. S. officers?") of British officers—I said British officers. I did not say "I. M. S." That was their definite recommendation. The question therefore is how those officers are to be provided and in what Services. Now the Mover and Sir Henry Gidney approached the subject today on the basis of racial discrimination. That is a term I do not myself like, but I am prepared to accept it as a convenient description of the doctrine that British members of the services have some right to expect medical treatment from medical officers of their own race. (Voices: "Why? Why? What about Indians?") I say I am prepared to accept the phrase as a description of that doctrine, provided that Honourable Members opposite will agree that the same description might equally apply to their demand that the major portion or a particular portion of the I. M. S. should consist of Indians.

Mr. S. Satyamurti: But this is my country—not yours?

Mr. President (The Honourable Sir Abdur Rahim): Let the Honourable Member go on. He has a very short time at his disposal.

Mr. G. R. F. Tottenham: My point, Sir, is that if racial considerations did not come into this matter at all, nobody would care in the least how many Indian or British officers there were in the I. M. S. If there are racial considerations they are on both sides. Now the first main argument

I wish to use in connection with this motion is that, if there is this so-called racial discrimination at present in the I. M. S., the recent communique and resolution which has given rise to this adjournment motion has done nothing whatever to aggravate that position or to make it worse. On the other hand, the new scheme has improved the position (Voices: "Oh! Oh!") and therefore I maintain an adjournment motion cannot properly be moved on the score that anything of recent occurrence has taken place to make matters worse. (Interruptions.) If I may be allowed to go on, I should be much obliged.

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member should not be interrupted like this.

Mr. G. R. F. Tottenham: Let me illustrate my point by taking one or two examples of possible racial discrimination in the communique. One obvious accusation of racial discrimination is connected with the reservation of particular posts for British officers. Now that is not a new principle in any way. Posts have been reserved for British officers for many years. The point is—I cannot go into details—that the number of posts reserved for British officers under this communique is going to be reduced. Therefore, the only new fact before us as a result of this communique is a reduction in the number of posts that are to be reserved for British officers, and I submit that a reduction in the number of such posts is not in itself a reason for a motion of censure against the Government. I have tried to think myself whether there are any other points about this communique which might be regarded as being of the nature of racial discrimination. There is one point which Honourable Members have not mentioned and that is that we are introducing a short service system for Indian and not for British officers. You may say that that is racial discrimination. The reasons are explained fully in the communique. Again the point is that there is nothing new in that: even now, in the I. M. S. there is a difference between Indians and British, in that we recruit a large number of temporary commissioned Indian officers but we do not recruit any temporary commissioned British officers. The system of temporary commissioned officers has been the subject of criticism for many years. We are now replacing that system by this short-service system, and anybody who examines the details will, I think, agree that it is an improvement on the temporary-commission system. Therefore, again, the only fact of recent occurrence is that that particular feature has been improved. Another possible accusation of racial discrimination might be based on the differentiation in the rates of pay given to British and Indian officers. It is quite true that by this communique we have reduced the basic rates of pay for future Indian entrants and have increased the rates of overseas pay, which has the result of preserving the emoluments of British officers at much the same level as at present. That is, I admit, a fact of recent occurrence. But after all the talk we have heard recently about the necessity for reducing the standards of pay in this country and fixing Indian rates of pay more in conformity with Indian conditions and requirements, I do not see how any motion of censure can be based on that particular ground. Now, Sir, I will turn to what I think was the most important point in the mind of the Mover of the motion,—what he regarded as the worst part about this scheme, that is, what he called the reduction in the number of Indians in the I. M. S. I deny that this scheme of re-organization necessarily implies any reduction whatever in the number of Indians in the I. M. S. What it does do—and I shall revert to this several

[Mr. G. R. F. Tottenham.]

times later—is to reduce, indeed to limit to an absolute minimum, the number of British and Indian officers whom the Provincial Governments of tomorrow will be under a statutory obligation to employ. That, Sir, is a very different thing indeed. What the communique means is that any Province can employ any number of Indian I. M. S. officers that it likes. All that we are concerned about here at the Centre is that a Province shall not employ *less* than a certain number. I will illustrate that later by quoting some of the figures, but first of all I should like to make a reference to what the Honourable the Mover said about the size of the military side of the I. M. S. At the last reorganisation which took place in 1928 the strength of the military peace establishment was fixed at 270 British and 132 Indian officers, that is, a total of 402 in a ratio of roughly 2 British to 1 Indian. Since then, as the House is aware, we have had a very drastic retrenchment in the army and the result of that was that the establishment was brought down provisionally from 402 to 354. The British portion of that establishment, on the same ratio, should have been 236 and the number of Indians should have been 118. Actually in practice, the retrenchment fell entirely on the British side and the numbers decreased from 270 to 200 British while the number of Indians increased from what was before 132 to 154. Now, Sir, under this new scheme the establishment is to be fixed at 364 of whom 220 are to be British and 144 are to be Indians. In other words, we are to have 50 British officers less on the army side than we had in 1928 and 16 less than our provisional establishment which was fixed a few years ago, and we are to have 12 Indian officers more than the establishment of 1928 or 26 Indian officers more than the provisional establishment fixed a few years ago. The net result will be that considerably more than one-third of the total cadre will be Indian. The ratio will be actually about 2 Indians to 3 British officers on the army side. Now, Sir, I admit that it might have been possible for us on the army side—in fact, we were prepared to do it—to employ a smaller number of British officers and a rather larger number of Indian officers. The result of that, however, would have been that we should have required a larger number of British officers on the outbreak of war, and the only result therefore would have been that we should have been compelled to make the Provinces employ a larger number of British officers in the War Reserve. That, however, is by the way. The fact remains that there has been no reduction in the number of Indians compared with the present authorised cadre on the military side, and therefore that part of the Honourable Member's contention is, I submit, simply untrue.

Now, Sir, I will turn to the civil side and I should like to remind the House, first of all, that the only justification for asking the Provinces to employ I. M. S. officers, British or Indian, lies in two facts. First, the necessity for a war reserve and, secondly, the necessity for providing medical attendance of a particular kind for the members of the Superior Civil Services and their families. Those are the only two possible justifications for continuing a civil branch of the I. M. S. at all. I would also remind the House that, if the recommendation of the Round Table Conference had been accepted, there would have been no civil branch of the I. M. S. and therefore no Indian officer of the I. M. S. would have been employed by the Provinces at all. Further, on a strict view, we in the army might have held that it was unnecessary to employ any Indians at all as a war reserve, because we could have said that we might hope to recruit the necessary number of Indian officers when the war broke out.

There is an ample number of Indian doctors in private practice in this country and obviously there are very few such British doctors. However, we did not take that line. We have provided a small war reserve of 50 Indian I. M. S. officers. The actual figures are that under the re-organisation of 1928 the civil branch of the I. M. S. consisted of 302 officers altogether, of whom 212 were to be British and 90 were to be Indian. Under that re-organisation, the Provinces were under an obligation to employ 164 British officers and 74 Indian officers. What they will now be under a statutory obligation to employ is 122 British and not less than 38 Indians, that is, a total of 160 against a total of 238. In other words, there is a possible reduction of 78 officers. Now, Sir, I admit that a portion of that reduction is due to the separation of Burma. But even allowing for that, the reduction is considerable and the whole point of my case is that in every post which is now reserved for an I. M. S. officer, either British or Indian, but which in future will not be reserved for an I. M. S. officer, either British or Indian, it will be possible for the Provincial Government of the future to appoint anybody it likes. It may appoint an Indian I. M. S. officer in a post now reserved for British officers, it may continue to appoint Indian I. M. S. officers in posts which are now held by Indian officers; or it may appoint members of its own provincial service. In this way I claim—and my claim is strictly correct—that so far from reducing the number of Indians in the I. M. S., this scheme at least renders it possible for the number of Indians in the I. M. S. to be increased. But even if that does not happen—and that is entirely for the Provinces of the future to decide—the scheme does necessarily produce a considerable increase of Indianization in the medical services of India taken as a whole, that is to say, in the Central Service and the Provincial Services combined.

Now, Sir, I should like to know whether the Mover of this motion before he brought it here took the trouble to consult the Ministers in his own Province on this subject. Can he assure the House that he is speaking on behalf of his Province? We on our side have at least taken the trouble to consult all Local Governments in this matter.

Mr. M. Ghiasuddin: I never said that I was speaking on behalf of my province

Mr. G. R. F. Tottenham: I was merely asking a rhetorical question which he need not answer. In any case, I am not giving way.

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member can give his explanation after he has sat down.

Mr. G. R. F. Tottenham: All that I was pointing out was that we on our side have taken the trouble to consult all Local Governments in this matter before we reached these conclusions. I think I may say that it was the unanimous view of the Ministers of the Local Governments that the Provincial Governments of the future should be given the greatest possible latitude to appoint their own men and not be compelled to employ members of the I. M. S. either British or Indian. That was the unanimous view of the Ministers of the Local Governments of today. If the Punjab Government of tomorrow does not employ a greater number of Indian I. M. S. than it need do, if it refuses to employ more than it is required to do under this scheme of reorganization, I hope Mr. Ghiasuddin will move an adjournment motion in his Provincial Assembly and see what sort

[Mr. G. R. F. Tottenham.]

of reception it gets in that House. I do submit that the Honourable Member is wrong in attempting to censure the Government of India for giving discretion to the Provincial Governments of the future in this matter—for that is what it comes to.

Finally, I would ask the House to remember that the Indianisation of the I. M. S. has proceeded extremely rapidly during the last 15 years. Just after the war, no less than 90 per cent. of the I. M. S. were British. In 1923, no less than 352 British officers of the I. M. S. were serving in the Provinces

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member's time is up.

Mr. G. R. F. Tottenham: May I have one minute more?

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member's time is up, and he cannot have any more time.

Mr. M. Ghiasuddin: I wish to rise to a personal explanation.

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member cannot make a second speech. He can only give a personal explanation.

Mr. M. Ghiasuddin: The Honourable Member said that I claimed to speak on behalf of the Provinces.

Mr. President (The Honourable Sir Abdur Rahim): He did not say that.

Pandit Govind Ballabh Pant (Rohilkund and Kumaon Divisions: Non-Mahamandan Rural): Sir, it is difficult for any Indian to speak with restraint on a subject of this nature. The fury and the vehemence with which my Honourable friend opposite, Sir Henry Gidney, spoke can well give an idea of our feelings over this subject. It is unthinkable to me that any man in this House should get up and say that it is necessary to import people from abroad in order to treat the people who are paid out of the taxes raised from Indians and who are imposed upon them for their service, and that these public servants cannot undergo the ignominy of being treated by the best medical experts who rise out of the soil of this country. That is insolence, that is brazen-facedness that no Indian can tolerate, no decent man can stand. Sir, it is a matter which again reminds us of our helplessness and of the insolence and the insults that are heaped upon us from day to day. You people come here, you impose yourself upon us, you keep our men out, our young men die for want of employment, deprived of the wherewithal even to keep their body and soul together, and then you use that as an argument for importing still more people from outside to treat these foreigners who come here unasked, unwanted and unsought. That is the defence which has been advanced. No Indian in this House can possibly hear it without feeling deep distress and without realising the agony of being under foreign domination. The arguments advanced by the Army Secretary are altogether lacking in

force and in substance. Not a word that he has said has any substance in it and I think that if he had not spoken his case would have been better. He has spoiled it. He asked us what has happened to day? What is it that you are condemning us for? He forgets the recent communique. What was the reason? Why did he issue this communique? The communique states that it had to be issued in order to prepare this country for provincial autonomy. We are told that it was necessary to give autonomy to medical administration in the provinces and it was with that object that these adjustments were being made. But all the changes made are for the worse. The Army Secretary had the audacity to quote the Round Table Conference report. Well, he quite forgot that his proposals are entirely in opposition to the recommendations of the Round Table Conference Service Committee. There has been a persistent demand in this country for the abolition of the recruitment of I. M. S. people for the civil services in this country, for the complete abolition of this system of recruitment. The Services Committee of the Round Table conference unanimously accepted that there should be no recruitment from the I. M. S. for the civil services. Still he continues that system, he cuts down the number of Indians but maintains the present number of Europeans and yet he says what is it you condemn. He has raised the salary of Europeans relatively to Indians, and made certain stations the exclusive preserve of Europeans. In every direction, he has taken a retrogressive and retrograde step and still says what he has done does not make the position worse. Of course, we have seen the mockery of provincial autonomy during the last week. We know very well what it means. We know what was intended and the farce today stands unmasked before the country and everybody has seen that the veneer and the veil which has been torn by the first breeze of fresh air that touched it. The ball of ashes had crumbled to dust at the first touch and the change that has been made in the matter of this I. M. S. is in accord with the spirit—or, is it the ghost—of this pale shadow of provincial autonomy (Hear, hear). (Applause.) Let us take the present figures. What is the present state of affairs. The number of Europeans in the I. M. S. is 386. Out of it, 200 are on the military side and 186 are on the civil side. Now, hereafter their numbers are to remain at 386, not that they will not exceed 386, but there is a minimum guaranteed which should not fall below 386. What about Indians? The present number of Indians is 263 and it is now going to be reduced to 198. That is the process of Indianisation, and yet the Army Secretary has the audacity to ask, what change is being made to your detriment! We are making things better for you. You reduce the figure for Indians from 263 to 198, and ask us what is the harm done to you? How do you suffer? We cut down only 65 out of 263. Again, the present proportion of Indians in this service comes to 40 per cent., that of the Britishers being 60 per cent. Hereafter the Indian proportion will be 32 and the British proportion is to be 68. That is again a change for our benefit. We must feel thankful to you for that. Then we find that in these provincial services—for above all we are mainly concerned today with the present number of Indians in the provincial services—they are 109 and now they are going to be reduced to 54, that is a reduction of more than one half. Instead of 109 they will be only 54.

Mr. G. R. F. Tottenham: Not necessarily.

Pandit Govind Ballabh Pant: Yes, not necessarily. In the case of Britishers it is 386 and it may go up to 886, but there is a minimum guaranteed of 386 for them. For me, I know what minimum guarantee means, it means the maximum for me. For you the minimum means, you may have double that or treble that or four times that number. You are right in saying not necessarily. Quite right. Not necessarily. Your number may go up to 686 or even more, but you are guaranteed a minimum of 386. But my number will never exceed 54, though it is the minimum prescribed for me. I agree.

Mr. G. R. F. Tottenham: You consult your Ministers in the Provinces. They will see to it.

Pandit Govind Ballabh Pant: Yes, what great care you have taken to have good Ministers! (Applause.) The Army Secretary tells us, well, he had the sanction and the approval of the Ministers. Why this precipitate hurry? Why did you not wait for another fortnight or a month? Why did you not take time to consult the *ad interim* Ministers even? You could have ascertained their wishes and found out if they agreed.

Sir, then, I am unable to understand what this system of residuary means. These residuaries are about 80. What does residuary mean? A residuary means a person who will never be mobilised for military services. Then why have him in the I. M. S. for exclusive service in the civil side. One can understand a pretext like this that men are needed for military services and they had to be provided for in the civil services so that one might fall back upon them in case of emergency. What about these eighty people? They are not to be touched. They are not to be used for Military purposes at all. Then why should they be recruited from among the I.M.S.? What is the reply? Why, I ask the Army Secretary? Has he any answer? It will not do for him to hang down his head. He must accept that it is a blunder. He must at least cut out this number. Then I ask the Army Secretary, if he has understood the moral of it. What is happening in other countries? He knows very well that in other countries persons holding foreign medical diplomas and foreigners cannot practice as medical experts without a special license from the Government. Here in my country, you are importing these people so that the Britishers may be treated by Britishers. Do you know what mischief is hidden there? Why should I purchase anything

Mr. G. R. F. Tottenham: Sir, on a point of order, is it not more correct for the Honourable Member to address the Chair instead of an individual Member?

Pandit Govind Ballabh Pant: Yes, Sir, I am addressing the Chair throughout, and treating the Army Secretary occasionally as the occupant of the Chair also (Laughter). Sir, I should like to know whether he knows the mischief that he is doing. What is the lesson? The lesson is this. I should not purchase any goods from the shop of Sir Leslie Hudson; I should not allow myself to be treated by a British doctor; I should not pay my revenue to a British revenue collector; I should not allow a British shopkeeper to run his shop here; I should not live in a building owned by a Britisher; thus he cuts at the root of foreign exploitation of

this country. I thank him for this. Let us take the lesson to heart, and let us then remember that even in a matter of this type where humanity alone should count, in a profession which is the noblest on the face of the earth, where a man has the privilege of alleviating suffering and relieving pain, even there this racial canker has a place in their system; that even in a matter of this type where the Red Cross and other systems are supposed to be of an international character, even in a matter where relief of suffering is concerned, the Britisher is so exclusive in his outlook that he would not accept treatment from a man of the eminence of Dr. Deshmukh, because his face is not white! God save that race! I think their demoralisation and degradation could not have reached a lower limit, could not have reached a lower pitch than that.

Then, we were asked, after all how are the Indians prejudiced? Again see the Machiavellian scheme. They have reduced the basic pay but they have increased the overseas allowance. And what is the object? The object is that the Indian should get a lower salary but the European should get a higher one than he is getting today. And then look at their method of recruitment. The European members will be appointed by means of nomination through a selection committee. But why this method? Why not the method of competition? Because the Europeans would not come to this country if they were fit enough to find a footing in their own country. Those who can stand competition in their own country would not come here. They must have the dregs of the profession here so that they may feed liberally fat on our blood. But Nemesis must follow them very soon and they must be prepared for that. Then look at the scheme further. We were asked, what is the change? There have been such reservations of posts for the I.M.S. from before! Yes, there were. But it was not necessary that the I.M.S. man should be a Britisher. Now he should not only be a member of the I.M.S., but should be exclusively British in race. I do not know whether Sir Henry Gidney would come in. Perhaps he is a statutory Indian now; he will not get a place in Allahabad or in Jhansi. If you want to know the best stations in India, look at the appendix to the list, pick up the names there and you will see which are the best and the most thriving cities in this country.

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member's time is up.

Pandit Govind Ballabh Pant: Sir, I hope the time of subterfuges is up too and also the time of the benches opposite.

Several Honourable Members: The question may now be put.

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

"That the question be now put."

The motion was adopted.

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

"That the House do now adjourn."

The Assembly divided:

AYES—60.

Aaron, Mr. Samuel.
Aney, Mr. M. S.
Asaf Ali, Mr. M.
Ayyangar, Mr. M. Ananthasayanam
Azhar Ali, Mr. Muhammad.
Bajoria, Babu Baijnath.
Banerjee, Dr. P. N.
Bhagavan Das, Dr.
Bhagchand Soni, Rai Bahadur Seth.
Chaliha, Mr. Kuladhar.
Chattopadhyaya, Mr. Amarendra Nath.
Chettiar, Mr. T. S. Avinashilingam.
Chetty, Mr. Sami Vencatachelam.
Chunder, Mr. N. C.
Das, Mr. B.
Das, Mr. Basanta Kumar.
Datta, Mr. Akhil Chandra.
Desai, Mr. Bhulabhai J.
Deshmukh, Dr. G. V.
Gadgil, Mr. N. V.
Ganga Singh, Mr.
Ghiasuddin, Mr. M.
Gidney, Lieut.-Colonel Sir Henry
Giri, Mr. V. V.
Govind Das, Seth.
Gupta, Mr. Ghansham Singh.
Hans Raj, Raizada.
Hosmani, Mr. S. K.
Jedhe, Mr. K. M.
Jogendra Singh, Sardar.
Joshi, Mr. N. M.

Kailash Behari Lal, Babu.
Khan Sahib, Dr.
Lahiri Chaudhury, Mr. D. K.
Lalchand Navalrai, Mr.
Laljee, Mr. Husenbhai Abdullabhai.
Maitra, Pandit Lakshmi Kanta.
Malaviya, Pandit Krishna Kant.
Mudaliar, Mr. C. N. Muthuranga.
Muhammad Ahmad Kazmi, Qazi.
Murtuza Sahib Bahadur, Maulvi Syed.
Pant, Pandit Govind Ballabh.
Raghubir Narayan Singh, Choudhri.
Ranga, Prof. N. G.
Saksena, Mr. Mohan Lal.
Sant Singh, Sardar.
Santhanam, Mr. K.
Satyamurti, Mr. S.
Sham Lal, Mr.
Shaikat 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.
Varma, Mr. B. B.
Yamin Khan, Sir Muhammad.

NOES—35.

Abdul Hamid, Khan Bahadur Sir.
Ahmad Nawaz Khan, Major Nawab Sir.
Aikman, Mr. A.
Bajpai, Sir Girja Shankar.
Bansidhar, Rai Sahib.
Bartley, Mr. J.
Bhide, Mr. V. S.
Buss, Mr. L. C.
Chanda, Mr. A. K.
Chapman-Mortimer, Mr. T.
Craik, The Honourable Sir Henry.
Dalal, Dr. R. D.
Griffiths, Mr. P. J.
Grigg, The Honourable Sir James.
Hudson, Sir Leslie.
James, Mr. F. E.
Jawahar Singh, Sardar Bahadur Sardar Sir.
Lal Chand, Captain Rao Bahadur Chaudhri.

Lalit Chand, Thakur.
Mackeown Mr. J. A.
Mehta, Mr. S. L.
Menon, Mr. K. R.
Metcalf, Sir Aubrey.
Mukherjee, Rai Bahadur Sir Satya Charan.
Nagarkar, Mr. C. B.
Noyce, The Honourable Sir Frank.
Roughton, Mr. N. J.
Row, Mr. K. Sanjiva.
Sale, Mr. J. F.
Scott, Mr. J. Ramsay.
Spence, Mr. G. H.
Thorne, Mr. J. A.
Tottenham, Mr. G. R. F.
Witherington, Mr. C. H.
Zafrullah Khan, The Honourable Sir Muhammad.

The motion was adopted.

The Assembly then adjourned till Eleven of the Clock on Thursday, the 1st April, 1937.

LEGISLATIVE ASSEMBLY.

Thursday, 1st April, 1937.

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:

Mr. James Cochrane Highet, M.L.A. (Government of India: Nominated Official); and

Mr. Alan Hubert Lloyd, C.S.I., C.I.E., M.L.A., (Government of India: Nominated Official).

MOTIONS FOR ADJOURNMENT.

Mr. President (The Honourable Sir Abdur Rahim): Motions for Adjournment. The first is in the name of Mr. Akhil Chandra Datta. That has been disallowed by the Governor General.

The next one is in the names of Dr. Deshmukh and Mr. Ghiasuddin. That was discussed yesterday.

The third one is in the name of Pandit Krishna Kant Malaviya. That was also disallowed by the Governor General.

FIRING BY POLICE AT PANIPAT.

Mr. President (The Honourable Sir Abdur Rahim): Then, the fourth one is in the name of Maulvi Syed Murtuza Sahib Bahadur. That notice was to this effect, that the Assembly do now adjourn for the purpose of discussing an urgent matter of public importance relating to the opening of fire by the police at Panipat which has resulted in the death of seven civil residents of the place.

That has also been disallowed by the Governor General. The Order is this:

"In exercise of the power vested in me by sub-rule (2) of rule 22 of the Indian Legislative Rules, I, Victor Alexander John, Marquess of Linlithgow, hereby disallow the motion of Maulvi Syed Murtuza Sahib Bahadur to move the adjournment of the House for the purpose of considering 'the opening of fire by the police at Panipat which has resulted in the death of 7 civil residents of the place' on the ground that the motion relates to a matter which is not primarily the concern of the Governor General in Council.

The next one is in the name of Mr. Avinashilingam Chettiar. He is not present today.

The next is in the name of Dr. Ziauddin Ahmad. That is covered by the Order of the Governor General.

Dr. Ziauddin Ahmad (United Provinces Southern Divisions: Muhammadan Rural): It is somewhat different from the motion of Maulvi Syed Murtuza Sahib Bahadur.

Mr. President (The Honourable Sir Abdur Rahim): That also relates to the firing at Panipat. So it is covered by the Order of the Governor General.

The last one is in the name of Mr. S. Satyamurti. He is not present.

THE INDIAN ARMS (AMENDMENT) BILL.

Mr. President (The Honourable Sir Abdur Rahim): The House will now resume consideration of the following motion moved by Mr. Lalchand Navalrai on the 11th February, 1937, namely:

"That the Bill further to amend the Indian Arms Act, 1878, be referred to a Select Committee, consisting of the Honourable the Law Member, the Honourable the Home Member, Sardar Sant Singh, Sardar Mangal Singh, Mr. M. S. Aney, Sir Muhammad Yamin Khan, Dr. F. X. DeSouza, Dr. N. B. Khare, Mr. Ghansham Singh Gupta, Babu Baijnath Bajoria, Bhai Parmanand and the Mover, and that the number of members whose presence shall be necessary to constitute a meeting of the Committee shall be five."

The Chair understands that four Members have already spoken.

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

Mr. President (The Honourable Sir Abdur Rahim): The Chair thinks the Honourable Member has already spoken.

Mr. Lalchand Navalrai: I am not going to speak on the Bill itself, but I want to make a motion with a request to the Chair to adjourn the further discussion of this motion.

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member cannot speak again, whether in the shape of a request to the Chair or in the shape of a motion for adjourning the debate.

Mr. N. M. Joshi (Nominated Non-official): May I, Sir, make that motion? I move:

"That the debate on Mr. Lalchand Navalrai's motion be adjourned till the next Session of the Assembly".

Mr. President (The Honourable Sir Abdur Rahim): What is the reason?

Mr. N. M. Joshi: The reason is, that this Bill is a very important one, and the House is very thin, and I don't think there will be a proper debate on the Bill. As there is no hurry about passing this Bill, I hope, Sir, the House will accept the motion I have made.

Mr. President (The Honourable Sir Abdur Rahim): The Chair cannot accept that motion unless it is satisfied that there are sufficient reasons in support of the motion. The Honourable Member says the House is very thin,—it will be very difficult to interpret it,—what is the meaning of that? That has never been held to be a proper ground for adjourning a debate.

Mr. N. M. Joshi: I can only say that if there is no opposition to my motion, it may be put; but if there is opposition, I would not. . . .

Mr. President (The Honourable Sir Abdur Rahim): The Chair has carefully considered the procedure as regards that, and it must be satisfied in the first place that there is a *prima facie* case for adjourning the debate.

Mr. Lalchand Navalrai: Can I now speak?

Mr. President (The Honourable Sir Abdur Rahim): Yes, the motion has been moved.

Mr. Lalchand Navalrai: Sir, this is a very important Bill which affects the whole of India. The entire Sikh community throughout India is affected by it. My point is that there has not been a full dress debate on the merits of this Bill. Last time, when I made the motion to refer the Bill to a Select Committee, only two speakers had the opportunity to speak on it,—not because that there were no other speakers to speak, but because the Bill came to be taken up at a time when the House was about to rise, and, therefore, several speakers could not speak. There are precedents in support of my request. I find, Sir, in this Book "Decisions from the Chair", at page 7,—a suggestion having been made that the consideration of the subject be adjourned, and a formal motion having been moved to that effect, the Deputy President remarked:

"It is entirely in the discretion of the Chair whether to grant a motion for adjournment or not."

Now, Sir, the principle of this Bill has already been admitted. If the Government are not prepared to agree to this Bill being sent to a Select Committee, but want to hear further debate, it would be only fair that an opportunity should be given to both sides to put their case fully before the House.

Mr. President (The Honourable Sir Abdur Rahim): What has prevented both sides from doing so?

Mr. Lalchand Navalrai: I mean, the popular side as well as the Government side. Today the Members who are concerned with this Bill, namely, the representatives of the Sikh community specially, are not here.

An Honourable Member: Why?

Mr. President (The Honourable Sir Abdur Rahim): Why, if this is such an important Bill.

Mr. Lalchand Navalrai: There may be grounds which they know best.

Mr. President (The Honourable Sir Abdur Rahim): Then, they do not attach special importance to this Bill.

Mr. Lalchand Navalrai: I do not know. Some of the Sikh Members of my Party are absent. I do not know what their reason is. It may be that as the Congress has kept out, they are keeping out.

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LEGISLATIVE ASSEMBLY.

[1ST APRIL 1937.]

Mr. President (The Honourable Sir Abdur Rahim): This is a Bill which especially affects the Sikh community. The representatives of the Sikh community would be expected to be here.

Mr. Lalchand Navalrai: It may be that for unavoidable reasons they are not here. (Laughter.) I did not go and make enquiries why they had not come, why they were absent. But I do not find them in the House. I submit that this Bill was taken up at a late stage last time and that would be a fair ground for postponing it. I do not think that Government would be opposing this motion for adjournment, because I believe they also want to be fair to the Sikh community as a whole, especially when the principle is more or less admitted by them, and I do not think they will object.

Mr. President (The Honourable Sir Abdur Rahim): Then, they can let the Bill go to the Select Committee.

Mr. Lalchand Navalrai: That is exactly what I am saying. They may either agree to that; if not, if they want to be satisfied still more, I think it is only fair that time should be given for them to be satisfied. I find here a ruling. The Finance Member was not present and the Chair ruled:

"I imagine that a debate on currency and finance conducted in the absence of the Finance Member would be a remarkable case of the play of Hamlet without the Prince of Denmark."

The Sikh representatives are not here; they would play a very important part in this debate.

Mr. President (The Honourable Sir Abdur Rahim): Sardar Sant Singh has already spoken.

Mr. Lalchand Navalrai: But there is Sardar Mangal Singh, and there are other people also who may like to speak.

Mr. President (The Honourable Sir Abdur Rahim): Who has prevented them from being here?

Mr. Lalchand Navalrai: I do not say that the House has prevented them, but any way the question that has to be considered is that they have not wilfully done it. My point is this, it is not because they wanted that this Bill should be doomed that they are absent. That is not the reason. They may have their own reason, their own conscience. At any rate, I submit that when a Bill is taken up at a very late hour and there was no opportunity on that day to finish and when it comes on for discussion the next day, there should be an opportunity given to the House to have a full debate. Members not being here, it is not possible that there could be a full debate. In that case I think that it would be only fair for the Chair to exercise discretion.

Mr. President (The Honourable Sir Abdur Rahim): There is no such absolute discretion in the Chair.

Mr. Lalchand Navalrai: It is with that idea that I read out page 7.

Mr. President (The Honourable Sir Abdur Rahim): The Chair does not hold that there is a discretion. The Chair thinks it has made it clear that there is no such discretion.

Mr. Lalchand Navalrai: If there is no discretion, then it may be put to the House.

Mr. President (The Honourable Sir Abdur Rahim): When it has been debated—the Chair means the Bill. The Chair cannot allow this motion for adjournment, because no sufficient reason has been adduced as to why the debate on this Bill should be adjourned. Mr. Lalchand Navalrai has advanced the argument that there are not a sufficient number of Members, who are interested in the Bill, present today, to participate in the discussion. But he does not explain why if those Honourable Members are really interested in the Bill they are not present in order to discuss it. No other reason has been advanced, and the Chair, therefore, holds that there is no *prima facie* case made out for the Chair to put the motion to the House. Mr. Lalchand Navalrai has referred to a ruling of a Deputy President on another occasion that there is absolute discretion in the Chair whether to accept a motion like this or not. But the Chair is not aware that there is any authority for such a statement. On the other hand, the Chair knows that it has been frequently ruled in the Parliament that the Chair will not put such a motion to the House unless it is satisfied that there are sufficient and good grounds for thinking that the Bill cannot be properly considered for some reasons which have emerged, such as want of some necessary information or the like, and not for a reason like this that there are not a sufficient number of Members present today who are interested, to take part in the further discussion of the Bill. The Chair, therefore, holds that it cannot allow this motion for adjournment of the debate and the discussion on the motion for reference to a Select Committee will, therefore, continue.

Sir Muhammad Yakub (Rohilkund and Kumaon Divisions: Muhammadan Rural): I rise to oppose this motion. On the first day, when this Bill came up for first reading, I pointed out that the sword and *kirpan* should be placed on one and the same level

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member did not finish his speech on the last occasion?

Mr. Lalchand Navalrai: I think he had.

Mr. President (The Honourable Sir Abdur Rahim): This is the original motion now under consideration, not the motion for adjournment.

Sir Muhammad Yakub: I am sorry, Sir. I thought this was a different motion.

(No other Member rose to speak.)

Mr. President (The Honourable Sir Abdur Rahim): What about the Home Member? He is not here. If there is no other Member to take part in this discussion, the Chair will have to put the motion to the House.

Mr. J. A. Thorne (Government of India: Nominated Official): The Honourable the Home Member will be in in a minute, Sir.

The Honourable Sir Henry Craik (Home Member): I am afraid Government must oppose this Bill. I should not have objected to the postponement of the discussion, but I recognise that that is entirely a matter for the Chair and not one in which Government are concerned. I think it is necessary for me, with your permission, to go at some little length into the history of this piece of legislation. It has been before the Assembly now for some three years. A similar Bill was originally introduced as long ago as February, 1934, the object being to secure unrestricted freedom to Sikhs to possess and carry *kirpans* of any length throughout British India. Now, the history of this matter is in brief that in 1914 the Punjab Government obtained the approval of the Government of India to the exemption from all provisions of the Arms of "*kirpans* possessed or carried by Sikhs in the Punjab". The considerations urged in favour of that complete exemption were that the *kirpan* is a religious emblem, is normally only carried, I am speaking of 1914—23 years ago—, on ceremonial occasions and had never been known to be used as a weapon of offence or defence. That, I am afraid, is not true now. The Punjab Government also mentioned the fact that at that time the *kirpan* was usually a miniature one, not more than a foot in length. The Local Government considered whether in giving this general exemption any limitation should be put on the length of the *kirpan*, but they decided that such a limitation might be resented, as implying that the *kirpans* would be used as an offensive weapon, and they also held that if it came to the point where a *kirpan* was used as an offensive weapon, it made very little difference whether it was a few inches longer or a few inches shorter, and that it would still be a dangerous weapon. That exemption given in the Punjab was gradually extended before very long to other provinces, and in 1917, the Government of India made the exemption general throughout India. But after 1917, in the year 1920, the Arms Act rules were revised and Local Governments were under the revised rules given the right to impose such restrictions as they might find necessary on weapons of this character, and as a result of that discretion allowed to Local Governments, the position now is that while *kirpans* are exempt from the provisions of the Arms Act throughout British India, the Bombay Government have framed rules limiting their length to nine inches while the Government of India have issued a similar rule in regard to Burma, though as Burma is no longer part of India, that is not a relevant consideration. In the Punjab and in most other provinces, as I have explained, there is no limitation. Now, I have this much sympathy with the object of my Honourable friend, the Mover, that I do admit that it might conceivably be a source of inconvenience to a Sikh resident in the Punjab who travels to Bombay to find that while he can carry a *kirpan* of any length in the Punjab, he cannot carry in Bombay a *kirpan* of more than nine inches in length unless he has a licence, and if he did so, he would in strict law be liable to a penalty on crossing the border into the Bombay Presidency. At the same time, I doubt very much whether the practical inconvenience is really very great. No concrete instances have, so far as I am aware, been brought forward where a Sikh travelling from the Punjab into Bombay actually did come into conflict with the law.

Mr. Lalchand Navalrai: There have been several cases of that nature both in Bombay and Sind.

The Honourable Sir Henry Craik: I take it from the Honourable Member that there have been such cases, but I imagine that most of them have been dealt with by the infliction of a nominal fine or a warning or something of that kind.

Mr. Lalchand Navalrai: In Sind, imprisonment of three or four months was awarded.

The Honourable Sir Henry Craik: I am bound to say that I do not want to dispute what the Honourable Member says, but no such cases have ever been brought to my notice. On the other hand, there are certain important considerations which make it impossible for Government to accept the principle underlying this Bill which would have the effect of depriving Local Governments of their discretion in the matter of imposing restrictions on this particular type of arm, however critical the circumstances of the place where it is proposed to impose such restrictions might be.

Now, I have explained that when this exemption was first introduced by the Punjab Government, it was stated in 1914 that the *kirpan* had never been used as a weapon of offence or defence. That statement, I am very sorry to say, is no longer true. It is very far from being true. I have here a statement of the number of cases in which *kirpans* have been used in recent years as weapons of offence. In 1935 and the first eight months of 1936, there were no less than 187 crimes of violence in which the weapon of offence was the *kirpan*—187 in less than two years in the Punjab alone. Of that very formidable number, no less than 43 were murders committed with *kirpans* and in addition to 43 actual murders, there were 17 other cases of attempted murder, and there were 32 cases of grievous hurt. In addition there were 35 cases of simple hurt, and no less than 60 other cases in which *kirpans* were used as weapons of offence in riots and dacoities. I think the House will agree that that is a fairly formidable total—187 cases in a period of 20 months,—and of those the majority were not communal cases at all; only fifteen of them were communal cases; the others were ordinary cases of murder, attempted murder, dacoity, riot and the like. That disposes of the point that the *kirpan* is not a weapon of offence or defence.

Then I take the second ground advanced by the Punjab Government in favour of the exemption in 1914. It was then stated—and indeed it is within my own personal experience—that at that time, twenty-three years ago, the *kirpan* was normally a weapon of a miniature type, indistinguishable from a small dagger. In fact when I first came to India, nearly forty years ago, the ordinary *kirpan* was a weapon about that length, three or four inches long, usually worn by a Sikh in his *keshas* or anyhow not worn publicly at all, it was stuck in his *keshas* or sometimes worn in his pocket. The subsequent tendency has been to develop their size to such an extent that the *kirpan* is now indistinguishable from a sword. In fact I myself arrested a man who was carrying what he called a *kirpan*. That was somewhere about 1920, and I took the weapon away from him. It was an ordinary cavalry sword. When I took it out of its scabbard, it had the name of the cavalry regiment stamped on the blade. (Laughter.) It was a sword that had been used by a soldier of a cavalry regiment and given to him on retirement. It had got a hilt, a hand-guard, a scabbard

[Sir Henry Craik.]

and so on and in fact it was an ordinary cavalry sabre. Now that was claimed to be a *kirpan* (Laughter); and I believe there are judicial decisions to the effect that a sword carried by a Sikh, if he says it is a *kirpan*, is a *kirpan* and it comes under this exemption. In other words, Sikhs may wear a sword. Now let us see what its effect was on other communities. I believe I am right in saying that now, in the Punjab, swords are also exempt—my Honourable friend will perhaps confirm me—but in certain districts till a year or two ago, no one was entitled to possess or at any rate to carry a sword unless he had a license. Am I right?

Syed Ghulam Bhik Nairang (East Punjab: Muhammadan): I think so.

The Honourable Sir Henry Craik: Now, a general exemption has been given and anybody can carry a sword without a license. So in respect of swords, all sections of the population in the Punjab are on an equality. But that is not the case in other provinces. I believe in Bombay and I think in Sind also, a sword is not exempt.

Mr. Lalchand Navalrai: A sword formerly was allowed to be possessed, but now, very recently, they have made an order that there should be a license.

The Honourable Sir Henry Craik: Exactly, that is my point; that is to say, that in Bombay and I think in Sind also, a Sikh may carry a sword of any length, but a non-Sikh may not unless he has a license. That is the effect of the exemption in Bombay.

Mr. Lalchand Navalrai: A Sikh is not allowed to carry a sword in Bombay.

The Honourable Sir Henry Craik: If your Bill is passed, a Sikh would be under no sort of restriction in regard to the length of his sword in Bombay, whereas a non-Sikh would.

Mr. Lalchand Navalrai: It would be with regard to the *kirpan*,—not the sword.

The Honourable Sir Henry Craik: But the *kirpan* is a sword.

Mr. Lalchand Navalrai: It is not a sword.

The Honourable Sir Henry Craik: I am quite confident that there have been judicial rulings that the length of the weapon makes no difference, and that if it is claimed to be and worn as a *kirpan*, a sword is exempt, whatever its length—here again my Honourable friend probably knows the law better than I do

Syed Ghulam Bhik Nairang: I think you are right.

The Honourable Sir Henry Craik: is exempt; there are High Court rulings on the point

Mr. Lalchand Navalrai: Only in the Punjab.

The Honourable Sir Henry Craik: They will be applied in the other provinces.

Mr. Lalchand Navalrai: I am only asking this for *kirpans*.

The Honourable Sir Henry Craik: I have made it clear that, if this Bill were passed into law, that inequality of treatment as between Sikhs and non-Sikhs would come into existence in certain parts of India. But apart from that, there is another grave objection to this Bill. As I have said, Sir, I have not been convinced that any practical inconvenience or hardship has resulted from the apparent anomaly which the Bill seeks to remedy. I am assured that there have been cases where people have been prosecuted, but all I can say is that those cases have not come to my personal notice. There is nothing to show that Local Governments have in fact abused the right which they possess of imposing restrictions upon the carrying of *kirpans*, should circumstances so demand it. If this Bill were passed, the effect would be that in a time of severe communal tension, when a Local Government or a district magistrate thought it necessary to forbid the carrying of weapons, they could not in practice disarm a Sikh of his *kirpan*, but they could disarm other sections of the population and deprive them of the right of carrying weapons. Now to deprive the Local Government of that power would be, I submit, to deprive them of a very valuable weapon in their armoury for the maintenance of law and order in times of stress. Even as long ago as 1914, when the Punjab Government first proposed this exemption, they made it quite clear that occasions might arise when it would be necessary to withdraw the exemption which they then proposed. An instance of the kind of occasion on which it might be necessary for Local Governments to withdraw this exemption was the very terrible communal riot that took place in Cawnpore in 1931. At that time, it will be within the recollection of the House there was a most terrible massacre; a great many lives were lost, and it became necessary for the Local Government to impose restrictions on the carrying of weapons of all kinds,—swords, axes, spears, and so on.

Mr. Lalchand Navalrai: Also *kirpans*?

The Honourable Sir Henry Craik: Yes. But if this Bill were passed, a Local Government would not be able to impose that restriction on the carrying of *kirpans*. That is my point and that is my objection to the Bill. What justification is there for depriving Local Governments of the power of imposing restrictions on the carrying of this weapon, which as I have shown, has in numerous cases been used for deadly purposes, in times of grave disorder or disturbance? That, Sir, is the ground why Government must oppose this Bill. We cannot agree to such an absolute prohibition being imposed on the rights of Local Governments to control the carrying of weapons of one particular kind but not of other kinds within their jurisdiction. That is all I have to say.

Mr. Lalchand Navalrai: Sir, I really find myself in a helpless position. On the one side I find the Government as a body opposing my Bill, and on the other side I find most of my Muhammadan friends also opposing it. Sir Muhammad Yakub has already opposed it. I have yet to see which Muhammadan Honourable Members support me when the division takes place.

Sir Muhammad Yakub: All the Muslim Members will oppose it.

Mr. Lalchand Navalrai: It should not come from your mouth: some of them will demur. I will take it from them and not from you alone because you always oppose matters like this and that is no wonder to me.

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member had better address the Chair.

Mr. Lalchand Navalrai: It is very unfortunate that the members of the Sikh community should have kept themselves away from this House. I do feel that if all the members were here today, Government's attitude would not have been one which they have taken today. At any rate, the Bill would not have been thrown out at this very early stage when the Government ought to have shown sympathy and more consideration with regard to a question which is said to be a religious question. It should not have been lightly disposed of by saying that the *kirpan* is not a religious emblem. However, I will try to make the best of the situation and will put the whole matter before the House in the hope—though it has become a despair—that Government should consider that what I am now asking is not the passing of the Bill but a full consideration of this Bill. As I will show presently, the principle has for a long time been admitted that the Sikhs have a right to carry a *kirpan* which is a religious emblem and it has also been admitted that the Sikhs do carry it and possess it for purposes of their religious ceremonies. It would be injuring the feelings of the Sikh community as a whole to say that the *kirpan* nowadays, after its use for years and centuries, has become only a weapon of offence. What I submit is this that it seems to me that the attitude that is being taken by the Government at present is not a reasonable one. The history which my Honourable friend, the Home Member, has given also shows that it has been deliberately decided from time to time that the Sikhs are entitled to wear this weapon throughout the whole of India. Even before the year 1919, I find that there is a Resolution of Government, No. 950, dated Simla, the 25th June, 1914, which shows that the Government made an amendment in the rules and said that in Schedule II, after the entry relating to the United Provinces of Agra and Oudh, there should be inserted the following, namely; "The Punjab: *Kirpans* possessed or carried by Sikhs: All." That would show that even before 1919 the Sikhs in the United Provinces of Agra and Oudh were exempt to wear *kirpans* of any size and this rule was afterwards extended to the Punjab in 1914. Even if the *kirpans* which were used at that time were of a smaller size, were they not capable of causing an offence or not? Take the ordinary pen-knife or the butcher's knife. Are they exempt or not? And can they not be used for an offence? Therefore, to say that this *kirpan* has now become a weapon of offence is absolutely wrong. If the Government are going to say that *kirpans* should not be worn or possessed or carried even as a religious emblem because there is a possibility of their being used as weapons of offence, then anything can be used as a weapon of offence. Now, Sir, what I mean to say is that in 1914 exemption was given to the Punjab. What do we find further. On the 17th July, 1914, another Notification, No. 1118, was issued which said that the Governor General in Council was pleased to direct that the following amendments shall be made in the Arms Act of 1919, namely:

"In Schedule II, after the entry relating to Coorg, the following shall be added: The province of Delhi: *Kirpans* possessed or carried by Sikhs: All."

Now, the exemption was extended to Delhi also in addition to the other provinces which I have already mentioned. What I am going to show is that it was not in a hurry or without full consideration that the Government extended this exemption to different provinces but when the same exemption is being asked for Bombay, they say that the *kirpan* has become such a dangerous weapon that it is likely to be used in riots as if knives and other similar weapons are not being used in riots. Then, again, in 1914, it is said:

"In Schedule II in the second and third columns against entry (a) relating to the province of Burma, after item (5) the following shall be inserted, namely: *Kirpans* possessed or carried by Sikhs. All."

Then, again, in 1917, there was a letter from the Secretary to the Government of the United Provinces to the Secretary of the Chief Khalsa Diwan in the following terms:

"With reference to the correspondence ending with your letter No. 639, dated the 1st February 1917, I am directed to inform you that the necessary orders have been issued by the Government of India, exempting *kirpan* possessed or carried by Sikhs, within the area of the United Provinces."

Now, this privilege was extended to the United Provinces also and all prohibitions and restrictions under the Arms Act were removed.

Then, Sir, there is another letter in 1917 to the Chief Khalsa Diwan which says:

"In reply to his letter No. 40, dated 29th January 1917, the undersigned is directed to inform the Honorary Secretary, Chief Khalsa Diwan, Amritsar, that under the Government of India, Home Department Notification No. 963, dated the 3rd November 1916 *kirpans* possessed or carried by Sikhs in the N. W. F. P., have been exempted from all directions and prohibitions contained in the Arms Act."

Now, Sir, in a place where the Government say that these riots are going on, where tribal disputes are still there, you allow the Sikhs to have *kirpans* all through.

Next is a copy of a letter from Mr. Young, the Under Secretary of State for India which says:

"I am directed to acknowledge receipt of your letter No. 2377, dated the 10th June 1917, conveying the thanks of the Sikh community for the exemption of *kirpans* throughout British India from the operation of the Arms Act, 1878."

Then, the whole of India was exempted. Was this a deliberate decision or not? Did Government think at that time that it will be wrong to give exemption to the whole of India. I am only claiming as much as was given then. What are the reasons given now for this ban. No reasons are given.

Then, again, I find a letter which exempts *kirpans* possessed and carried by Sikhs throughout British India and this letter is dated 19th May 1917. It is said there:

"The entries referring to *kirpans* in items Nos. 9, 10, 11 and 16 areas United Provinces, Punjab, Burma, N. W. F. P. and Delhi Provinces, respectively, shall be deleted."

That means it will apply now in all these particular provinces. It was also exempted in the whole of India.

We find that in 1920 the Government considered that these *kirpans* were swords. There is a case reported in All India Rulings, 1930, Bombay High Court, page 153. At that time some confusion arose with regard to

[Mr. Lalchand Navalrai.]

the column under which *kirpan*, would come, whether it would come under 'sword' or under 'arms'. If it was under 'arms' then the general notification and the orders issued under the Arms Act were that it is allowed everywhere. But if it comes under 'sword', then there comes the difficulty. In 1920, the Government considered that in some cases *kirpans* were swords. Then agitation went on and in 1925 under the ruling I have quoted just now the column was changed and the *kirpans* were taken away from the column of "sword" and it was again put under 'arms'. Therefore, in 1925, *kirpans* became exempt. What has happened? According to this we find that in 1925 in the whole of India the Sikhs would possess and carry *kirpans* without any license. Thereafter it seems only in Bombay and nowhere else was this restriction made. Of course the Honourable the Home Member now says there is restriction in Burma also. But Burma is separate from India from today, and, therefore, the Sikhs there will take care of themselves. I would ask why even Burma should have this restriction. There ought to be no restriction in respect of these *kirpans* at all.

Now, the Honourable the Home Member would like to throw the burden on me and in his reply he says that the data have not been supplied to him to show that the Sikhs in Bombay and Sind are being dealt with in regard to the possession and carrying of *kirpans* in a cruel manner. He wants to throw that burden on me. I tell him that it is his duty to send for all these cases which were disposed of in Sind courts and in Bombay courts. He will find that the magistrates there are taking a very strict view about these *kirpans* and people who possess *kirpans* are sentenced to long terms of imprisonment. I know personally one instance of a Sikh who came recently from the Punjab with a *kirpan* just one foot long. The Honourable the Home Member says that up to one foot *kirpans* are allowed. But in this instance the Punjabi had a *kirpan* which was just one inch or half an inch more than nine inches and he was arrested in Nawab Shah station. I got representations from them that he was awarded long term imprisonment, he was not fined. My Honourable friend seems to think that these magistrates in Bombay and Sind are very sympathetic. I know they merely follow the behests of the police. If the police says no, these *kirpans* must be rigorously stopped by sending the culprits to long terms of imprisonment, the magistrates dare not do otherwise. I, therefore, submit there is real difficulty. The Honourable Member says that swords should not be carried, that sword is a sword. If there has been one single instance which the Honourable the Home Member found personally as he says that it was a military weapon, that it was a long one like the sword and which was being carried by a Sikh, it cannot be possibly said that the Sikhs want that they will carry swords in that manner and say that they are *kirpans*.

The Honourable Sir Henry Craik: They did claim that right in this instance.

Mr. Lalchand Navalrai: At any rate the Honourable Member gave typical instances which I am now criticising. Why is it that they should be allowed to carry it in the Punjab and not in Bombay? The whole thing reduces itself to this. In all other parts of India, the Provincial Governments have allowed that the Sikhs could carry *kirpans* as well as swords. Why is it that in Bombay alone and in Sind these restrictions should be there. Is it because the Sikhs are not powerful there, that they do not

move the administration there and press upon the Government to come to their senses, as I would call it. I would submit this is wholly wrong to say that the Local Governments should have that power in Bombay and Sind alone. There ought to be a universal law. The Sikhs in Bombay and in Sind are not of a different type or of a different character that they will make wrong use of their *kirpans*. These *kirpans* are primarily religious emblems. I am informed that the Sikhs who go out leaving their *kirpans* at home will not take their meals unless and until they bring *kirpans*. This shows the religious fervour with which the Sikhs look upon the *kirpans*. I, therefore, submit that the Government should not take advantage of the absence of some non-official Members from this House and defeat this measure. It is a wrong way of doing things and it will not denounce their credit. My Honourable friend has not given one instance to show that *kirpans* are used in Bombay and Sind in such a way that they should be an exception. Is it the idea that it should be first applied to Bombay and then to the Punjab and elsewhere? If so, it is a wrong idea. Therefore, I submit that it would be only fair to let this Bill go to Select Committee where all points of view may be considered. The Honourable the Home Member himself admitted that he does not know all the facts about prosecutions, etc. That is all the more reason why it should go to the Select Committee and be considered there in all its details. I expected this debate to be postponed today. That it has not been postponed is no fault of Government's; but I have not been able to get typical cases to show how these men are cruelly punished. If a man carries a *kirpan* which is one inch or half an inch over nine inches he is punished; and that is very hard and merciless.

Nowadays we often find Government Resolutions taking away or cur-
12 NOON. tailing or giving a certain privilege. Why should Bombay be singled out for this power? Is it because it is very far away and the orders of Government will not reach there or will not be respected? It is not so. The power should remain as it is with the Government of India but the Arms Act with regard to *kirpans* should be uniform all over India, unless they were to say that people should not carry *lathis* or pen-knives. There is no restriction in the Punjab, why should there be a restriction in Bombay and Sind? Sir, I appeal to Government to be more sympathetic to the Sikhs, specially when they claim it as a religious emblem,—a fact which Government themselves have admitted. The rule is that once the principle is accepted, it should go to the Select Committee. Here the principle is already admitted as I have shown from the regulations and the ruling I have quoted. Therefore, there is no reason why it should not go to the Select Committee. There the question will be considered whether Bombay and Sind should be excluded from this privilege. There was a Burman Sikh here; I have no doubt he will see that this restriction is not imposed in Burma. Let it be considered in the Select Committee in detail as regards the size of the *kirpan*, etc., and when after that it comes up to this House, we can fully consider it in all its aspects.

The Honourable Sir Henry Craik: Sir, have I your permission to make one or two observations in reply?

Mr. Lalchand Navalrai: Can the Honourable Member speak at this stage?

Mr. President (The Honourable Sir Abdur Rahim): If the Honourable Member looks up the Standing Order, he will find that the Chair has the discretion in special cases. The Chair understands the Honourable Member wants to explain certain particular points, and it allows him to do so.

The Honourable Sir Henry Craik: I will not detain the House for more than a few minutes. I would like to point out that in one or two respects the Honourable the Mover has misunderstood the objection which Government take to this Bill. In the first place, my Honourable friend said that if the House had been full the attitude of the Government would have been different. I can assure him that on that point he is mistaken . . .

Mr. Lalchand Navalrai: At any rate my success would have been different!

The Honourable Sir Henry Craik: That is another matter. The attitude of Government with regard to this Bill was determined three years ago, and the Honourable Member was informed yesterday that if you, Sir, were agreeable to his proposal that the debate should be deferred till the House was more largely attended, Government would raise no objection to that proposal.

The second point is this: that the Honourable Member has, I think by implication, accused me of treating the *kirpan* as a weapon of offence and not as a religious emblem. That is very far from being my attitude. I agree—it has never been denied—that the *kirpan* is a religious emblem of the Sikhs and that they are enjoined by their Guru, Granth Sahib, to carry it. That has never been denied at all; but the point is this: that there are various other weapons which are claimed to be religious emblems and which are capable and are on occasion used as weapons of offence. For example, there is a certain sect of Sikhs that claim that it is their religious right and duty and obligation to carry an arrow. I have seen a claim seriously put forward on behalf of Muslims that their religion enjoins on them the carrying of the sword. That may or may not be so; but the point is that because a particular thing is a religious emblem, that does not make it impossible to be used as a weapon of offence; and I have shown that as a matter of fact in the Punjab, in recent years, the *kirpan* has frequently, regrettably often, been used as a weapon of offence.

On the main point of Government's opposition to this Bill, the Honourable the Mover has spoken as if the only object of this Bill was to remove an anomaly that at present exists in the Bombay Presidency and in Sind. That as a matter of fact would not be the only or even the more important effect of the Bill. I have already admitted that an anomaly exists, though I think its inconvenience has been over-stated. Till a few years ago, for example, in my own province, the Punjab, swords were exempted in some districts and not in others. I think I am right in saying that swords were prohibited in Ferozepur and Lahore districts and permitted in the adjoining districts of Sheikhpura, Gujranwala and Jullunder; but no practical inconvenience arose so far as I am aware: people were well aware of it and if a man happened to be wearing a sword in one of these exempted districts, he was not such a fool as to carry it into a district where he knew the exemption did not exist. Similarly, in the case of Sikhs residing or travelling in Bombay and Sind, a very large number of Sikhs are colonists in Sind; but I have never heard that they are exposed to any inconvenience: they know the rule and they adapt themselves to it: they use a short *kirpan* when they are residing there

Mr. Lalchand Navalrai: I am sorry the Honourable Member has not kept himself awake to know that there have been cases of considerable inconvenience.

The Honourable Sir Henry Craik: Possibly the Honourable Member is better informed than I am. I happen to have a good many Sikh friends who reside in Sind and who constantly come to see me and not one of them has ever mentioned it. Some of them come and see me as often as once every two or three months and tell me how they are getting on but they never mentioned to me this difficulty about *kirpans*. Anyhow that is a minor effect of the Bill. I admit the anomaly exists; and if it was only a question of correcting that anomaly I would have no objection to this Bill. But this Bill goes much further than that: as I have explained, it takes away the power of the Local Government to put restrictions on *kirpans* and

Mr. Lalchand Navalrai: Will the Honourable Member write to Bombay and Sind to lessen that inconvenience?

The Honourable Sir Henry Craik: I will certainly point out the matter to them: I shall send them a copy of this debate. As I say, the Bill deprives the Local Government in any circumstances, even in times of the gravest civil disorder, of placing any restriction on the carrying of *kirpans*, whereas it will have that power in respect of any other type of weapon, and I think that in itself is sufficient to show that this Bill should not be accepted. The principle of the Bill is wrong; and we would be agreeing to the principle if we allow it to go to Select Committee. It might be altered there, but it would mean that we accept the principle of the Bill and I am afraid I cannot accept the principle.

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

"That the Bill further to amend the Indian Arms Act, 1878, be referred to a Select Committee consisting of the Honourable the Law Member, the Honourable the Home Member, Sardar Sant Singh, Sardar Mangal Singh, Mr. M. S. Aney, Sir Muhammad Yamin Khan, Dr. F. X. DeSouza, Dr. N. B. Khare, Mr. Ghansham Singh Gupta, Babu Baijnath Bajoria, Bhai Parmanand and the Mover and that the number of members whose presence shall be necessary to constitute a meeting of the Committee shall be five."

(A division was claimed).

Mr. President (The Honourable Sir Abdur Rahim): The Chair will ask the Honourable Members, who are for the motion, to rise in their places.

(Four Honourable Members rose in their seats.)

Mr. N. M. Joshi: On a point of order, Sir, I ask for your ruling. Sir, the Standing Orders give you full discretion as to the method of dividing, but I feel that if you merely ask people to stand up in their seats, the purpose of the division will not be served.

Mr. President (The Honourable Sir Abdur Rahim): The Chair has the discretion, though it seldom exercises it. But the Chair thought this was a very typical case.

Mr. N. M. Joshi: May I put my difficulty before you, Sir? The object of a division is two fold: the first object is to find out which side has a majority, and the second object is to put on record which Members

Mr. President (The Honourable Sir Abdur Rahim): If the Honourable Member likes, the Chair can have the count taken here.

Mr. N. M. Joshi: If the names of the Members who rose in their seats are taken down, then the object of the division is served.

Mr. President (The Honourable Sir Abdur Rahim): Then the Chair will have it done.

Mr. N. M. Joshi: Thank you, Sir.

Mr. President (The Honourable Sir Abdur Rahim): The Chair understands the practice is

Mr. N. M. Joshi: May I explain what I want? In a legislature where people are sent

Mr. President (The Honourable Sir Abdur Rahim): The Chair does not want a long argument; it is a question of its discretion. If the Honourable Member can cite any Standing Order which gives him the right to have a division or to have the names taken down, the Chair will certainly consider it.

Mr. N. M. Joshi: I am explaining my difficulty. After that, if you can give your ruling, I have no objection.

(At this stage, several Honourable Members interrupted Mr. Joshi.)

Mr. N. M. Joshi: I have a right to be here, and I do not like interruptions by Members. My point is this. It is very necessary for the electorates to know how their representatives have voted on a particular question, and if their names are not recorded, then that purpose is not served. It is very wrong that people should vote and their names should remain unrecorded.

Mr. President (The Honourable Sir Abdur Rahim): Then, the Standing Orders ought to be changed.

Mr. N. M. Joshi: The Standing Order gives you the power to decide the method of dividing the House, but the mode should be such that the names of Members should be recorded so that the electorates may know how their representatives have voted.

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member has been in this House for a very long time, and I should like to know if he can give me any case in which names were taken down . . .

Mr. Lalchand Navalrai: May I say a word on that, Sir? I have been here since

Some Honourable Members: Order, order.

Mr. Lalchand Navalrai: I want an order from the Chair, and not from you.

Mr. N. M. Joshi: He has a right to be heard.

Mr. President (The Honourable Sir Abdur Rahim): The Chair wants information on the point whether the Honourable Member knows of a case in which the names had been taken down when the Chair was acting under Standing Orders 32 and 33.

Mr. N. M. Joshi: I don't remember any case at the moment, Sir, but what I would like you to consider is this,—this is a very important matter. If you think that you need not decide this matter today, I shall not insist on it, but what I would like you to consider is, whether the electorates have no right to know how their representatives have voted on a particular question in this House. They have a right to know how their representatives have voted on a particular occasion, and that purpose will not be served by the method you adopt. I hope, Sir, you will take this matter into your serious consideration.

Mr. President (The Honourable Sir Abdur Rahim): (After going through the rulings): The Chair finds their names were taken. The Chair thinks there is a ruling in support of the suggestion made by Mr. Joshi, but only the names of those who had supported the motion had been taken down, and not of the others. The Chair will have it done on this occasion. This is Ruling No. 670.

It is stated here:

"The President ruled:—'As the time at our disposal is limited, I propose to adopt a different procedure on the present occasion in regard to the division which has been claimed. I will ask those who are in favour of accepting the closure to rise in their seats and I will call out their names which will be taken down by the official reporter'. After these names had been taken down, those against the closure were asked to stand: a large number of Members standing up, the President said that it was not necessary to take down the names and declared the closure motion negatived: Mr Ranga Iyer wanted to know who exactly were the supporters of the Communal Award as several Members were neutral.

The President:—'The Chair has given its ruling and has taken down what it thinks is a fair record'."

The Chair will follow this ruling. Will Honourable Members who are for accepting this motion rise in their seats again?

Mr. Lalchand Navalrai: Before you ask Members to rise in their seats, I would request you to follow the ordinary procedure in regard to divisions, and that is for Members to go into the division lobby and give their votes. I would therefore ask you to kindly reconsider the point and allow us to go into the division lobbies.

Several Honourable Members: No, no.

Mr. President (The Honourable Sir Abdur Rahim): The Chair has given its ruling, and it thinks it has been done on more than one occasion. The Chair is, therefore, following the ordinary course. Will those Honourable Members who are for accepting the motion rise in their places?

(The following Members then rose in their seats:

Babu Baijnath Bajoria.

Mr. M. Ghiasuddin.

Bhai Parmanand.

Mr. Lalchand Navalrai.)

Mr. N. M. Joshi: Sir, what happens to me? I have absolutely no vote. I am not voting either for or against. How will my attitude be known?

Mr. President (The Honourable Sir Abdur Rahim): Those who are against the motion will rise in their seats.

(A large number of Honourable Members rose in their places.)

The motion was negatived.

THE MOSLEM PERSONAL LAW (SHARIAT) APPLICATION BILL.

Mr. H. M. Abdullah (West Central Punjab: Muhammadan): Sir, I beg to move:

"That the Bill to make provision for the application of the Moslem Personal Law (*Shariat*) to Moslems in British India be referred to a Select Committee consisting of the Honourable the Law Member, the Honourable the Home Member, the Honourable Sir Muhammad Zafrullah Khan, Maulvi Syed Murtuza Sahib Bahadur, Maulana Shaukat Ali, Qazi Muhammad Ahmad Kazmi, Dr. Ziauddin Ahmad, Sir Muhammad Yamin Khan, Syed Ghulam Bhik Nairang, Khan, Bahadur Sheikh Fazl-i-Haq Piracha, Nawab Sahibzada Sir Sayad Mehr Shah, Maulvi Badrul Hasan, Khan Sahib Nawab Siddique Ali Khan, Mr. M. Asaf Ali, Dr. G. V. Deshmukh, Sir Muhammad Yakub, Mr. Muhammad Azhar Ali and the Mover, and that the number of members whose presence shall be necessary to constitute a meeting of the Committee shall be five."

Sir, as I am indisposed today, I would try to be as brief as possible in my speech and would not dwell upon each detail of the Bill at length, but confine my remarks only to more important provisions and other salient features. The object of the Bill is that in all questions regarding succession, special property of females, betrothal, marriage, divorce, maintenance, dower, adoption, guardianship, minority, bastardy, family relations, wills, legacies, gifts, partitions, etc., the rule of decision in cases, where the parties are Muslims, shall be the Muslim Personal Law (*Shariat*) although there may be a custom, usage, or law to the contrary. Sir, the present position among the Indian Muslims in respect of the matters mentioned above is that in most provinces they are already subject to the *Shariat* Law except as regards the Law of Succession which varies not only from province to province but from tribe to tribe in the same province. In Bengal, Assam, Burma, N.-W. F. P., Bihar, Orissa and a part of the U. P., the Muslims are governed by the *Shariat* Law in the matter of succession. In the C. P., Madras, Bombay, a part of the U. P., Baluchistan, and Ajmer they are mostly under the Customary Law. In the Punjab, the agricultural classes are subject to the Customary Law, while the non-agricultural classes residing in the cities are mostly subject to the *Shariat* Law. The Bill aims at securing uniformity of Law among Muslims throughout British India in all their social and personal relations. By so doing it also recognises and does justice to the claims of women for inheriting the family property who under the Customary Law are debarred from succeeding to the same. If *Shariat* Law is applied they will automatically become entitled to inherit the same. This Bill in this respect, does the same thing for Muslim women as my Honourable friends, Messrs. Deshmukh, Hosmani, and Gupta's Bills want to do for Hindu women.

I may mention here that on account of the introduction of provincial autonomy today the succession to agricultural land has gone out of the purview of the Bill. I am really sorry that by the exclusion of agricultural land from the scope of the Bill its real object has been frustrated. This would not have happened if the Government had not adopted an obstructive attitude towards it during the last Simla Session when the ballot favoured it but some Honourable Members tried to create obstacles in the way of the Bill by moving unnecessary amendments to Dr. Khare's Bill. The blame for delay in the enactment of the Bill and the exclusion of succession to agricultural land thus lies at the door of those Honourable Members and not on my shoulders.

The House will remember that during the last Delhi Session the Bill was circulated for opinions to Local Governments. Before I give an analysis of the opinions I wish to point out that no Local Government has tried to obtain and forward the opinion of any religious body like the *Jamiatul-Ulema-Hind* or of any women's organisations for whose benefit it is meant. Anyhow the examination of the opinions received discloses that the Local Governments are divided on the merits of the Bill. Some are in favour, some would leave the fate of the Bill to be decided by the Muslims themselves, while others would like the Bill to be enacted by the Local Legislatures. While non-Muslim officials of the Government have either adopted a neutral attitude or are opposed to it, the Muslim opinion throughout India, including the Punjab, is strongly in favour of it. Most of the criticism against the Bill concerns the provision relating to the Law of Succession, which under the Customary Laws, is favourable to men and highly detrimental to the interests of women. The Law of Succession is contained in the Holy Quran itself and no Muslim worth the name can and should question its authority. As this law is Allah made and not man made, the Muslims should willingly accept it. By the exclusion of succession to agricultural land the chief objection against the Bill that it will lead to excessive fragmentation of holdings disappears. Nor, will it now affect the Punjab Land Alienation Act. As the persons affected by the Bill, namely, the Muslims, strongly support the Bill, there is a good case for the Bill being referred to a Select Committee. Minor details can be discussed in the Select Committee which can suitably amend its provisions, if necessary. Now that the Bill will not affect succession to agricultural land, I am sure that the Government will have no objection to the Bill. I hope that they will support the motion before the House and provide facilities for its early enactment. By so doing they will earn the gratitude of the Muslim community in general and of the Muslim women in particular. Sir, I move.

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

"That the Bill to make provision for the application of the Moslem Personal Law (*Shariat*) to Moslems in British India be referred to a Select Committee consisting of the Honourable the Law Member, the Honourable the Home Member, the Honourable Sir Muhammad Zafrullah Khan, Maulvi Syed Murtuza Sahib Bahadur, Maulana Shaukat Ali, Qazi Muhammad Ahmad Kazmi, Dr. Ziauddin Ahmad, Sir Muhammad Yamin Khan, Syed Ghulam Bhik Nairang, Khan, Bahadur Sheikh Fazl-i-Haq Piracha, Nawab Sahibzada Sir Sayad Mehr Shah, Maulvi Badrul Hasan, Khan Sahib Nawab Siddique Ali Khan, Mr. M. Asaf Ali, Dr. G. V. Deshmukh, Sir Muhammad Yakub, Mr. Muhammad Azhar Ali and the Mover, and that the number of members whose presence shall be necessary to constitute a meeting of the Committee shall be five."

Sir Muhammad Yakub (Rohilkund and Kumaon Divisions: Muhammadan Rural): In rising to support the motion, I do not propose to make a long speech. It is a matter of pleasure to me that this Bill has reached a stage when it is going to be referred to a Select Committee. A measure like this has been anxiously waited for by the Muslims in the whole of this country. When the administration of India was taken over by the late Queen Victoria in 1858, the Mussalmans were given an undertaking by a solemn proclamation that in matters relating to marriages, succession, divorce and others they will be governed by their own personal law, namely, the Muslim law known as *Shariat*. Subsequently, on account of certain political or other exigencies and reasons, Government receded from that solemn proclamation and in certain parts of the country, instead of the law of Islam, certain families and certain communities, among the Mussalmans, were governed by a law which is not the Muslim law. Probably, it was on account of the fact that in certain families, which were new converts to Islam, there was a desire that they should continue to be governed by their own law which they followed before they became Muslims. For that reason and for some other reasons, certain families were not governed by Muslim law; but during the last 20 or 25 years, there has been an awakening among the Mussalmans and they have realised that the best law which can govern their family relations is their own Islamic law. Therefore, Muslims from all parts of the country wanted that such a Bill should be brought on the statute book. Now, as the Mover of the Bill has already given the full history, I need not repeat it here again. The chief objection on the part of the Government had been relating to landed property and agricultural lands, and now it has been pointed out that from today any legislation relating to agricultural land goes outside the purview of this Assembly, and the Select Committee will make necessary amendments. What I want at this stage is only that the House should accept the principle that, according to the proclamation of Queen Victoria, the Moslems are entitled to be governed by their own law, and when this Bill will come before the Select Committee, all the objections which have been raised by the different Local Governments will be fully considered, and the Bill will be amended in such a form as would satisfy all parties. As the Government have recently shown generosity towards the Hindu community and have allowed two of their social measures to be passed—in fact they have been so generous as to allot them time during Government days—I hope they will show the same generosity and courtesy to the Muslims and will not stand in the way of their referring this Bill to the Select Committee.

Sir Muhammad Yamin Khan (Agra Division: Muhammadan Rural): According to the Muhammadan law, a man and a woman are both entitled to be governed by that law. What we find that in some provinces, as in the Punjab, the law is not giving the benefit of the Islamic law to the women, and it is that genuine desire of women who profess Islam as their religion that the Islamic law should be applicable to them. In the Punjab, there is a customary law. Certain families have started a sort of custom in their family from generation to generation, and they are governed even up to now by their own customary law. That law may be good in its own way, but the point pressed by the Muslim women of the Punjab is that being Muslims, why should they not get the benefit of the Islamic law and why should they be deprived of their genuine right of inheritance on

account of the customary law which gives to the man a much bigger share than what he is entitled to receive under the Islamic law. It was 1,300 years ago that the Founder of Islam recognised the specific right of women in property and put the women on the same footing as men as far as inheritance is concerned. In Islam, a woman is fully entitled to a share. She becomes the full owner of the property. She incurs all the liabilities. She does not enjoy only the limited right of maintenance but she becomes the full owner of the property. Even the married woman can possess property of her own. She is under no obligation to give her property to her husband. She may not even have it managed by her husband. She enjoys all the rights that a man enjoys. Now, advanced women in the Punjab have come to agitate for their rights and ask why should they be deprived of their rights under the Islamic law? I hope that this Legislature will not come in her way simply because a particular custom prevailed, which custom was made by men and not by women and which deprived the woman of her legitimate right. A brother comes in and wants to inherit the whole of the property and deprive the sister. A sister cannot be deprived of according to the Islamic law, and neither can a wife be deprived of property. According to Muhammadan law, a wife is entitled to one-fourth of the husband's entire property if there are no issues and to one-eighth of the property if there are issues. This property she inherits by law and she does not want to be deprived of that simply on account of a custom which had originated sometime in the past on account of some persons trying to possess property to which they were not entitled originally. Muslim law had been the pioneer of advance in law in the world, and was later followed by many parliaments in the world. Even up to 1870, in England, a married woman had no right to possess property separately; but Parliament found that the principles laid down by Islamic law were genuine, and women came forward to claim the same thing which was given by the Islamic law. We find even today amongst our Hindu brethren the same kind of feeling existing, but, Sir, it is really a shame that a woman who has already got the legal right to get a share of property is prohibited from that by a certain custom, and, therefore, no person who can really see the steady advance of human society and who wants that human society must live on terms of equality among its component parts and must live on the right principles of equity should accept those principles which go against the very root of the principle which gave the weaker sex a genuine and specific right. The Bill, as drafted, certainly is defective, and there are some cases where something will have to be taken into consideration.—like the *Taluqdari* system, the United Provinces Landholders' Act, etc., which are not really meant for the general public to be followed, but they are only limited to certain classes just like what we have got for people like the ruling princes. You cannot call upon a ruling Prince that because he is the ruler of a country, therefore his daughters must have equal shares with the son who comes to rule. In the same manner the *taluqdari* system was made separate from the general Muhammadan personal law and with the same object which gave to a certain class of Zamindars in the United Provinces the United Provinces Landholders' Act, which was enacted to give protection under specific circumstances; those Acts are meant not to deprive the women; they deprive even men, so that the younger sons of a *taluqdar* do not inherit as opposed to the eldest son. Therefore, there is no distinction made between men and women under those Acts where the

[Sir Muhammad Yamin Khan.]

younger son is prohibited and daughters also are prohibited. But here in the Punjab, under certain customary laws, it is the woman who has been deprived, and a distinction is made between younger sons and younger daughters. Therefore, this distinction should be removed by this Legislature, specially when the people whom it affects desire that the change must come. It would have been different if the Muhammadan women were not wanting to have any change. But when we find that the Muhammadan women are wanting that the change must come because a certain custom is depriving them of their rights, this Legislature must rise to the occasion and must give protection with regard to people who have got no voice in this House but whose claim is genuine and is based not on any selfish motive but on the real law and on a right which has been given to them by the religion which they profess. I think the Select Committee will make all the amendments necessary and remove all the defects which are in the present Bill, which is not very happily drafted, and many exceptions will have to come in. All that will be the business of the Select Committee to do; but the principle that all Muhammadan women can enjoy a right which is given to them by their law should be accepted by this House. With these words, Sir, I support the motion.

Syed Ghulam Bhik Nairang (East Punjab: Muhammadan): Sir, I beg to support the motion moved by the Honourable the sponsor of this Bill for reference of the Bill to a Select Committee. I may also say, like some other speakers who have addressed this House in this connection, that I do not propose to make any long or detailed speech, but I must point out certain facts which entitle this Bill to a very serious consideration at the hands of this Honourable House. In the first place, I think it will be recalled that this Bill has not come before this House for the first time. On a previous occasion, I remember, Mian Abdul Haye, an ex-Member of this Honourable House, introduced a Bill, not only to this effect, but, if I mistake not, almost precisely worded like the Bill before this House now. That Bill ran its course but was not lucky enough to secure a passage through this House, the Assembly was dissolved, and the Bill lapsed. Then another Assembly succeeded that Assembly. But during the long term of that Assembly, none of the Members took any notice of the Bill, which had lapsed merely on account of the dissolution of the former Assembly.

When the present Assembly started to function, my Honourable friend, Hafiz Muhammad Abdulla, did the right thing and introduced this Bill again. It has ever since been pending in this House and has had a very precarious sort of career so far, having taken a long time over circulation for the obtaining of opinion and having been very often postponed on account of the preceding items on the agenda not having been finished and therefore this item not having been reached. Anyhow, it has now come before this House, with the motion that it may be referred to a Select Committee, and I submit that when the nature of the Bill, the necessity for legislation of this kind, and the vast volume of public sentiment which is backing this Bill are considered, there should be no hesitation on the part of this House to accept the motion for its reference to a Select Committee without much ado. Not only, Sir, has this Bill come before this House for the second time but really a measure of this kind

has been long long overdue. As my Honourable friend, Sir Muhammad Yakub, has said, the Muslim community has really been feeling all along, and the feeling has been given vent to on many occasions, that their personal law and their social institutions have suffered an irreparable injury owing partly to lack of appreciation by the authorities of the true position of the Mussalmans with respect to their personal law and partly to the apathy of those who represented them before the authorities. Government may be to blame for its ignorance or lack of appreciation but in all fairness I must say that those who acted as the exponents of the views of the Muslim community and as leaders of their thought and their social organisation are, in fact, more to blame for not having risen to the occasion and not having correctly expounded to the authorities what the Muslim community really wanted and never pointed out the intensity and the depth of the feeling which the Muslim community has on account of being told at every turn that their personal law is not to be given effect to.

I have spent about 38 years at the bar and have been practising as a lawyer. In at least hundreds of cases in which I appeared, the question whether the personal law of the Mussalmans or some sort of custom is to be followed has been under consideration. I do not claim to be so sanctimonious as to have all along represented the side which stood for the Muslim law. On many occasions I had the misfortune in my professional capacity of upholding what goes by the name of custom as against Islamic law. But the experience that I have gained is certainly the experience of hundreds of others like myself placed in a similar position, and that experience is this that what goes by the name of customary law is really a bundle of mischievous uncertainties. Any fellow can say in a court of law, when faced with a claim, a perfectly valid claim based on the glorious principle of Islamic law, that his family or his community or his caste does not follow the Islamic law but it follows a custom which he proceeds to specify. The fact of the matter is that on many occasions he invents what he alleges to be the custom and then in due course of legal procedure issues are struck and evidence is recorded and this man who had invented the so-called custom forges evidence, fabricates documents, puts in any amount of perjured evidence, and succeeds in proving the alleged custom, and the courts are compelled by the legal procedure to hold it to be a custom, valid in all essential requisites of a custom, ancient and invariable and certain and all that, as the jurists say. But the man who has proved that custom and those who are in the know and the public are fully cognizant all along that the defence was false, but there is the legal sanctity attaching to a judicial decision. He may win in the first court, he may win in the appellate court and he may win in the High Court and that will create a precedent which will be followed in dozens and scores of other cases so that injustice and iniquity committed by him in one case will be perpetuated, and this will have the dignity of a real custom. This unfortunately is what happens in a majority of cases and it is freely admitted by authorities on law that custom, at least in the Punjab, is mostly judge-made law, the meaning of which is simply this that after holding an inquiry into the existence of an alleged custom, the courts have, on the evidence before them, come to the finding that such and such custom exists. In that sense it is a judge-made law, and not that the judges intentionally invented that law out of their own brains. That is not the meaning. By judge-made law is meant the law

[Syed Ghulam Bhik Nairang.]

which, after a judicial inquiry, the judges have found to prevail. That is what custom is. But, Sir, as I have said before, the community has all along been conscious that iniquity is being perpetrated in the name of law. The Courts are being misguided and misled into doing injustice, when they all along intend to do justice, and it is time that this injustice should be prevented. We know that in the case of certain points of customary law the Legislature had to cure certain defects which they found would lead to endless litigation. For instance, there is a well-known doctrine applying to the alienation of ancestral land, under the customary law in the Punjab, and it used to be like this formerly. Any descendant of a common ancestor from whom property had descended, however remotely related he may be to the alienor, could challenge the alienation. At one time there was, practically, even no law of limitation applicable to such a case, and certainly up to a certain point in the history of the customary law in the Punjab there was no limitation as to the degree of relationship. Any man who, according to the pedigree set up by him, was related to the alienor perhaps, say, in the fourteenth degree, was free to come into court, file a plaint, and challenge his alienation. When the defence was raised that he was too remotely related to the alienor to be able to contest the alienation, he used to reply that by the custom of his particular community even a remote relation like him could claim to set aside the alienation. Litigation went on, whatever was the result. There being no fixed degree beyond which a man, even though a collateral of the alienor, could not claim to set aside his alienation, any number of suits, absolutely untenable suits, suits ending in failure, used to be instituted. The Legislature saw the absurdity of the position and at last passed an Act by which it restricted the right of suit in such a case to the descendants of the great great grandfather of the alienor. That put a limit to it and shut out a very large number of absolutely untenable cases which were simply speculative in which adventurous people used to indulge. That had a very wholesome effect. Similarly, as I have said, at one time there used to be no period of limitation. Practically, even in case of an alienation which was fifty years old, if the alienor happened to be a long lived person and died, say, only ten years ago, although he made the alienation 50 years ago his heir would come into the court. This used to be the case at one time. His heir would come into the court and put in a suit for possession of property without even mentioning the alienation which had been made. The defendant came into the court and said, well, this property was conveyed to me 50 years ago by such and such a deed. Here is the deed. Then the plea used to be set up that the alienation even if made must have been without necessity and without consideration, and that at any rate it was not with the consent of the next reversioner and is not binding on the plaintiff. Thus litigation went on. Actually very very old alienations were set aside and people on pleas of this sort actually succeeded. After hundreds of cases, nay thousands of cases, had been fought on that hypothesis, the Legislature came in again and cured the absurdity by passing a Limitation Act under which a period of 12 years was prescribed as the time within which such a suit must be brought, certain starting points of limitation being fixed. So that uncertainty which had been a source of so much expensive and ruinous litigation was put an end to and moderation of course was brought about by fixing a period of limitation.

I have mentioned these matters merely by way of example and I say that if a law like section 5 of Act IV of 1872, the Punjab Laws Act, which is the foundation of all customary law in the Punjab and which lays down that in such and such matters, if there is custom applicable to the parties, that custom shall be the first rule of decision otherwise their personal law will apply is left intact, there is a standing temptation to invent custom, to fabricate evidence to prove custom, to mislead the courts, and make them commit injustice which as I have already pointed out will last for ever. Whatever may happen in the case of others, in the case of Muslims, I submit that this state of things is, to every right minded Muslim, absolutely intolerable. We, Muslims, are commanded by the glorious injunctions of the Holy Koran to follow the law laid down in the Holy Koran and in the authentic sayings of the Holy Prophet.

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member can 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, Sir Leslie Hudson, one of the Panel of Chairmen, in the Chair.

Syed Ghulam Bhik Nairang: Sir, the position of the Muslim community with regard to their personal law is such that they are in all conscience bound to follow it without hesitation, and therefore the existence of a legal state of things which allow not only evasions but defiance of that law is a matter which is deeply resented by the community. And, therefore, on many occasions statutory legislation making it obligatory for the courts to decide matters relating to succession and other things mentioned in this Bill according to Muslim law was demanded by the Muslim community. This Bill is the expression of that desire which has been expressed on so many occasions and in so many forms. Now if you examine the contents of this Bill you will find that it refers to a good many matters, but the great thing which is a source of constant complaint is the suppression of the rights of female heirs; as for instance, the daughter, the widow, the sister in certain circumstances, and certain other female heirs. As has been pointed out by one of the Honourable speakers who preceded me, Islamic law was really the first system of law which accorded to woman the status not only of an heir but of an owner of property in the real sense. In the different capacities of daughter and widow and so forth, she was given a fixed share. The share which devolved on her was to be her absolute property, qualified ownership being entirely unknown to Muslim law. There is no such thing as life interest or limited interest or anything of that sort except in certain wakf schemes in which of course the founder of the endowment is allowed discretion to lay down any conditions consistent with Islamic law which he likes to lay down. Among such conditions it is possible to have certain life interests; otherwise all ownership of woman as of the male is real and absolute. Whenever she succeeded to property or acquired property, she was the real and true owner of property. This was a great advance on all pre-existing systems of law and this was an example which ought to have been followed by other systems.

[Syed Ghulam Bhik Nairang.]

of law, and in some cases has been actually followed by other systems of law. But the grim irony of our situation in India is that in consequence of the recognition of custom by statutory provisions we have been deprived of that great right which woman possessed in Islam. We find now in provinces where custom is recognised to have the force of law, for instance, in the Punjab and Oudh and certain other parts of India, that it is the female heirs who suffer most. And it has never occurred to those who are responsible for the administration of justice to think of the great injustice that is involved in this state of things. After all, how is it that the females came to be deprived of the rights which they undoubtedly possessed under their personal law? How is it that customs which are hostile to the rights of females to succession came to be recognised? Evidently upon statements of the males interested in their deprivation, and in certain rulings of the High Courts this aspect of the matter has been significantly commented upon, and the situation has been compared to the well known story where a man was painted by a human painter as bearing down a lion. A lion was shown that picture by a man saying, "See how strong this man is; he has borne down a lion". And the lion retorted by saying, "If the picture had been painted by a lion, the man would have been underneath and the lion over his chest". This is exactly the position of the females under the alleged customary law. Male heirs and male expectant heirs in various ways led the authorities to believe that such and such was the custom in their family. Their *ipse dixit* was accepted; the females were never asked anything and they never knew anything about the *ex-parte* records of customs which were being prepared against them, and they discovered, if at all, only too late that certain courts in all solemnity had ruled them out of court and deprived them of their rights of inheritance.

One of the main objects of the present Bill is to secure to the females their due right to inheritance and ownership under Muslim law. We want to have the rules of inheritance under Muslim law enforced and their legal shares given to daughters and widows. We want also to see that female heirs who do succeed to property are no longer hampered by any notions of life interest and limited power and lack of the power of alienation and this and that. We want to have the true principles of Muslim law applied to all Muslim female heirs. It was pointed out by the Honourable the Mover and it was remarked only a minute ago by my Honourable friend, Sir Muhammad Yakub, that the question of succession to agricultural land being now a matter to be dealt with by the autonomous Legislatures of the provinces, this Assembly is no longer concerned with that aspect of the matter and a discussion of the rights of females may very well be avoided. But I must point out that the example of the agricultural communities, which in the Punjab and other provinces have been strenuously trying to maintain all along that they are governed by custom and not by their personal law, has been so catching that in cities and towns, among communities who have nothing to do with agriculture or with the ownership or possession of agricultural land and have as a matter of fact nothing in common with those communities who profess to follow custom, even among those communities it has become the habit to set up in case after case the plea of custom, thereby in certain cases actually succeeding in depriving the rightful heirs of their rights of inheritance and in certain other cases at least in indulging in ruinous litigation up to the very last court. Surely, even that is a most important matter and therefore this aspect of the matter has to be considered seriously and

the rights of female heirs have to be stressed in this connection. Bearing all these points in mind, I do hope that this House will agree to the motion to refer this Bill to the select committee proposed by the Honourable the Mover, so that the wording of the Bill and any possible suggestions that may have been made by various authorities on the Bill being circulated for eliciting opinion thereon may all be considered and the Bill may then come back to the House for consideration in a duly amended and considered form. With these words I support the motion of my Honourable friend.

Khan Bahadur Shaikh Fazl-i-Haq Piracha (North-West Punjab: Muhammadan): Sir, I wholeheartedly support the motion moved by my Honourable friend, the Mover of the Bill. I am one of those who conscientiously believe that most of the present degradation of the Indian Muslims in social and spiritual sphere is due to their progressive abandonment of the social code of Islam. Their defection from the salutary rules of conduct in matters of every day life has caused in them weaknesses, selfishness, and inward hostility to the just claims of its different members, other numerous vices which have all contributed to weaken their resistance to the surrounding influences of the communities and races among which they found themselves on their migration from the land of their religion. This process dates from a pretty long time, but has accelerated since the advent of the British as the rulers of the land. In times when Muhammadans had their own rulers, care was taken that Muhammadans were governed by their personal law, through the Qazis; but when the British Government came in, they began to import into the personal law of the communities their own notions of right and wrong. The result is that the Muhammadans find themselves governed by an Anglo-Indian law, which possesses no kinship with the Muhammadan law, but is a hybrid product of English law and Hindu usage.

Muhammadans acquiesced in it, with the result that they are aghast to find themselves wedded to practices which are wholly foreign in spirit and letter to the law as laid down in the Holy Qoran. An habitual addiction to evil has blinded a section of my community to perceive the enormity of the wrong they are doing to themselves and to their community by according usage, which is contrary to the Islamic law, a status and dignity of personal law. That is a blasphemy. I know that the process of observing custom in preference to the Qoranic law has gone far enough, but not to a length that it has become impossible to reclaim them from their mistake. My belief that it is not too late to bring them round is based on the general desire of the country for coming back to the personal law and of their consciousness that custom has disintegrated them into different groups. Sir, it is on that account that I wholeheartedly support the Bill. It offers my community an opportunity of lining up those sections that are wandering in the jungle of different customs, to come back on the true and straight road of the religious law of Allah, and thus to walk together with the rest of Muhammadans of India, and earn the satisfaction of living up to the Koranic injunctions. But my zeal for my religion and my exultation at the fact that the Bill is an attempt at purification of my religion from corrupt customs that have insidiously entered into it, is not the only reason to prompt me to support the Bill, but I support it also because the Bill offers the Muhammadans an opportunity of basing their conduct in social, religious and spiritual spheres on basis of equality and humanity. I claim that the Islamic law is a complete *

[Khan Bahadur Sheikh Fazl-i-Haq Piracha.]

and competent law to lead and guide man in all aspects in life. Its principles are immutable in this mutable world and offer man illuminating and enduring guidance from falling into the quagmire of petty and selfish interests. Sir, I want to preface my discussion of some of the important and controversial provisions of the Bill with the remark that it is a very important piece of legislation, inasmuch as it embraces all the aspects of the social life of Muhammadans. As many as 17 different subjects of Muhammadan law have been included in this Bill, and I congratulate the Mover for introducing a Bill which is both precise and comprehensive, and is an embodiment of the wishes of the best section of the thinking Muhammadans.

On an examination of the various opinions supplied to us in 3 papers, I find that the only provision of the Bill which has aroused controversy is the one relating to succession. I would, therefore, Sir, devote my speech mainly to the discussion of this provision. I feel I am safe to conclude from my examination of the opinions that there is an explicit acceptance of the other provisions of the Bill, excepting the one relating to succession. I also find that the largest amount of opposition to this provision has come from my province. But knowing as I do my province and its people, I can claim that this does not represent the views of the Muslims. Every one from the Punjab whose opinions I have read has in his personal capacity welcomed the Bill and has not pleaded on his own behalf any difficulty that may crop up in its administration, but has on the other hand talked of difficulties with regard to others whose opinion does not find any place in the list of the opinions before us. All the religious heads and religious associations, which know the people and the difficulties which may arise in the working of the Bill when passed into law have blessed the Bill and have shown no uneasiness on its being placed on the Statute-book. I regret to find a conspicuous absence in the list of the opinions received, namely, of women, who are to be vitally affected by the Bill. It was necessary that they should have been consulted. I do not attribute the absence of their opinions to their indifference or neglect. The ladies whenever they got an opportunity have made emphatic demands of their lawful right to inheritance. I claim to know intimately the rural classes of the Punjab, and can confidently assert that all of them are God-fearing and religiously devoted, and they prefer to be governed by the Islamic than a man made law, which the customary law evidently is.

Sir, for every Mussalman birth of children is ordained by the Almighty and an unfair distinction of treatment, from the one laid down in the Quran, is an indefensible defiance of his Commandments. Man has no right to penalise a particular child on grounds of sex. All persons are equal, irrespective of their sex. If that is so, and I believe it is so, is it not a defiance of the Commands of God,—I seriously ask,—to differentiate in one's treatment between a daughter and a son, or between a sister and a brother? Islamic law guarantees to every member, irrespective of sex, rights in a definite proportion to the property of the deceased, and it is what the Bill seeks to restore. I am dead against any departure from that law. I advocate conformity to the law, because it is laid down by Allah, and is therefore binding on the followers of Islam. I consider it is based on the principles of equity and therefore should have the best claim on us. And it is because it offers us the best practical solution of the difficulties that are confronting us in our social sphere and are threatening to invade our domestic peace in the near future. Educated woman is coming into her

own; the growing majority of Muhammadan educated men are supporting directly or indirectly her claims to a more humane and rational treatment, and one can predict without any fear of contradiction, that in the course of a few years her example will spread, her resentment which is at present finding expression in courteous and reasonable appeal to men to redress her wrongs, would flare up and end in indignified agitation and among other things, embitter our domestic life. Based as is the agitation on moral and honest grounds, I am sure she will before long get her lawful rights and secure her legitimate position in the society. A gift, without grace, of what is her lawful right would never evoke appreciation or gratitude and would not help in the establishment of a harmonious family atmosphere. Wisdom lies in avoiding that rancour and frittering away of energies of one half or the better half section of the community from being spent in a domestic war. Muhammadans cannot afford the wastage of these valuable energies that can be usefully spent in the uplift of our domestic and social life. And, Sir, may I point out who are those to whom we are giving these rights? They are the flesh of our flesh, bone of our bone and blood of our blood, whose only fault is, that they were not born to us as sons and brothers.

Sir, I am confident of the support of the Government in this measure. My confidence rests upon their past interest and sympathy in the rights and welfare of the women of this land. That interest finds expression in the policy of the Government which is to accord women an individual status in the political and social sphere of life. She is a voter, a legislator, and an administrator and is a distinguished member of respectable professions.

There is another philosophy of human dealings known in political science as socialism, which is hanging as a menacing danger on us in India. It seeks to establish in practice equality of rights to every man, irrespective of sex and status. I am not here to define it or to defend it. But this much I know, that its realisation lies through a path of bloodshed, suffering and fighting, as the first enemy it has to fight against, is capitalism. I have no love for either, and, therefore, accord a sincere welcome to the Bill, as it provides a practical half way house between capitalism and communism.

Although I understand that succession to agricultural lands is from today a provincial subject, I would take this opportunity of making my observations to some of the objections raised in connection with the agricultural lands inherited under the proposed measure, if it is passed into law. As far as I am aware, two arguments have been advanced against the provision relating to succession on behalf of the agriculturists of the Punjab, namely, that its acceptance would accelerate the fragmentation of land and would neutralise the objective of the Punjab Land Alienation Act. Any one looking dispassionately at the agrarian problem of the Punjab would find out that by closing the right of females to inheritance to agricultural lands, the problem remains unsolved as ever. The remedy lies in industrialising the country and teaching the agriculturists industries subsidiary to agriculture. The Government should leave its time honoured practice of indulging in palliatives. It should address itself to the root of the problem and bring about conditions in the life of the agriculturists that would prevent them from falling a prey to the increasing temptation of an agrarian revolt. Multiply the avenues of decent earning for the agriculturist instead of telling him or pleading on his behalf that an addition of a female claimant to the land of his male relative will hasten his ruin. I could appreciate

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the argument of fragmentation of holdings if it was sought to support the principle of primogeniture in matters of inheritance or if there would have existed the practice of this principle. When such a principle does not exist and as many sons as there are of a father can divide among themselves his property, I cannot see how the addition of a daughter as a sharer of her father's land does lead directly and exclusively to the fragmentation of holdings. The net effect of the change contemplated in the Bill will be that a fragmentation that would have occurred and forced the sharers to resort to other vocations in life would come a little earlier than otherwise. This, I consider, is a silver lining to the dark clouds of the worries of the agriculturists. I feel that there exists a wide agreement on the point that land cannot support an ever increasing population and the time has come when the agriculturist should look forward to other vocations in life. I feel that the provision of the Bill which is assailed on the ground that it would hasten the process of fragmentation of land would to an extent provide that stimulus. There is already the process of fragmentation of land actively at work. The prevention of females from sharing the land in inheritance is not the remedy to stop the growth of fragmentation. The remedy as the Government have realised lies in the consolidation of holdings through exchange.

There is another argument that a foreigner would come in the family to share the ancestral property. That argument is not supported by practice, as generally marriages in the agriculturist class take place in the family itself and for the sake of keeping the property in the family, men would try to enter into matrimonial alliances in the same family.

Another argument advanced against this provision is that it will neutralise the object of the Land Alienation Act. Sir, I would have dilated on this point, but I am told by my friends that as the succession to agricultural lands is a provincial subject, and it would be beyond the scope of this Bill, I do not propose to speak over this matter any more.

Sir, in spite of my knowledge of the fact that the other provisions of the Bill command acceptance, I would take the liberty of laying emphasis upon the provisions of the Bill relating to divorce and wakf. Sir, the present Anglo-Muhammadan law as practised in the British courts in matters of divorce, etc., has given rise to the dangerous and unhealthy practice of resorting to apostasy by women. In the original Muhammadan law the wife has a restricted right of divorce known as Khulla, but in the Anglo-Muhammadan law as administered in our courts, this right is not recognised. The result is that the courts do not assist her in escaping from the tyranny of her husband who can leave, remarry and practise other cruelties except by renouncing her faith temporarily and not out of sincere conviction, as the only means of escape. Instances of this feigned apostasy are numerous and to check its growth some members of this House have given notice of introducing a Bill to deal with this evil. With the passage of the Bill under discussion, the cruelly treated wife will be able to get the desired divorce on reasonable grounds and without abjuring her faith. If this Bill is passed into law, it will be necessary in this connection that, in matters of divorce and dissolution of marriage, the proper authority to order such judgments under the Islamic law must be a Muslim. Therefore, in case the proposed Bill is passed into law, the Government shall have to keep in mind to provide for such Courts of Muslims as are necessary

in certain matters according to the Shariat law, for which I think no extra expenditure at all would be needed. I desire to speak for a few minutes more, in connection with the Wakf, but as I have already taken a good deal of time of the House, and some of my friends are anxious to move their Bills. So I close my speech and support the Bill wholeheartedly.

Maulana Shaukat Ali (Cities of the United Provinces: Muhammadan Urban): Sir, I would have given a silent vote on this Bill, but as it is a very important matter, I would like to take a minute of the time of the House. The Honourable the Mover of this Bill, Hatiz Muhammad Abdullah has done not only a good and pious act, but has also done a great service to Islam and removed a black stigma from the face of the Muslims of the Punjab. In the face of the Koranic law, the customary law a very bad and irrational law was brought in and the daughters and sisters were deprived of their shares in the property and given to the sons and brothers only. We are all grateful to the Honourable gentleman for bringing forward this Bill, and I support the motion.

Mr. Muhammad Azhar Ali (Lucknow and Fyzabad Divisions: Muhammadan Rural): My province of Oudh is the province which will be greatly affected if this Bill is passed into law. I give my whole-hearted support to the Bill, but I would request that, when the Bill comes before the Select Committee, provision may be made in the Bill so that it will not operate to the detriment of the people there. There is a law of pre-emption which is specific for the province of Oudh and also the law of dower is specific for my province. I do not want to dilate on these points today, but I will take them in the Select Committee. I sincerely hope that the Select Committee will give due regard to the points that I may raise in the Committee. With these few remarks, I support the motion.

Maulvi Syed Murtuza Sahib Bahadur (South Madras: Muhammadan): So far as the present motion is concerned, no long speeches are necessary. Of course, Islamic law is the boon of the community, whereas customary law has proved a bane to the Islamic society. So it is that this Bill has been tabled by my Honourable friend, Abdullah, Sahib, who has done a great service to Islam. Under Muslim rule Islamic Law was being administered by Kazis, Muftis, and Kaziul Kazzats. Even during the earlier days of the English rule there was Islamic law in promulgation for some years, but, later on, that was substituted by customary law, which, as I have already said, has proved itself a bane. I am very glad to learn that even the Government will not oppose this, and so no long speeches are necessary. So far as my province is concerned, I may pride myself on the fact that Islamic law is being administered there at least in some matters.

Sir Abdul Halim Ghuznavi (Dacca cum Mymensingh: Muhammadan Rural): Also in Bengal.

Maulvi Syed Murtuza Sahib Bahadur: I am very glad to hear it. It is Islam, as has been remarked by previous speakers, that has raised the status of women to a great extent, and such a thing has been denied to our sisters and mothers of the Punjab. This Bill is calculated to improve matters to a great extent, and, therefore, I support the motion.

The Honourable Sir Henry Craik (Home Member): I would like, in the first place, to reply to a certain observation made by the Honourable the Mover, to the effect that Government had taken up a dilatory attitude with regard to this Bill. That, Sir, is not correct. On the previous occasion, that is to say, in April last year, the Honourable Member moved to take the Bill into consideration, and I moved that the Bill be circulated. He immediately accepted that motion and the House agreed to it. There was nothing dilatory about that, and the fact that the Bill has not previously come up for discussion is not due to any action on the part of Government but to the fact that the Bill in front of it took such a very long time. As far as I remember, no Government Member even spoke on that Bill and a good many Honourable Members who have supported the present Bill did take an active part in the discussion of the Arya Marriage Bill, no doubt, for a perfectly good reason.

When my Honourable friend moved in April last year that this Bill be taken into consideration I did sound a note of caution, because I said that in regard to certain matters and with reference to certain parts of the country, this Bill made what can only be described as a very revolutionary change. I am not saying that it is not a good change, I am not saying that it is not in the interests of equity, good conscience and the greater happiness of the greater number. But it will be admitted that in regard to a certain type of property, that is agricultural land, and in regard to certain parts of the country, the Punjab, Baluchistan, Sind, I think part of Madras, and possibly parts of other provinces, it did purport to make a very drastic change on a matter that must affect closely the daily lives of a great many million Muslim land-owners. I do feel that in regard to that particular provision it would be premature to say that public opinion is solid behind that particular change. I believe conscientiously that in the case of the Punjab, for instance, not one in a thousand of the people whose lives will be affected by this change in the matter of succession to agricultural land is even aware that the change is under discussion, and I shall certainly be very surprised if a genuine plebiscite could be taken, if the great majority of the land-owners in that part of the country were in favour of it. However that may be, it has been pointed out to me recently by the Honourable the Mover and his friends that in so far as the Bill purports to change the methods of succession to agricultural land it cannot have effect. Under the Government of India Act of 1935 which comes into force today, legislation on the subject of the transfer, alienation and devolution of agricultural land, is a subject for the Provincial Legislature and the Central Legislature has no competence in regard to that matter. If Honourable Members will look at entry No. 21 in the Second List of Schedule VII of the Act, they will see what I mean, and if they will look at entry 7 in List 3, that is the concurrent legislative list, they will find that concurrent legislative powers are given both to the Central and Provincial Legislatures in regard to the following subjects—"Wills, intestacy, and succession, save as regards agricultural land". In other words, the right to legislate in regard to the succession to agricultural land is a right wholly for the Provincial Legislature, and in so far as this Bill seeks to change the rule of succession to agricultural land, it will of necessity be inoperative and to that extent it must be amended by the Select Committee. Now, Sir, that being the case, the main ground on which I ventured on the last occasion to strike a note of caution has disappeared.

I believe that the change that the Bill will seek to introduce is not merely so revolutionary or so drastic as I had at first imagined. I take it that speaking very broadly and no doubt subject to certain exceptions the general position in the Punjab, in Sind and probably Baluchistan is that Muslims who are agriculturists are at present bound by custom in regard to questions of succession and so on.

Syed Ghulam Bhik Nairang: Not all.

The Honourable Sir Henry Craik: Broadly speaking, that is the general rule. On the other hand, I think I would be fairly correct in saying that Muslims who are not agriculturists, those who live in towns, are broadly speaking already bound in regard to these matters by the Muslim Shariat law and so far as they are concerned, this Bill will not make any great change.

Syed Ghulam Bhik Nairang: Even they are constantly tempted to evade the provisions of the personal law by the contagion of these agriculturists.

The Honourable Sir Henry Craik: Possibly, but broadly speaking and subject to certain exceptions what I have said is correct. If the House accepts that view and if it accepts, as it must accept, what I have just stated as regards the effect of the new Act, that it cannot make any change in regard to the succession to agricultural land, then as I said the main reason why I was inclined to be cautious about this Bill disappears. That is also the main reason why the various people consulted, both Local Governments, officials and non-officials also, have in a good many cases taken objection to this Bill and that, I may say, is also, as will be within the recollection of my Honourable friends from the Punjab, the main reason why a similar Bill introduced in the Punjab Legislative Council was not proceeded with. It was perfectly apparent that it was not going to get the support of the great bulk of the Muslim agriculturists. In these circumstances, Government will support the motion to Select Committee, but I would like to express a hope that the examination in the Select Committee of the Bill will be as thorough and adequate as it possibly can be, and I would also suggest that if, as I think likely, the Bill emerges from the Select Committee considerably changed from its present form, then it would be wise in the interests of the Muslim community themselves if the House would agree to a further circulation. It is no good in these matters trying to legislate in advance of public opinion. I think it always pays in these social matters to make sure, before a measure of this kind is passed into law which will affect the daily lives of many millions of Muslims, that it has the great mass of public opinion behind it. Also, let me remind the Muslim Members of a measure passed so long ago as 1920, Act No. XLVI of 1920. The principle embodied in this Act is quite a simple one, but I do think it deserves very careful consideration. It refers to the Cutchi Memons, who I understand are a Moslem community in the Bombay Presidency, and its object is thus stated in the Preamble:

"Whereas it is expedient to enable those Cutchi Memons who so desire to be governed in matters of succession and inheritance by the Muhamadan law; It is hereby enacted as follows—"

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and the operative section is this:

"Any Cutchi Memon who has attained the age of majority and is resident in British India, may by declaration in the prescribed form and filed before the prescribed authority, declare that he desires to obtain the benefit of the Act, and thereafter the declarant and all his minor children and their descendants shall in matters of succession and inheritance be governed by the Muhammadan law."

In other words that law gives the right of choice to the person concerned whether he and his descendants will come under Muhammadan Law and it does seem to me, speaking with great deference and speaking of course as one completely outside—it cannot affect me and my people—that is a wise principle. I think it deserves very careful consideration whether it is not wise in these matters to give the individual the option and not to compel him to accept a rule of law of which he may be imperfectly informed. With these words, I support the motion before the House.

Mr. Chairman (Sir Leslie Hudson): The question is:

"That the Bill to make provision for the application of the Moslem Personal Law (*Shariat*) to Moslems in British India be referred to a Select Committee consisting of the Honourable the Law Member, the Honourable the Home Member, the Honourable Sir Muhammad Zafrullah Khan, Maulvi Syed Murtuza Sahib Bahadur, Maulana Shaukat Ali, Qazi Muhammad Ahmad Kazmi, Dr. Ziauddin Ahmad, Sir Muhammad Yamin Khan, Syed Ghulam Bhik Nairang, Khan Bahadur Sheikh Fazl-i-Haq Piracha, Nawab Sahibzada Sir Fayad Mehr Shah, Maulvi Badrul Hasan, Khan Sahib Nawab Siddique Ali Khan, Mr. M. Asaf Ali, Dr. G. V. Deshmukh, Sir Muhammad Yakub, Mr. Muhammad Azhar Ali and the Mover, and that the number of members whose presence shall be necessary to constitute a meeting of the Committee shall be five."

The motion was adopted.

THE MUSLIM INTESTATE SUCCESSION BILL.

Sir Muhammad Yakub (Rohilkund and Kumaon Divisions: Muhammadan Rural): Mr. Chairman, there are two Bills in my name this afternoon, viz., Nos. 13 and 14. My friend, Mr. Ghiasuddin, has pointed out that No. 13 is an unlucky number. Therefore, I request you that, instead of allowing me to move No. 13 first, you would allow me to move No. 14 first, and after it has been disposed of, I will take the unlucky number. (Laughter.)

Mr. Chairman (Sir Leslie Hudson): Both Nos. 13 and 14 stand in the name of the same Honourable Member, and, therefore, if the House will give permission to Sir Muhammad Yakub to move No. 14 first, that will not make any difference to the ballot which has been taken for the rotation of Bills. Will the House give permission to Sir Muhammad Yakub to move item No. 14 first? (Voices: "Yes, yes.") Sir Muhammad Yakub.

Sir Muhammad Yakub: Sir, I move:

"That the Bill to declare that properties of a Muslim dying intestate, and without any heir devolve upon the Muslim Community, be circulated for the purpose of eliciting opinion thereon."

Mr. Chairman, I do not propose to make a long speech in moving this motion. I do not ask the House even to commit to the principle

of my Bill. I only want that public opinion should be elicited for this measure. This Bill is intended to provide that the estate of an intestate Muslim, subject to Muslim law, dying without any heir, shall devolve upon the Muslim community in accordance with the *Shariat* in preference to its escheating to the Crown. Sir, as I stated this morning, in connection with the other Bill, in matters of inheritance and succession, to both moveable and immoveable property, the law to be administered to Muslims is their personal law, which in this respect has not been altered or established by any legislative enactment. The pure rule of Muslim law is that the property of an intestate and heirless Muslim upon his death devolves upon the Muslim community on whose behalf the *Baitul-mal*, if existing in any locality, may receive it, or which may make any other arrangements for the custody, maintenance and expenditure of such properties. That is the object of my Bill, Sir, and with these remarks I move my motion.

Mr. Chairman (Sir Leslie Hudson): Motion moved:

"That the Bill to declare that properties of a Muslim dying intestate, and without any heir devolve upon the Muslim Community, be circulated for the purpose of eliciting opinion thereon."

The Honourable Sir Henry Craik: Sir, I support the motion, but I would like to point out that the point I made in regard to the effect of the previous Bill would apply to this Bill; that is to say, in so far as its purpose is to legislate in regard to the succession to agricultural lands, it will not be within the power of the Central Legislature to legislate upon that.

Sir Muhammad Yakub: I say that such estate shall devolve on the Muslim community and shall not escheat to the Crown; I refer to estate which otherwise would escheat to the Crown. However, that is a matter which can be discussed later on.

Dr. Ziauddin Ahmad (United Provinces Southern Divisions: Muhammadan Rural): Sir, in this connection I would like to point out one fact, though it does not come in directly within the scope of this Bill. In the year 1927, the late Honourable Mr. Haroon Zaffar moved a motion in the Council of State that the amount of interest not claimed by the Mussalmans and lying in the possession of Government ought to be handed over to some Muslim institution. Government gave a solemn undertaking on that occasion, but since 1927 attention has repeatedly been drawn to the fact that these balances of unclaimed interests ought to be handed over to some Muslim institution. For some time I think Government gave an account about the amount which was lying as unclaimed balances in the possession of the Government, but after 1931 even this account of unclaimed balances also disappeared, and we do not know at present what is the amount still lying in the possession of Government. So I think that the scope of this Bill may be extended slightly so that these balances of unclaimed interests lying in the possession of the Government might also be handed over to some Muslim institution. There are persons of a religious mind who do not take the interest on the securities in the possession of the Government, and I think that those amounts might also be transferred.

Babu Baijnath Bajoria (Marwari Association: Indian Commerce): Have the Government separate accounts?

Dr. Ziauddin Ahmad: They do not, I think, keep separate accounts, but I think this account should also be kept, and I take this opportunity to impress upon the Government that they have no claims whatsoever on the proceeds of any interest unclaimed by the Mussalmans, and I think these ought to be handed over to some Muslim charitable institution.

Mr. Chairman (Sir Leslie Hudson): The question is:

"That the Bill to declare that properties of a Muslim dying intestate, and without any heir devolve upon the Muslim Community, be circulated for the purpose of eliciting opinion thereon."

The motion was adopted.

THE INDIAN SUBSCRIPTIONS BILL.

Mr. Chairman (Sir Leslie Hudson): Sir Muhammad Yakub.

Mr. G. H. Spence (Secretary, Legislative Department): Sir, before the Honourable Member is called upon to move his motion* . . .

Sir Muhammad Yakub (Rohilkund and Kumaon Divisions: Muhammadan Rural): I think you can raise your objection afterwards?

Mr. G. H. Spence: No, I must take it now; I ask your ruling on the question whether, in the position existing today, on which broadly speaking the whole of the Government of India Act, 1935, except Part II, has come into operation, this Assembly retains any jurisdiction to proceed with this Bill. I submit, Sir, that it does not. Section 100 of the Government of India Act, 1935, is now in force, and the effect of that section is to confine the legislative jurisdiction of the Indian Legislature—to which, by virtue of section 316, the references in section 100 to the Federal Legislature are to be read as referring—to matters enumerated in List I and List III in the Seventh Schedule. In respect of matters enumerated in List II in that Schedule, exclusive legislative jurisdiction vests in the Provincial Legislatures, and in respect of matters enumerated in none of the Lists, no Legislature in India has jurisdiction to legislate unless and until an empowering notification is issued by the Governor General under section 104. Consequently, Sir, to sustain my contention that the Bill is one which this House is no longer competent to entertain, I have only to show that the matters in respect of which it seeks to legislate are not matters enumerated in either List I or List III. The Honourable the Mover will, I think, concede that for the most part no entry in List I and List III is of any possible relevance, but I understand that he will seek to relate the subject-matter of this Bill to entry No. 9 in List III, that is to say, trusts and trustees. But I submit that it cannot be related to that entry. You will see that in clause 8(b) provision is proposed to be made with the effect of expressly excluding funds forming the subject-matter of trusts created under the Indian Trusts Act from the operation of the Bill; while, if the Honourable Member seeks to fall back upon the argument that the monies with which his Bill deals

*"That the Bill to make provision for the better administration of moneys raised by public subscription and for ensuring the keeping and publication of proper accounts in respect of such moneys be circulated for the purpose of eliciting opinion thereon."

constitute constructive trusts, I must refer him to his own statement in the Statement of Objects and Reasons where, having referred to section 92 of the Code of Civil Procedure, he goes on to say that it would be difficult to establish in a Court of law whether subscriptions of all sorts can be included within the category of 'Express or Constructive Trust'. That, I think, would be very difficult indeed. If you look at clauses 3 and 4 you will see that the subject-matter with which the Bill seeks to deal are subscriptions and that it seeks to impose certain obligations on persons who have appealed for subscriptions for any charitable or public purpose. Now, Sir, I think it is pretty clear that in so far as the Bill seeks to provide for subscriptions raised for any charitable purpose the subject-matter of the Bill must be related to entry 34 in list 2, which, *inter alia*, embraces charities. If it is the case that subscriptions raised for public purposes, not being charitable purposes, are not within the scope of charities, then, I think, we must conclude that to that extent the subject-matter of the Bill is not within any list at all and that an empowering notification under section 104 would be a necessary condition precedent to any Legislature proceeding in the matter. For these reasons, it seems to me that this is a Bill with which this Legislature is no longer competent to proceed and I must ask your ruling on the matter.

Sir Muhammad Yakub: Mr. Chairman, I submit that the objection raised by the Honourable Secretary of the Legislative Department is not valid. In the first place, I would point out, that this Bill clearly comes within the purview of list No. 3, entry No. 9, which relates to trusts and trustees. It does not come within the purview of entry No. 34 of list No. 2, because public subscriptions need not necessarily be for charitable purposes or for charities. In fact, subscriptions generally are in the nature of trusts, and, therefore, this House has got the concurrent jurisdiction to enact laws with regard to these matters. Then, I have got a further submission to make in this connection and it is this that the utmost that can be held in this connection is that there is no clear provision about the subscriptions in the Act. If it is so, then I would refer you to section 104 which lays down:

"That the Governor General may by public notification empower either the Federal Legislature or a Provincial Legislature to enact a law with respect to any matter not enumerated in any of the lists in the seventh Schedule of this Act."

Now, Sir, as my friend the Honourable Secretary of the Legislative Department has himself admitted that there is no clear provision with regard to this matter, I submit that it is not a matter of which this House cannot take cognizance. I submit therefore that my motion for circulation may be adopted and in the meanwhile I will take action under section 104 and will move the Governor General in Council to declare that this matter can be taken up by this House. There is nothing in the Act to prevent the introduction of this Bill for which there is no enumeration. What I mean to say is that there is no clear provision that the House cannot take cognizance of this Bill. If there were a clear provision in the Act that the Bill relates to a subject of which this House cannot take cognizance, then, of course, I would have been out of the court and I could not move this Bill. On the other hand, if there is a provision for concurrent jurisdiction in No. 9 to which I have just referred, then I submit that I may be allowed to move my motion. If it is considered later on that it is not covered by No. 9, then during the period when public opinion is collected I will take necessary action under section

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104 and move the Governor General in Council to declare that this House is competent to legislate on this matter. Therefore, I submit, that there is no bar to my motion which is only for circulation.

Mr. G. H. Spence: May I say a word in reply to that? I think, Sir, that on the merits the Honourable the Mover really gave his case away when he relied on section 104 which, as I pointed out and he did not attempt to deny, gives power to the Governor General to empower either a Federal Legislature or a Provincial Legislature to enact a law with respect to any matter not enumerated. If this is a law in respect of a matter not enumerated, then the Governor General has got to empower before section 104 can help the Honourable Member at all. As to the Honourable the Mover's contention that the ban is on enacting the law and that his Bill can go through the Legislature from the stage of introduction onwards, I submit that it is the plain duty of the President or of the person for the time being presiding to restrain this Legislature from taking into consideration a Bill which it is incompetent to enact.

Sir Muhammad Yakub: We are not taking this Bill into consideration at this stage.

Mr. G. H. Spence: Or from entertaining it in any way whatsoever.

Mr. Chairman (Sir Leslie Hudson): It seems to the Chair that it is evident that the subject of this Bill for the better administration of moneys raised by public subscription for charitable and other purposes is definitely laid down as being included in Part II, and, therefore, it belongs to the provincial legislative list. Sir Muhammad Yakub's reference to section 104 would probably have been perfectly in order provided a notification could have been obtained prior to the Bill being laid on the table of the House. That has not been done, and, therefore, the Chair must rule that it is not within the competence of this House to discuss this Bill.

THE CONTROL OF COASTAL TRAFFIC OF INDIA BILL.

Sir Abdul Halim Ghuznavi (Dacca cum Mymensingh: Muhammadan Rural): Mr. Chairman, I beg to move:

"That the Bill to control the Coastal Traffic of India be referred to a Select Committee consisting of the Honourable Sir Nripendra Sircar, the Honourable Sir Muhammad Zafrullah Khan, Sir Muhammad Yakub, Babu Baijnath Bajoria, Seth Haji Abdoola Haroon, Pandit Nilakantha Das, Pandit Krishna Kant Malaviya, Mr. Sami Vencatachalam Chetty, Dr. G. V. Deshmukh, Maulvi Syed Murtuza Sahib Bahadur, Sir Cowasji Jehangir, Sir Leslie Hudson, Mr. F. E. James, Mr. Akhil Chandra Datta, Dr. Ziauddin Ahmad and the Mover, and that the number of members whose presence shall be necessary to constitute a meeting of the Committee shall be five."

Sir, this is a very important measure and out of a House of 145 Members, of which forty are official and nominated Members, and 105 elected Members, I have obtained signatures of no less than 42 elected Indian Members in support of this Bill. I am sure every Indian elected Member will support this measure. This Bill is intended to remove a possible impediment to the growth and development of the Indian mercantile marine. Mr. Chairman, the Statement of Objects and Reasons

clearly specify that there is no question of any discrimination between British and Indian shipping. But, Sir, past experience shows that a well established powerful company engaged in coastal traffic can easily put a new venture out of action by unfair competition, that is rate cutting, grant of rebates, etc. The fear of unfair competition deters Indian capital being invested in coastal shipping. If the Governor General in Council be given power to prevent such competition, the fear will be largely allayed and a new line of commercial activity may be opened out to Indians. By this Bill power is given to the Governor General in Council, when he is satisfied that unfair competition exists, to fix minimum rates of fare and freight as well as to prohibit the grant of rebates or other concessions which are calculated to reduce such minimum rates. Contravention of any rule prescribed by the Governor General in Council or any direction given by him with regard to the grant of concessions is made punishable with fine or refusal of entry to an Indian port.

Mr. Chairman, before I proceed with the history of the coastal shipping, I will give you briefly a statement why this Bill is introduced.

Sir, this Bill is a modest piece of legislation whereby it is intended to check, if not altogether prevent, unfair competition which has ruined in the past so many Indian ventures in coastal shipping and which has deterred Indian capital being invested therein. It is not discriminatory in its application inasmuch as it affects all offenders—be they Indian or non-Indian. As a matter of fact it proposes to deal with the kind of abuses in the shipping line which was referred to by Mr. M. R. Jayakar and His Grace the Archbishop of Canterbury in the course of the examination of Sir Samuel Hoare, the then Secretary of State for India, before the joint Committee on Indian Constitutional Reform when it was stated that a piece of legislation of the present character would not come under the discriminatory proposals embodied in the new constitution.

Then, again, we find, Sir, a hue and cry in the British shipping circles against the unfair competition from foreign shipping. It was only recently that the Honourable Mr. Alexander Shaw, Chairman of the P. & O. Company, in his presidential address to the Institute of Marine Engineers put forward a strong plea for action on the part of the British and the Dominion Governments to save British shipping from the consequences of unfair foreign competition and demanded from them a policy of active support to British shipping.

I may be permitted in this connection to refer briefly to the report of the Tramp Shipping Administrative Committee issued recently in London in the form of a White Paper. It is a significant document which illustrates what Government are doing in other parts of the world for their shipping and should serve as an object lesson to Government of India. In the words of the *Hindustan Times*, this Report may be summed up as follows:

The report is the result of the Committee's experience of the period of two years during which the £2,000,000 subsidy had been helping the tramp shipping industry in Britain. The Committee state that the grant of the subsidy had not only saved British tramp shipping from collapse, but had restored its confidence, stopped the abnormal sale of tramp ships abroad and laid the foundation for the replacement and possible expansion of the British tramp fleet. The subsidy has helped to increase the employment of tramp ships and almost eliminated unemployment among British seamen. The report adds that the subsidy has led indirectly to

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improved business and employment in ancillary trades such as ship-building and repairing. As important as the subsidy itself, was the action taken by the Government in insisting on the industry organizing itself, and establishing a system of co-operation between British and foreign shipowners and rationalizing tonnage. In order to prevent possible dissipation of the subsidy, the Government had insisted on the industry minimizing domestic competition; the employment of British seamen was also insisted on. No wonder that, as the result of such purposive endeavour, the Committee are in a position to state that almost every British ship available and every British seaman has been able to find employment.

This reference to the achievements of British tramp shipping with the help of the substantial subsidy from Government has a two-fold objective. Similar help to the Indian shipping industry from the Government of India if possible will be valuable, inasmuch as it will not only lead to the re-emergence of the Indian ship-building industry, but to the employment of large numbers of Indian seamen and others. Then again the value of an Indian mercantile marine as an efficient asset in the national system of defence and economy is obvious, and a Government, which professes to train us to govern and defend ourselves, should not overlook such an obvious task. In point of fact, however, vested interests have been opposing even so meagre a measure as the reservation of the coastal traffic to our own bottoms and will take exception even to this still more modest measure.

May I not, therefore, Sir, justly say that what is sauce for the gander is also sauce for the goose. If Britain as the pioneer in the field of shipping and holding the premier position amongst the maritime countries of the world requires protection against unfair competition, how much more is it necessary that unfair competition and rate-wars should be prevented with a view to encourage the development of an Indian Mercantile Marine.

The Government of India have not only expressed themselves repeatedly to be in full sympathy with the widespread desire of Indians that India should possess a merchant fleet of her own but they have also repeatedly declared it as their policy to facilitate the growth and expansion of coastal trade of India in so far as that coastal trade is operated by Indian agencies and through the instrumentality of Indian capital. It is time now, therefore, that their declarations and statements of policy should be implemented and translated into tangible and concrete action.

I do think that Indian shipping like other national industries is entitled to exist and develop on its own inherent right and not be allowed to live through the favour and grace of its competing interests. I therefore consider that Government should possess adequate powers themselves to prevent the annihilation of Indian shipping enterprise and to secure for it economic conditions of employment on the Indian coast.

Sir, as I have already stated, the object of the present Bill is to encourage the development of an Indian Mercantile Marine and the method proposed is to remove an impediment to its existence, growth and development by making it impossible for any shipping concern to carry on rate-wars with impunity in the future as in the past. I earnestly

appeal to Government to judge this Bill in its broad aspect as one designed for the prevention of ruinous and unfair competition in the coastal trade of India and not split hairs as regards this word or that sub-clause in determining their attitude to the measure as indeed was attempted to be done by the Honourable Mr. Dow in the Council Chamber when the Honourable Mr. Sapru moved for reference of this Bill to a Select Committee of that Honourable House. If the evil complained of exists and if it runs counter to the declared professions of the Government to develop an Indian Mercantile Marine, it would, I submit with respect, not be an answer to it that the Bill as introduced is badly drafted, or that its penalty clause is impracticable, or that the separation of Burma from India creates a difficulty, or that minimum rates can be got round by secret rebates, or that minimum rates encourage the growth of mushroom companies or to draw fanciful comparisons as regards the fashioning of this Bill with that of *Don Quixote's* helmet.

[At this stage, Mr. President (The Honourable Sir Abdur Rahim) resumed the Chair.]

That is really evading the issue and not dealing fairly and squarely with it. Instead of these unsubstantial criticisms one should have expected the Government of India to introduce a suitably drafted Bill to deal with the troubles and difficulties which undoubtedly exist and which have to be got over before an Indian Mercantile Marine can come into existence. Not only is this not being done, but every effort is being made to defer and delay the modest effort in that direction embodied in the present Bill, and eventually to kill it with kindness and assertions of Government's intention to assist in the building up of an Indian Mercantile Marine. I have no doubt that the principle of the Bill will be acceptable to an over-whelming majority of this Honourable House and such defects as exist in its provisions are really to be considered, discussed and got over in the Select Committee. I have no objection and can possibly have none to any reasonable modification or amendment in the measure which will prevent unfair competition, the principle underlying the Bill, and at the same time enable Indian shipping to exist and develop, which is the object of my Bill.

Sir, it is not necessary to go into the whole history of Indian navigation and maritime activities in order to realise that India has a remarkable tradition in the matter of shipping. I would refer, for instance, to the History of Indian Shipping by Dr. Radha Kumud Mukherji and many other similar works for the tradition and achievements of Indian maritime activity from the earliest times. But even after the advent of British rule in India, Indian ship-building and navigation were in a flourishing condition, and numerous authorities could be cited to show the skill of Indian shipbuilders and Indian sailors as well as the strength and beauty of Indian built ships. I could cite British authorities to show how British shipbuilders and shipping interests viewed the existence of competition of Indian built and Indian owned ships and what steps were taken to prevent the employment of Indian built ships in the trade between England and India. I am mentioning all this in order to show that Indian shipbuilding and shipping industry had made great progress in the past, and Indian navigators and sailors were known all over the world for their skill and endurance. Sir, since Britain was the pioneer in the industrial field and shipping, British shipping came gradually to

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control not only the trade between India and England but even the coastal trade of India itself. I believe, Sir, that the P. & O. company secured the mail contract for India in 1842, that is, nearly 94 years ago, and the British India Steamship Navigation Company received the subsidy for the carriage of mails between Calcutta and Rangoon in 1853 from the East India Company and has been receiving it from the Government of India since 1863, that is, for the last 75 years. Sir, I need not point out that this subsidy was

Sir Muhammad Yakub (Rohilkund and Kumaon Divisions: Muhammadan Rural): Sir, I beg to point out that there is no quorum.

(The bell was rung for two minutes.)

Mr. President (The Honourable Sir Abdur Rahim): As there is no quorum, the Assembly is adjourned.

The Assembly then adjourned till Eleven of the Clock on Friday, the 2nd April, 1937.

LEGISLATIVE ASSEMBLY.

Friday, 2nd April, 1937.

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.

DISPLAY OF FLAGS OR EMBLEMS ON THE TABLES OF HONOURABLE MEMBERS WITHIN THE ASSEMBLY CHAMBER.

The Honourable Sir Frank Noyce (Leader of the House): Sir, I rise to a point of order. I see—as you will see, Sir,—certain emblems on the Benches opposite. I bring this matter to your notice with a view to your deciding whether they should be removed or not.

Mr. Bhulabhai J. Desai (Bombay Northern Division: Non-Muhammadan Rural): With very great respect, Sir, I do not see any point of order. Any person is entitled here to come in any dress he likes and represent any emblem he likes; and if my Honourable friends on the other side are so highly offended, they will hear of it more at 4 o'clock.

Mr. President (The Honourable Sir Abdur Rahim): As regards dress, the Chair entirely agrees with the Leader of the Opposition and if Members stick anything on to their dress, the Chair would have no objection. But no flags should be placed on the table. (Members on the Congress Benches then put the flags on their persons). The Chair has nothing more to say.

MEMBER SWORN.

Mr. George Richard Frederick Tottenham, C.S.I., C.I.E., M.L.A. (Defence Secretary).

QUESTIONS AND ANSWERS.

RECRUITMENT OF DOMINION SUBJECTS FOR THE DEFENCE FORCES OF INDIA.

822. ***Mr. M. Asaf Ali**: (a) Will the Army Secretary state the exact nature of the information which recently appeared in the press regarding certain questions and answers in the Parliament relating to recruitment for the Defence Services in India?

(b) Are Government actually thinking of bringing Dominion troops, or Dominion subjects into the Defence Forces of India?

(c) If the reply to part (b) be in the negative, on what authority was it said in the British Parliament that Government were thinking of recruiting Dominion subjects for the Defence Forces of India?

(d) Are any Dominion subjects at present employed in the Defence Services of India? If so, how many, and in what capacity?

Mr. G. R. F. Tottenham: (a) I can add nothing to the press reports on the subject.

(b) No.

(c) It appears that a passing reference was made in a debate in the House of Commons to the purely hypothetical contingency that in certain circumstances it might be necessary for His Majesty's Government to form a Foreign Service Army, as distinct from a Home Service Army, a certain number of recruits for which might be obtained from the Dominions. There is no proposal to recruit Dominion subjects for the Defence Forces of India.

(d) A few Dominion subjects are probably serving as officers both in the Indian Army and in the British Army in India. I cannot give the exact numbers.

Mr. M. Asaf Ali: May I know whether any Indian nationals are employed in any of the Dominions?

Mr. G. R. F. Tottenham: I would require notice of that.

ACCEPTANCE OF TENDERS FOR THE SUPPLY OF COAL TO STATE RAILWAYS.

823. ***Pandit Lakshmi Kanta Maitra:** (a) Do Government still adhere to the principle stated by the Honourable the Commerce Member in reply to starred question No. 1172 of Dr. P. N. Banerjee, on the 12th March, 1936, that in accepting the tenders for the supply of coal to State-managed Railways one of the considerations is "the distribution of the requirements over as many collieries as possible consistent with the quality of coal and economic prices in order to keep as many collieries working as possible during the current depressed state of trade?"

(b) If the answer to part (a) be in the affirmative, will Government be pleased to state what are the present economic prices of different classes of Loco coal?

(c) Is it a fact that Government have this year allotted much less than the usual quantity to the collieries who quoted same rate? If so, why?

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

(b) Economic price is dependent on quality and other factors and cannot be established for coal by classes.

(c) The answer to the first part is in the negative. The latter part does not arise.

GRADES OF COAL FIXED BY THE INDIAN COAL GRADING BOARD.

824. ***Pandit Lakshmi Kanta Maitra:** (a) Will Government be pleased to state:

(i) whether the Chief Mining Engineer, Railway Board, is the President of the Indian Coal Grading Board;

(ii) whether the officials of the Chief Mining Engineer's Department take samples from different collieries for grading purposes; and

(iii) whether the grades fixed by the Grading Board are accepted and adhered to by the Railway Board at the time of accepting the coal tenders; if not, why not?

(b) Will Government please state whether at the time of accepting the coal tenders the Railway Board make any distinction between graded and ungraded coals?

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

CHANGE IN GOVERNMENT'S POLICY REGARDING PURCHASE OF COAL.

825. ***Pandit Lakshmi Kanta Maitra:** (a) Do Government change their policy regarding their coal purchase from year to year? If so, is the same made known to the different coal trade organisations before the tenders are called for? If not, do Government propose to consider that the trade should know it beforehand?

(b) Is it the practice of the Railway Board to group together different collieries producing more or less same quality of coal for the purpose of determining the allotment?

(c) Is the grouping changed from year to year? Is it a fact that in such grouping, coals which were considered for years as inferior to some are apparently grouped with better quality of coal and allotted larger quantities?

(d) Are the Railway Board prepared in future to arrange to supply the different coal trade organisations, before the tender is called each year, the list of such grouping of collieries made by the Board at the time?

(e) Are Railway freight and tollage taken into consideration along with the rates tendered at the time of accepting coal tenders? If not, why not?

(f) Are the Railway Board prepared to issue instructions that simultaneously with the issue of letters of acceptances, a complete list of accepted tenders be furnished to the different trade organisations?

(g) Will Government state whether they consider Jote Dhemo and Jote Janaki class of coal as equal in quality in comparison with Jambal and Kajora quality coals?

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

COAL TO BE PURCHASED FOR THE EAST INDIAN AND EASTERN BENGAL RAILWAYS.

826. ***Pandit Lakshmi Kanta Maitra:** (a) Will Government be pleased to state what quantities of coal they propose to take from the Railway collieries for East Indian Railway and Eastern Bengal Railway, respectively, during the year 1937-38?

(b) What quantity did they allot for those Railways during 1936-37 from the Railway-owned collieries?

The Honourable Sir Muhammad Zafrullah Khan: (a) and (b). The Eastern Bengal and East Indian Railways have been allotted 60,000 and 840,000 tons, respectively, of steam coal from railway collieries for 1936-37 and 1937-38.

EXPIRY OF LEASES OF NAZUL LANDS IN CERTAIN AREAS IN DELHI.

827. ***Seth Sheodass Daga:** (a) Are Government aware that the lease of certain nazul lands in Bhandani Mohalla, and other areas in Paharganj, Delhi, expired some years ago, i.e., in 1924—28?

(b) Are Government aware that since then the lessees have been requesting the authorities for the renewal of leases without avail?

(c) Will Government please state if any fresh allotment of land in that area to any individual or parties has been made since 1928?

(d) Will Government also please state if any leases for plots of land in the area were renewed at all during the period? If so, how?

(e) How many applications for renewal of leases from this area are still pending with the Nazul Office since 1930 and why?

(f) Besides other conditions attached to such lands, what rate of rents used to or is charged for these plots of lands before and after the renewals?

(g) Are Government aware that in the case of renewals, Government, like other landlords, have been slightly increasing the rate of rents to a maximum limit of cent. per cent.?

(h) What rate of increase in rents on renewals have Government been levying in the past?

(i) What rate of increase in rents they propose levying on the tenants whose applications are still pending and the leases have not yet been renewed?

(j) Are Government aware that it is proposed to increase the rent to the extent of four times the rent charged at present in the case of these old tenants also? If so, why and on what grounds is this going to be done?

(k) Will Government state how this increased rate of rent compares with those plots of land which are now being allotted by the Nazul Department, Delhi?

(l) What are the reasons for making distinction in the case of these old tenants only and charging them at such an abnormal rate?

(m) Do Government propose to see that all tenants are treated alike and charged only reasonable increase in the rents after renewals of their leases? If not, why not?

Sir Girja Shankar Bajpai: Enquiries have been made and the result will be communicated to the House in due course.

ALLEGATIONS AGAINST THE CUSTOMS AUTHORITIES IN CUDDALORE.

828. ***Mr. C. N. Muthuranga Mudaliar:** (a) Are Government aware that during a religious festival on or about the 25th February, 1937, when several deities were taken to the sea and when thousands of persons were gathered there for worship and holy sea bath, in the seat at the Cuddalore New Town, the customs officials seized from the person of some of the people gathered there their wearing apparel, namely, *saries* and upper clothes, indiscriminately in spite of protest?

(b) Is it a fact that on or about the 10th March, 1937, the customs officials searched the Government Girls' Hindu Hostel, Government Girls' Christian Hostel and the residence of one Rukmani Ammal, music mistress in the Government Girls' School, Tirupappuliyur?

(c) Is it a fact that the search in the Hostels took place between 3 p.m. and 8-30 p.m. and that an inventory was prepared of the articles seized at about 9 p.m.?

(d) Is it a fact that the matron and the girls residing in the hostels were practically kept imprisoned in the hostels with no one to assist them, or tender advice to them? Will Government please lay on the table of the House a list of the articles thus seized?

(e) Is it a fact that the customs party left at 9 p.m. and again returned at about 10 p.m. and took statements from the girls residing in the hostel and this went on till late after midnight, that is, about 1-30 p.m.?

(f) Are Government aware that great inconvenience and mental worry and anxiety had been caused to the girls in the hostels by the action of the customs party?

(g) Under what provision of law did the customs authorities seize wearing apparel referred to in part (a) above?

(h) Is it a fact that the customs authorities in Cuddalore are seizing even vegetables and other perishable articles when they are brought into British territory from the French possessions?

(i) Are Government prepared to consider the advisability of issuing instructions to the customs officials—

(i) that persons carrying things for personal use and household consumption at a value not exceeding Rs. 15 should be allowed freely without being subject to customs duty; and

(ii) that vegetables and other perishable articles should on no account be subject to any duty?

The Honourable Sir James Grigg: I am making enquiries into these matters.

Mr. T. S. Avinashilingam Chettiar: May I know, Sir, whether we will be allowed to put supplementary questions later on?

Mr. President (The Honourable Sir Abdur Rahim): After the inquiries are made, if the Honourable Member wishes to find out anything more, he can.

REPRESENTATIONS TO THE UNION GOVERNMENT OF SOUTH AFRICA ABOUT THE ANTI-ASIATIC BILLS.

829. ***Mr. C. N. Muthuranga Mudaliar:** (a) Has the attention of Government been drawn to the cable published in the *Hindu* from its Cape Town correspondent, dated the 16th March?

(b) Is it a fact that the Government of India did not make any representations to the Union Government about the Anti-Asiatic Bills pending before the South African Legislature?

(c) Did Government take any steps in the matter after the budget cut motion was passed on the 8th March, 1937, regarding Indians abroad? If not, why not?

Sir Girja Shankar Bajpai: (a) Yes.

(b) and (c). No. The Government of India informed the Union Government of their opinion and of the opinion of the people of this country towards the Bills, both before and after the debate on the 8th March, 1937.

Mr. S. Satyamurti: May I know what the latest position is, with regard to these Bills which have been referred to a Select Committee by the South African Parliament?

Sir Girja Shankar Bajpai: So far as we know, the Select Committee has not yet presented its report.

SHORT NOTICE QUESTION AND ANSWER.

PROTECTION OF THE LIVES AND PROPERTIES OF INDIANS IN ABYSSINIA.

Sir Muhammad Yakub: (a) Are Government aware that the business of British Indians in Abyssinia is ordered to be closed by the Italian Government, specially the firm of G. N. Muhammad Ali & Co., who have invested enormous sums in business and have stock in trade of a very large value in Abyssinia, is about to be confiscated by the Italian Government and also the lives of the proprietors of the firm are in great danger?

(b) What steps, if any, have Government taken to protect the lives and properties of the British Indians in Abyssinia?

Sir Aubrey Metcalfe: (a) The Government of India have received official information that the firm of Messrs. Muhammad Ali's at Addis Ababa and also their branches at Harrar, Dire Dawn and Jijiga received orders a short time ago from the Italian authorities that they must close their business immediately as the firm was being expelled from Ethiopia. Government have no information either as to the confiscation of the firm's property or as to the lives of the proprietors of the firm being in danger.

(b) His Majesty's Representative at Addis Ababa immediately reported the facts to His Majesty's Government and also asked the Italian authorities for more time to be given before these orders were carried out. His Majesty's Government at once instructed their Representative at Rome to enquire of the Italian Government the reason for this action. No further information has been received, but I am informing His Majesty's Government by telegram of the interest taken in the matter in India and am asking for further information.

Sir Muhammad Yakub: In case the Italian Government do not respond to the representation of the British Government, do Government propose to take retaliative measures against the Italian Government by stopping totally the import of Italian goods into this country and by expelling the Italians from this country and closing down all their firms and other business concerns in India?

Sir Aubrey Metcalfe: That, Sir, is a hypothetical question, which you have already disallowed.

Pandit Lakshmi Kanta Maitra: May I know if the Italian Government has been given to understand that this order should be withdrawn?

Sir Aubrey Metcalfe: I have given all the information in my possession, and I am not in a position to add anything to it.

Pandit Lakshmi Kanta Maitra: I understood the Honourable Member to say that the Italian Government has been asked to give a little more time to give effect to this order. I wanted to know from the Honourable Member whether the fact that this order is illegal has been brought to the notice of the Italian Government and if they have been asked to rescind that order. Have the Government of India made any such request to the Italian Government?

Sir Aubrey Metcalfe: I have said that His Majesty's Government at once instructed their representative at Rome, that is, His Majesty's Ambassador at Rome, to inquire of the Italian Government the reason for this action. So far, we have not been informed of the result of that inquiry.

Mr. T. S. Avinashilingam Chettiar: Sir, in view of the huge losses they have suffered, may I know whether they are making any attempts to get reparation for them from the Italian Government?

Sir Aubrey Metcalfe: I think that is a hypothetical question. In any case the Honourable Member does not explain whom he means by they as he has used that word two or three times.

Mr. T. S. Avinashilingam Chettiar: In view of the fact that this firm has suffered huge losses on account of its being expelled from Abyssinia, may I know whether any attempts are being made to get the firm reparations for the loss they have suffered?

Sir Aubrey Metcalfe: The stage has not yet been reached when we can ask for reparation. We do not know yet whether the order will be implemented or not.

Pandit Lakshmi Kanta Maitra: Will the Honourable Member be pleased to send a copy of this short notice question together with the supplementaries and answers thereto to His Majesty's Government?

Sir Aubrey Metcalfe: I shall have no objection to doing that, but as I have said, I have already telegraphed yesterday to His Majesty's Government pointing out the great interest taken in this country and in this House in the question and asking for further information.

Sir Gomasji Jehangir: Is it a fact, Sir, that some members of this firm acted as British Consuls in such towns in which they were doing business?

Sir Aubrey Metcalfe: I understand that that is not a fact, although there was one room. I understand, in the firm's premises at one of their branches reserved for use as a court by the British Consul from Addis Ababa, but I understand that no member of the firm ever acted as British Consul.

Dr. Ziauddin Ahmad: May I know, Sir, whether it is a fact or not that the Italian Government have ordered the closing down of the Indian firm?

Sir Aubrey Metcalfe: It is a fact, and I have already stated it.

Dr. Ziauddin Ahmad: May I then ask whether the Government of India will take similar steps and order all the Italian firms in this country to close down?

Sir Aubrey Metcalfe: What exactly is the information which my friend desires? Is he asking for action?

Dr. Ziauddin Ahmad: Are the Government contemplating to take action only on that portion,—it is a fact and not a hypothetical question,—relating to retaliation and order that all Italian firms in India should be closed down?

Sir Aubrey Metcalfe: The Honourable Member is either asking for action, or he is asking me to disclose what the Government will do in certain circumstances.

Dr. Ziauddin Ahmad: Do the Government of India contemplate retaliative action and order all Italian firms in India to close down?

Sir Aubrey Metcalfe: They are certainly giving the matter further consideration. I cannot say more than that.

Dr. Ziauddin Ahmad: Will the Government of India pass a special Ordinance permitting us to retaliate ourselves?

Sir Aubrey Metcalfe: The Honourable Member is not asking for information. He is asking what the Government of India will do, and I am unable to answer that question.

Mr. S. Satyamurti: What are the reasons why the Government have not so far taken any action on the admitted fact of this firm having been closed, and what is the reason for the delay in taking some effective action in this country?

Sir Aubrey Metcalfe: Because they naturally wish to know what the effect of the diplomatic protest being made at Rome will be.

Mr. S. Satyamurti: How long do they propose to wait?

Sir Aubrey Metcalfe: Until they know the result of this protest.

Mr. S. Satyamurti: Even if they take ten years?

Mr. Ramsay Scott: Will the Honourable Member let this House know the further information as soon as he receives it?

Sir Aubrey Metcalfe: Of course, I shall be very glad to do so. I have agreed to answer the short notice question merely in order that the House may be kept fully informed of the situation.

Dr. Ziauddin Ahmad: If the Government fail to get a satisfactory reply . . .

Mr. President (The Honourable Sir Abdur Rahim): That is a hypothetical question.

Maulvi Syed Murtuza Sahib Bahadur: May I know if the Government have satisfied themselves that the lives and properties of Indians are not in danger in Abyssinia when Abyssinians are being butchered by Italians?

Sir Aubrey Metcalfe: They have no reason to suppose that the lives of Indians are in danger, and His Majesty's representative at Ethiopia is taking all possible steps to protect the interests of Indians.

Seth Govind Das: Is it not a sufficient reason, when Abyssinians themselves are being butchered by Italians, that the Government of India should consider that the lives of Indians over there are in danger?

Sir H. P. Mody: May I know whether this is the first case in which action has been taken against Indian traders by Italians, or whether similar action has been taken by them against other traders?

Sir Aubrey Metcalfe: I think this is the first case of any importance which we have heard of.

Sir Muhammad Yakub: Do Government propose to despatch a contingent of British force in order to save the lives of British Indians there?

Sir Aubrey Metcalfe: I cannot say what the Government of India will do. I have said what action Government have taken so far, and I cannot add anything more to my answer at present.

STATEMENTS LAID ON THE TABLE.

Information promised in reply to unstarred question No. 267 asked by Sardar Sant Singh on the 16th October, 1936.

TELEGRAPH MASTERS IN TELEGRAPH OFFICES.

- (a) Sanctioned number of Telegraph Masters in different Telegraph Offices in India for 1936-37 (including 11 temporary) . . . 175
Number of permanent Telegraph Masters . . . 164

(b) No, except in the case of the 11 temporary posts mentioned above.

(c) On the occurrence of permanent vacancies, provided the officiating men are considered fit for permanent promotion.

(d) The facts are not as stated by the Honourable Member.

(e) and (h). Do not arise in view of the reply to parts (b) and (d).

(f) Telegraph Office—

	Sanctioned No. of Telegraph Masters for 1936-37.	No. of officiating Telegraph Masters.
Calcutta	16	2
Bombay	32	2
Madras	8	..
Rangoon	12	1
Agra	9	..
Karachi	8	..

(g) The facts are not as stated by the Honourable Member. Leave salary is regulated according to certain specific rules. The officiating Telegraph Masters, like all other Government servants in superior service, draw leave salary in terms of average pay according to Fundamental Rule 87, if they are governed by the Fundamental Rules, or in terms of full pay or average salary according as the leave is privilege or furlough under the Civil Service Regulations.

Information promised in reply to part (a) of starred question No. 373 asked by Prof. N. G. Ranga on the 5th February, 1937.

PROVISION OF POSTAL, TELEGRAPH AND TELEPHONE FACILITIES IN RURAL AREAS.

Information by provinces is not available, but the number of post offices opened and the number of new letter boxes provided in rural areas in the different postal circles for the period from the 1st July, 1936, to the 31st December, 1936, is given below :

Postal Circle:	Number of post offices opened in rural areas during the period from 1st July, 1936 to 31st December, 1936.	Number of new letter-boxes placed in rural areas during the period from 1st July, 1936 to 31st December, 1936.
Central	64	72
Sind and Baluchistan	15	20
Punjab and North-West Frontier	45	732
Bihar and Orissa	19	86
Bombay	60	105
Bengal and Assam	53	117
United Provinces	16	182
Madras	43	182
Burma	19	41
Total	334	1,537

Information promised in reply to starred question No. 414 asked by Mr. F. E. James on the 23rd February, 1937.

DISREGARD OF THE RULES FOR THE SUPPLY OF ROAD DRESSING MATERIALS FOR MILITARY PURPOSES.

(a) Government have examined the case mentioned by the Honourable Member and cannot find that any rule has been disregarded.

(b) Does not arise.

Information promised in reply to starred question No. 465 asked by Sardar Sant Singh on the 2nd March, 1937.

RECRUITMENT IN THE SORTERS' CADRE IN THE OFFICE OF THE DEPUTY ACCOUNTANT GENERAL, POSTS AND TELEGRAPHS.

(a) (i) 66.

(ii) 41.

(iii) Yes.

(b) 18.

(c) Yes, a Sikh was at the top in the list. Only one Christian whose name was not in the list was appointed as he had been already earmarked for a sorter's post before the system of recruitment by the Selection Board was introduced.

(d) In view of the reply to part (c) above, the question does not arise.

Information promised in reply to starred question No. 525 asked by Mr. Sri Prakasa on the 6th March, 1937.

PROPOSAL OF THE GREAT INDIAN PENINSULA RAILWAY TO REMOVE THE WIRE-FENCING OF THE RAILWAY LINES.

(a) and (b). The following policy in regard to the fencing of railway lines has been adopted on the Great Indian Peninsula Railway in the interests of economy and with due regard to its effect on the safety of human beings and cattle :

(i) Fencing alongside tracks carrying mail trains around station yards, alongside tracks in close proximity to villages or municipal areas, etc., and alongside tracks in other important sections and areas as well as at manned level crossings, is to be maintained.

(ii) Fencing in places other than those detailed above is considered as surplus, but will be allowed to remain in position until such time as it is required to repair existing fencing belonging to the categories detailed in paragraph (i) above, when it will be removed and utilised accordingly.

(c) Government have no reason to believe that this policy will result in any danger to the lives of human beings or cattle. In this connection attention is invited to the statement explaining the views of Government on fencing which was laid on the table of the House on the 2nd September, 1929.

Information promised in reply to starred question No. 602 asked by Pandit Sri Krishna Dutta Paliwal on the 9th March, 1937.

DISABILITY PENSION OF MILITARY EMPLOYEES INVALIDED DURING THE GREAT WAR.

(a) Yes, provided that the circumstances of the case warrant such a treatment.

(b) The Government of India are empowered to withhold, in individual cases, the grant, in full or in part, of service, disability or family pensions, children's allowances or gratuities, or arrears thereof, where exceptional reasons exist for withholding such grant, vide paragraph 202-A. Pension Regulations for the Army in India.

Incidentally I may point out for the information of the Honourable Member that strictly from the legal point of view all pensions are in the nature of a bounty of the Crown to which no body has any legal claim.

(c) The reply to the first part of the question is that Government Regulations do not provide for grants for the purpose of paying debts, meeting marriage expenses, etc. The Indian Soldiers Board, a quasi-Government body, have however at their disposal certain private funds from which grants are made in special cases to ex-soldiers or their dependants for the purposes mentioned by the Honourable Member. Before such awards are made, enquiries are made and every care is taken to ascertain that the case is really a deserving one.

The reply to the second part is that each case is considered on its merits.

(d) As explained above, each case of this nature will be considered on its merits.

(e) The outstanding amount may be paid to a non-eligible heir at the discretion of the Government of India.

(f) India Army Order No. 24 of 1927 has since been superseded by India Army Order No. 440 of 1936, under which the transfer of family pension from one relative to another is not permitted. Such transfers are, however, allowed purely as an act of grace in exceptionally hard cases.

As regards the date of the grant of pension, I would refer the Honourable Member to the reply I gave on the 8th October, 1936, to his unstarred question No. 152 on the same subject.

Information promised in reply to starred question No. 622 asked by Bhai Parmanand on the 13th March, 1937.

COMMUNAL PERCENTAGE FIXED FOR SERVICE IN THE EDUCATION DEPARTMENT,
AJMER-MERWARA.

The communal percentage fixed for service in the Education Department of Ajmer-Merwara is as follows:

Hindus 60 per cent.

Muslims 20 per cent.

Others 20 per cent.

The present percentage of Hindu and Muslim clerks is 57.14 and 21.43, respectively.

Information promised in reply to starred question No. 660 asked by Pandit Sri Krishna Dutta Paliwal on the 13th March, 1937.

DISABILITY PENSION OF MILITARY EMPLOYEES INVALIDED DURING THE
GREAT WAR.

(a) The Honourable Member's unstarred question No. 152 of 8th October, 1936, did not mention any particular cases. Unless, therefore, he furnishes me with details of the claims to which he now refers, it is not possible for me to supply the required information.

(b) No.

(c) Government have no information regarding the statements made in the question. I would, however, point out that Government do not recognise any pension claiming agencies or correspondents unless claims are submitted through the recognised official channels prescribed in Appendix VII to the Regulations for the Army in India.

(d) All payments are made direct to the individuals concerned. Government are therefore unable to furnish the information required.

(e) No.

Information promised in reply to starred question No. 673 asked by Mr. Sham Lal on the 15th March, 1937.

ABSENCE OF LIGHTS ON THE ROAD ON THE RIDGE LEADING TO THE ANTI-
RABIC CENTRE IN DELHI.

(a) and (b). Of the roads leading to the Anti-Rabic Centre at Delhi which is situated in the Hindu Rao Hospital on the Ridge, the Hindu Rao Road, which is the steepest, is lighted. The ridge road is not lighted as it is very little used at night.

(c) The number of persons visiting the Anti-Rabic Centre for treatment at night is very small.

(d) It is the case that a considerable proportion of the cases treated come from the Delhi Province.

Information promised in reply to parts (b) and (c) of starred question No. 714 asked by Seth Govind Das on the 20th March, 1937.

INCREASE IN THE PRICE OF PAPER MANUFACTURED IN INDIA.

(b) The number of paper mills with rupee capital actually operating is in British India eight and in the Travancore State one. Of these four mills in British India are under European management and the rest appear to be under Indian management. No further information is available.

(c) Since the grant of protection to the paper industry, nine Joint Stock Companies have been registered with the object of manufacturing paper, board, and pulp, etc., eight in British India and one in the Mysore State. All of them have rupee capital and are under Indian management. Of the nine Companies so registered only one appears to be at present in actual operation.

MOTION FOR ADJOURNMENT.

ARREST OF CONGRESS LEADERS AND VOLUNTEERS IN DELHI.

Mr. President (The Honourable Sir Abdur Rahim): Order, order. Motion for Adjournment. I have received a notice of motion for adjournment from Mr. Avinashilingam Chettiar to this effect. He proposes to make a motion for the adjournment of the House to discuss a definite matter of urgent public importance, namely, the arrest of local Congress leaders and volunteers at Delhi yesterday in connection with the *hartal* proclaimed by the Congress. I should like to know from the Honourable Member what are his reasons.

Mr. T. S. Avinashilingam Chettiar (Salem and Coimbatore *cum* North Arcot: Non-Muhammadan Rural): Sir, in view of the fact that there is another motion of the same kind in the name of my friend, Mr. Asaf Ali, which he proposes to move, I wish to withdraw the motion standing in my name.

Mr. President (The Honourable Sir Abdur Rahim): Then the Honourable Member withdraws his motion.

Mr. T. S. Avinashilingam Chettiar: Yes, Sir.

Mr. President (The Honourable Sir Abdur Rahim): Then, the next motion stands in the name of Mr. Asaf Ali. He proposes to move a motion for the adjournment of the House today to discuss a definite matter of urgent public importance, namely, the indiscriminate *lathi* charge on the public and the arrest of local Congress leaders and volunteers in Delhi yesterday in connection with the *hartal* proclaimed by the Congress against the introduction of the New Constitution. I should like to know if there is any objection.

Mr. J. A. Thorne (Government of India: Nominated Official): Sir, in the unavoidable absence of the Honourable the Home Member

Some Honourable Members: Louder please: we can't hear you.

Mr. J. A. Thorne: I shall try to make myself audible. In the unavoidable absence of the Honourable the Home Member, I have objections to raise. The first objection, Sir, is one which, if you accept it, will make it unnecessary for me to adduce other objections which, in our opinion, are available to the Government. I must crave your indulgence and the indulgence of the House being an inexperienced Member of this House and also having this sprung on me rather at the last moment. I gave Mr. Avinashilingam Chettiar the credit for intending to move his motion which we received yesterday

Mr. D. K. Lahiri Chaudhury (Bengal: Landholders): On a point of order, Sir. Are we discussing the motion of Mr. Chettiar or of Mr. Asaf Ali?

Mr. President (The Honourable Sir Abdur Rahim): There is no point of order.

Mr. J. A. Thorne: I understand that he has withdrawn the first motion. I do not know whether he has also withdrawn his second motion or whether that. . . .

Mr. President (The Honourable Sir Abdur Rahim): We will deal with it later.

Mr. J. A. Thorne: This motion refers to the alleged misbehaviour of certain officials of the Delhi Police Force generally, and in particular to three incidents, or rather only one particular incident and two other allegations, which are no doubt connected with the demonstration and the action taken to counter that demonstration yesterday. Now, Sir, in a sense, I think, it can be held that everything relevant to the discussion of this motion, whether in favour of the motion or in opposition to the motion, cannot help having some bearing on a matter which is under adjudication in a court of law.

Mr. President (The Honourable Sir Abdur Rahim): What is the matter under adjudication?

Mr. J. A. Thorne: My information, Sir, is that cases are proceeding against sixteen persons, five of whom are charged with an offence committed at a certain mill, five others of whom are charged with an offence committed at another mill, five more with an offence committed elsewhere in the city and one individual for another offence committed elsewhere in the city. All these persons were arrested for acts committed in the course of yesterday's demonstration. I do not know what precise stage these cases have reached, but I am certain that they are all under adjudication in a court of law. Charges have been filed, in some cases proceedings have actually begun, and in all the cases the Magistrate or Magistrates have taken cognisance of the cases. It is, Sir, I submit, impossible to discuss generally "the misbehaviour of certain officials of the Delhi Police Force" or "other acts of grave provocation calculated to disturb a peaceful demonstration by the citizens of Delhi", without, either on that side or on this, making some statements, some allegations or some suggestions which will prejudice the hearing of the cases now pending. That is my general objection on this point, but in particular I invite attention to "rough handling of a respectable Congress woman by two European Policemen". My Honourable friend will perhaps agree with me that the lady referred to is one of the persons against whom proceedings have started. (After a pause). My Honourable friend is not conceding anything.

Mr. M. Asaf Ali (Delhi: General): I want to hear the whole of what my Honourable friend has to say.

Mr. J. A. Thorne: I have a newspaper account to go on, and according to it—owing to the absence of other newspapers I have only one newspaper account,—this lady is Miss or Mrs. Satyavati who complained, when she was brought into Court yesterday, that she was roughly handled by police officers. I am, therefore, I think, entitled. . . .

Mr. President (The Honourable Sir Abdur Rahim): Is there any charge against her?

Mr. J. A. Thorne: Yes. She is charged with an offence under section 7 of the Criminal Law Amendment Act (XXIII of 1932), along with four other persons; the short title of the section is "Molesting a person to prejudice of employment or business". The Court has taken cognisance of that, and in fact, according to the newspaper account, the allegation of mishandling by the police was actually made by this lady before the Magistrate. I submit to you in the absence of contradiction. . . .

Mr. President (The Honourable Sir Abdur Rahim): Is there any complaint by her?

Mr. J. A. Thorne: That I cannot say. She has, however, made a representation to the Magistrate, and I understand from the newspaper report that the lady desired that some enquiry should be made into that allegation. But my point is this. The rough handling is supposed to have occurred in the course of her arrest, in other words, a charge made by the police of illegal behaviour on her part is countered by a charge made by her of improper behaviour by the police. I think, therefore, that it is quite impossible to discuss that particular case without prejudice to the proceedings in the Magistrate's Court. That is my first point, and on that I submit that it will be legitimate to hold that, sixteen persons having been arrested for four different offences committed in the city in the course of yesterday's happenings and one of these persons being a person particularly referred to in a part of this motion, the subject matter of this motion is under adjudication in a court of law.

My second objection is that this is not a matter of public importance. (*Cries of "Oh" from the Congress Party Benches.*) It is unnecessary to go into that if my first submission is accepted. If I have your permission to develop that later on, I would ask you to give your ruling.

Mr. President (The Honourable Sir Abdur Rahim): If the Honourable Member has any other objection to take, I think he had better do so now.

Mr. J. A. Thorne: Well, Sir, as I have said, I am handicapped by the absence of what we ordinarily depend on for, at any rate, some of our facts, and that is, newspaper reports.

Mr. President (The Honourable Sir Abdur Rahim): Will the Honourable Member be able to furnish further facts later on? In that case I shall take the motion later.

Mr. J. A. Thorne: May I refer to the facts as far as they have come to our notice?

Mr. President (The Honourable Sir Abdur Rahim): If the Honourable Member wants to have time to get more facts, I shall have no objection.

Mr. J. A. Thorne: I am quite prepared to put forward what I have to say as regards this matter, not being of public importance now.

Mr. President (The Honourable Sir Abdur Rahim): That, of course, the Honourable Member can deal with now.

Mr. J. A. Thorne: But to do that, I have to try and indicate to you

Mr. Bhulabhai J. Desai (Bombay Northern Division: Non-Muhammadan Rural): On a point of order, Sir. If it is desired that he should have more time, then it must be asked for. If he does not desire it, the matter must be decided on the information now before us.

Mr. President (The Honourable Sir Abdur Rahim): I thought he said that he was handicapped because he had not enough facts and wanted to get more facts. I asked him if he wanted further time for that purpose. Now I understand he wants to argue the question whether the matter is one of public importance.

Mr. Bhulabhai J. Desai: On the statements in the notice.

Mr. J. A. Thorne: I was merely saying that I was in the first instance handicapped in forming an opinion as to whether the matter is of urgent public importance, by the absence of newspapers. However, from the *Statesman's* account, it is impossible to read it without forming the impression and coming to the conclusion that, on the whole, yesterday's proceedings passed off with singular peacefulness and, I might almost say, general amity. If I may say so, I think all parties concerned are much to be congratulated on that; and in particular I would like to pay a tribute to the appeals made by Honourable gentlemen opposite for a peaceful atmosphere. The only mention of any occurrence of any incident in the *Statesman* account is this:

"A minor incident, which created temporary confusion, occurred when the procession was passing Chandni Chowk. A mounted policeman's horse shied at the crowd and charged into the line of the procession which was disturbed. The horse, however, was soon controlled and order was restored."

Now, that is the newspaper account. I have here the telegrams of the Associated Press, which I have not succeeded in finding in the *Statesman*.

Mr. President (The Honourable Sir Abdur Rahim): If the Honourable Member really wants time, I will give him time.

Mr. J. A. Thorne: I think I can show that there is nothing in yesterday's happenings which can be held to . . .

Mr. President (The Honourable Sir Abdur Rahim): Then the Honourable Member does not want time.

Mr. J. A. Thorne: It is impossible to read the Associated Press report without coming to the conclusion that everything went off on the whole with extraordinary peacefulness. . . .

Mr. President (The Honourable Sir Abdur Rahim): Has the Honourable Member got in his possession any other account, apart from the Press account. Press accounts are apt to vary at times.

Mr. J. A. Thorne: I am giving everything to my Honourable friends opposite, because I do not want . . .

Mr. President (The Honourable Sir Abdur Rahim): My point was that accounts in the papers are sometimes liable to vary according to the point of view of the observers and that is why I suggested that if the Honourable Member wants time I am willing to give him time.

Mr. J. A. Thorne: I was not proposing to burke that in the least. I have the report from the Chief Commissioner and I have been in communication with the Chief Commissioner this morning and to put it in a nutshell all the information at the disposal of the Chief Commissioner is to the effect that the impression produced on any one by the newspaper report and all these telegrams is entirely correct, that apart from a few sporadic incidents which led to arrest in a few cases, the demonstration yesterday went off with great peacefulness. There were no acts of grave provocation calculated to disturb the public peace. There was no misbehaviour of officials generally and in fact the day was one of general placidity. That, Sir, is my objection. If that is so, it is impossible to hold that a matter of urgent public importance has arisen, which is entitled to be discussed in this august Assembly. If I may refer again to these telegrams, I would say that all that can be found is only mention of a few minor incidents.

Mr. President (The Honourable Sir Abdur Rahim): This refers only to Delhi?

Mr. J. A. Thorne: Yes.

Mr. President (The Honourable Sir Abdur Rahim): Then I do not know what telegrams the Honourable Member is referring to.

Mr. J. A. Thorne: These are the telegrams of the Associated Press and the United Press and those telegrams will, to any impartial observer, bear out the impression obtained by the Chief Commissioner and his officers, that things went off very peacefully and that there were no serious incidents of any kind and, therefore, I submit that there was nothing which can support the view that a matter has arisen of urgent public importance within the meaning of the Legislative Rules.

Mr. President (The Honourable Sir Abdur Rahim): At this stage, I want to know what was the misbehaviour of the officials? There are three or four charges.

Mr. Bhulabhai J. Desai: Yes, I will take them one by one—first, the rough handling of a respectable Congress woman, second, deliberately insulting the national flag. I will also give you details of the acts of grave provocation referred to in item (c).

Mr. President (The Honourable Sir Abdur Rahim): I want to know what was the misbehaviour of the officials under these three heads.

Mr. Bhulabhai J. Desai: Taking the statement of the Honourable the objector in this matter, it is rather difficult, if he would not take any offence at my saying so, to understand what he said. I do not mean any offence but it is a fact that he has failed to convey to this House what his objection was in fact, except using two words which occur and which are common place objections in matters of this kind. First, that this matter is *sub judice* and that therefore these three items could not be discussed, second, that none of these matters is a matter of urgent public importance. Taking them in that order, so far as he stated anything here at all, the reference to the matter which is *sub judice* may be in some manner connected not as a matter of law, but as a mere matter of events with item (a) which is the subject of this motion—the rough handling of a respectable Congress worker. He must be aware . . .

Mr. President (The Honourable Sir Abdur Rahim): Is it a fact that she has been arrested?

Mr. Bhulabhai J. Desai: It is a fact that she has been arrested and it is equally a fact . . .

Mr. President (The Honourable Sir Abdur Rahim): Has she lodged any complaint?

Mr. Bhulabhai J. Desai: I am reading from the very newspaper to which Mr. Thorne referred. So far as this particular objection or complaint of hers is concerned, the Magistrate himself has observed that it is a matter which has nothing to do with the matter which he is deciding and, therefore, declined to deal with it and expressed inability to deal with it and in fact said that it was up to her, if any report was given to him or otherwise, to directly send it on to the proper authorities, so that on the very statement of the man before whom this matter is *sub judice*, it is perfectly obvious that all that Mr. Thorne said is utterly irrelevant. The fact remains that a person may be arrested. . . . (Mr. Thorne rose in his seat) I refuse to give way. I am dealing with the materials which he has himself mentioned. What I am submitting is this: that so far as Satyavati was taken to the court and put up before the Magistrate the matter is not being discussed before this House at all. It was never our intention. It does not form part of the motion. Secondly, it is equally clear that a person may be lawfully arrested and yet during the course of those events another series of events may occur which are not *sub judice* on the very finding of the magistrate himself, who refused to take cognisance of it. She made no judicial complaint in the sense of a complaint before criminal court, of an assault, which might have been the subject of a complaint, had she been so advised. But today, as the facts stand, the manner of her arrest and the circumstances attendant upon it are not the subject of any judicial inquiry of any kind or of a complaint before any judicial authority.

Mr. President (The Honourable Sir Abdur Rahim): She made no complaint?

Mr. Bhulabhai J. Desai: She made no complaint; all she said to the magistrate was: "this is what happened", that notwithstanding her remonstrances to the two European police constables that she was willing to be arrested if there was any charge against her, they insisted upon putting their hands (both of them) on each of her shoulders and touching her body when she was quite willing as a peaceful citizen to submit to any arrest. (Cries of "Shame, shame.")

Mr. President (The Honourable Sir Abdur Rahim): She made no complaint?

Mr. Bhulabhai J. Desai: She made no complaint, but she does not wish to make a complaint. A person may wish to suffer insult by another. It is no ground, therefore, for saying, "why don't you come and complain before a Criminal Court"—it is no ground for saying that the incident—assuming it is true, and the contrary is not stated by Mr. Thorne notwithstanding the report he has in his possession—cannot be raised. Sir, the most singular part of Mr. Thorne's statement is that he has not denied the facts under items (a) and (b). Of course they will be further discussed. He has not denied, for instance, that there was a deliberate insult to the Indian national flag—an instance of which he must have been aware.

Mr. President (The Honourable Sir Abdur Rahim): What was the nature of the insult?

Mr. Bhulabhai J. Desai: The police arrived there in the presence of Mr. Scott, the Superintendent of Police, and in his presence (without my saying anything more for the moment), from the motor car which was there standing, a police constable took off the national flag, put it under his feet, and tore it up (Cries of Shame, shame"), and further mutilation of it took place, which will be detailed to this House. Sir, Honourable Members opposite may understand what it means to pay respect to their own national flag, so that as regards what the details are, it is unnecessary to detain the House for the moment. The fact remains, and this fact is not denied: and if there was nothing else in this motion, this alone is sufficient. Now we can understand the point of order that was raised by the acting Leader of the House, and I was amazed that an honourable Englishman should have allowed himself to raise such an objection. Sir, for their own national flag they have died in their hundreds of thousands and millions, and rightly,—for that is patriotism. . . .

Mr. President (The Honourable Sir Abdur Rahim): The objection taken was that there was to be no display of flags or emblems on the table of Honourable Members within the Chamber.

Mr. Bhulabhai J. Desai: I think he might have easily appreciated that there are technical objections which can be taken, but the rules of decency and courtesy require that you may waive them,—so that I am not objecting to these, I am merely answering some of the points, and along with others of my colleagues I put the flag on my person,—which may, at least some day, answer some day to a challenge to its protection and honour (Loud Applause). As regards the first point, the only incident to which I wish now to refer is the conduct of the two police officials in this centrally administered area during the course of the arrest of Shrimati Satyavati;

[Mr. Bhulabhai J. Desai.]

her conduct in so far as the Delhi workmen are concerned, or the conduct of others concerned otherwise, would not be in the remotest way referred to. So far as the deliberate insult to the national flag is concerned, it may even be a matter of opinion but the facts being what I have already stated, that is an incident by itself and we do wish to express our opinion before the House, to the extent to which the House feels that it is a matter of public importance: I do not think even Mr. Thorne ventured to suggest, so far as the insult to the national flag was concerned, that it was a matter not of public importance.

Mr. President (The Honourable Sir Abdur Rahim): There is another item (c).

Mr. Bhulabhai J. Desai: As to (c), I ask your leave to allowing Mr. Asaf Ali, who was present and saw what happened with regard to the incident covered by item (b), and who was personally present at the time when this outrage to the national flag was carried out, to say. . .

Mr. President (The Honourable Sir Abdur Rahim): It is stated that other acts were also committed?

Mr. Bhulabhai J. Desai: I am only answering two points,—the point regarding it being *sub judice* and (b), as to which, the facts are not denied, and I submit it requires some courage for an Englishman to come here and say that if a national flag is trampled under foot by a policeman that it is not a matter of urgent public importance to be discussed by this House.

Mr. President (The Honourable Sir Abdur Rahim): I hold this motion is in order, but objection has been taken, I should like to know how many Honourable Members there are who are in favour of permission being granted to taking the motion for adjournment up. Will Honourable Members, who are in favour of this permission being granted, rise in their places? (Several Honourable Members then rose to their feet.) As there are more than twenty-five Honourable Members in support of the motion being taken up, this will come on. As regards the time, I understand that the Honourable the Home Member is not in Delhi today, and, if the Opposition have no objection, it might be taken up tomorrow. . .

The Honourable Sir Frank Noyce: Sir, we have no objection to it being taken up today.

Mr. President (The Honourable Sir Abdur Rahim): Very well, it will be taken up at 4 o'clock this afternoon. I may say this that the matter that is going to be discussed as regards item (a) is rough handling. Nothing should be said or alleged which would bear upon the case which now is *sub judice*.

ELECTION OF MEMBERS TO THE STANDING ADVISORY COMMITTEE FOR THE INDIAN POSTS AND TELEGRAPHS DEPARTMENT.

Mr. President (The Honourable Sir Abdur Rahim): I have to inform the Assembly that upto 12 Noon on Thursday, the 1st April, 1937, the time fixed for receiving nominations for the Standing Advisory Committee for

ELECTION OF MEMBERS TO THE STANDING ADVISORY COMMITTEE 2573 FOR INDIAN POSTS AND TELEGRAPHS DEPARTMENT.

the Indian Posts and Telegraphs Department, only three nominations have been received. As the number of candidates is equal to the number of vacancies, I declare Mr. J. Ramsay Scott, Pandit Krishna Kant Malaviya and Raizada Hansraj to be duly elected.

MESSAGE FROM THE COUNCIL OF STATE.

Secretary of the Assembly: Sir, the following Message has been received from the Council of State:

"Sir, I am directed to inform you that the Council of State has at its meeting held on the 1st April, 1937, agreed without any amendment to the Bill further to amend the Indian Army Act, 1911, for a certain purpose, which was passed by the Legislative Assembly at its meeting held on the 4th March, 1937."

RESOLUTION RE INTRODUCTION OF HOMOEOPATHIC TREATMENT IN GOVERNMENT HOSPITALS AND RECOGNITION OF HOMOEOPATHIC COLLEGES IN INDIA.

Mr. M. Ghiasuddin (Punjab: Landholders): Sir, I beg to move:

"That this Assembly recommends to the Governor General in Council that he may be pleased to introduce homœopathic treatment in Government hospitals and give homœopathic colleges in India the same status and recognition as in the case of allopathic colleges."

Sir, this science of homœopathic treatment was first invented in Germany by a man called Dr. Hahnemann, who was a royal physician in Germany and was a scholar of a many languages. This person was also a scientist of great eminence. The system is based on the principle of *similia similibus curantur*, that is to say, that "like cures like". For instance, if some medicine or drug is administered to a healthy person and it produces certain symptoms, the same medicine or drug, if given to a sick person, will cure those symptoms. After some time, Sir, this system of treatment achieved some popularity in most parts of Europe, and it was introduced into India by a gentleman—I do not know if I am pronouncing his name rightly—called Dr. Fabre Tonnere. This system received the patronage of high officials like General Sir John Litter, who was Deputy Governor of Bengal, and other distinguished personages. It rapidly acquired popularity and among its patrons in India there are persons like Mahatma Gandhi, Dr. Tagore, Sir J. C. Bose, Sir P. C. Roy and Pandit Madan Mohan Malaviya. In other countries there are also hospitals working under this system of medicine and they are patronised by eminent scientists and also other notables. For instance, the patronage of the Royal family is enjoyed by the Homœopathic School in London and also an eminent homœopath was appointed personal physician to His Majesty, King Edward VIII. Sir, it is not for me to say much about the relative values of the two systems of treatment because, not being a scientist myself, it is not safe for me to wander into these regions. All I can say is that these two systems are working side by side in other countries and the homœopathic system is being worked with great success in those countries.

The chief features of the system are; firstly the cheapness of its medicines. Ours is a poor country and in order to supply medicines to the

[Mr. M. Ghiasuddin.]

vast population, we require medicines which can be had cheap. As under this system we can have medicines very cheap, it can be recommended to the Government to be introduced. Then, there are good many diseases which this system can cure better than the allopathy, so is claimed by homœopathic doctors. This system is especially useful in epidemics, like cholera, etc. Another thing in favour of this system is that it does not require surgery to the same extent as the allopathy does. Good many diseases can be cured just by giving medicines for which there are no medicines in the allopathic system, such as, appendicitis, etc. Good many scientists, both in this country and abroad, who were practising allopathy started this system instead and among their names can be mentioned that of Dr. Beir and Dr. Mohindra Lal Sircar, who were both eminent doctors and surgeons.

Now, Sir, one more plea that I am going to make on behalf of the homœopathic system is this. Already in this country there are four systems for curing diseases working side by side. There is the allopathy and the homœopathy which, although not officially recognised, is making quite a good progress. Then there is the Unani system and the Vedic system. If this system is given the patronage of the Government and is duly recognised, all these sciences can pool their resources together and some new system can be evolved which will ameliorate the conditions of the suffering humanity. I admit the fact that I am making this request rather late in the day. The provincial autonomy has come in and the Central Government have been shorn of good many of their previous powers. Still, I do hope that they will show some sympathy to this demand and will at least use their moral influence on the Provincial Governments by doing something here for the sake of this science, which will be a good example to the self-governing provinces. There is a genuine public demand for this system to be introduced. Since yesterday I have received shoals of telegrams and all sorts of literature which I have not been able to read. That shows that there is a genuine demand and I hope the Government will be sympathetic towards it.

Sir, I move.

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 introduce homœopathic treatment in Government hospitals and give homœopathic colleges in India the same status and recognition as in the case of allopathic colleges."

Dr. R. D. Dalal (Nominated Non-Official): Mr. President, I warmly appreciate the good intentions of my Honourable friend, Mr. Ghiasuddin, in moving this Resolution, and with your permission I propose to address to this Honourable House a few remarks on the subject of the Resolution. In the first place, let me explain very briefly what homœopathy is. Homœopathy was introduced in 1796 by a German physician by name Samuel Hahnemann, a native of Meissen in Germany. Hahnemann was born at Meissen in 1755, and he died in Paris in 1843. Hahnemann received his medical education in Leipzig and Vienna. After finishing his medical education, he started private practice at Leipzig. Very soon Hahnemann was very much struck by the fact that symptoms produced by drugs, such as quinine, in healthy individuals were similar to those of the diseases which they were administered to cure. Hahnemann further found that drugs in much smaller doses than were generally employed effectively exercised their curative action. These are the essential

tenents of the system; and this system Hahnemann called Homœopathy. But at Leipzig, the members of the medical profession were hostile to the system, and they viewed it with much mistrust—in fact, homœopathy was absolutely denied by the members of the medical profession generally, what is more, even the members of the homœopathic school were divided into factions. So, Hahnemann was forced to leave Leipzig and to go to France. He settled in Paris, where he died in 1843. At the present day homœopathy has comparatively speaking very few practitioners, and very few homœopathic institutions have been founded. Sir, every institution that seeks or professes to alleviate human suffering deserves the sympathy of every right-thinking person. But Great Britain and other countries of Europe, America, Australia, Africa, Egypt, Japan and China are all agreed on a common system of scientific medical education, and in all countries it is quite competent for a registered medical practitioner to make use of any reasonable form of treatment—homœopathy, hydropathy or hypnotism which he thinks will be beneficial to his patient. Sir, I am the pioneer of red cross travelling system of medical relief in India; and while the Honourable the Mover desires the introduction of homœopathic treatment in Government hospitals, I would suggest that as a beginning, every tahsil and taluqa should have a travelling dispensary in charge of a qualified medical man trained in western medical science. The observations and clinical experience of medical men trained in western medicine, which has stood the test of centuries, are of immense benefit to the masses in this country. Western medicine has been adopted and practised with considerable success in the remotest corners of the world.

Sir, if a man is a qualified doctor, there are his qualifications to secure his registration; but in the present state of affairs how are the homœopaths without any definite standard of education to be registered? The illiterate and ignorant would suffer considerably in consequence of any one setting up as a practitioner of homœopathy. Sir, the expense of introducing homœopathic treatment in Government hospitals and establishing homœopathic colleges would be enormous, and the funds at the disposal of the Local Governments are very strictly limited. Sir, I fear that this Resolution interferes with the powers of the Provincial Legislatures. Provincial Autonomy has just been inaugurated, and I am sure that this question would be strongly resented by the Provincial Legislatures and would be considered as interfering unnecessarily with their powers. This subject is a matter entirely for provincial Ministers. We should leave it to the provincial Ministers; they will do what is right and what is demanded by the people of the different Provinces. I am quite confident that interference in provincial matters is the last thing which this Honourable House wishes to countenance. Sir, I think the best course for my Honourable friend, the Mover, would be to enlist the sympathy and assistance of his friends in the different Provincial Legislatures; and I hope that the Honourable the Mover will be induced to withdraw the Resolution, and to leave this matter to the Local Governments to do as they think best in the interests of the masses committed to their care.

Mr. Lalchand Navalrai (Sind: Non-Muhammadan Rural): Sir, I give my whole-hearted support to this Resolution. After hearing my Honourable friend, Dr. Dalal, I thought that he was giving his blessing to this system of homœopathy and I thought, expert as he is, his word will be considered as a very weighty one. But, Sir, I am sorry that he whittled down all his sympathy and his enthusiasm when he said that the Government cannot

[Mr. Lalchand Navalrai.]

do anything. It is the Local Government that should take care of this business. But what is asked for in the Resolution, put in the words of the Mover, is that he wants sympathy, moral sympathy and also some way of procedure that may be laid down by the Central Government. Even under the present constitution there are certain provinces which are centrally administered areas which lie within the power of the Central Government. I submit it cannot be said that the Central Government have nothing to do with this business in the centrally administered areas. The Government can certainly lay down procedure and precedent for other Governments to follow.

Sir, I need not take much time of the House. The marvellous attainments of this science of healing needs no introduction at the present time when it is universally accepted as the most economical and efficient mode of treatment for the human ills and which is sure to prove a boon to the suffering millions of this country. This scientific system is recognised by almost all the civilised countries of the world which include America, Germany, France and Russia. In Great Britain also we find that the homœopathic physicians are being given the same rights and privileges as their colleagues of the other system. The London Homœopathic College and Hospital enjoys the proud patronage of the Royal family. It would be recognised that the history of this homœopathy coming into India was this. A homœopathic hospital was started in Calcutta by Dr. C. Fabre Tonnere, M.D., a French homœopath, under the patronage of Lieut.-General Sir John H. Litter, J.C.B., the then Lieutenant Governor of Bengal and Sir Henry Maine, the great jurist and a Member of the then Council of the Governor General. Since then this natural law of cure has widened its boundaries over the length and breadth of this country. Today, we find that notable men, like Dr. Rabindranath Tagore, are among its supporters. He says:

"I have long been an ardent believer in the science of homœopathy and I feel happy that it has got now a greater hold in India than even in the land of its origin. It is not merely a collection of a few medicines but a real science with a rational philosophy as its base. We require more scientific interest and inquiry into the matter with special stress upon the Indian environments."

Nothing can be a better certificate than this. It is also a fact that so many eminent physicians, who, having practised allopathy for a considerable number of years and that also successfully, have given up their lucrative practice and embraced homœopathy. Dr. Bair, the world renowned surgeon, late Dr. Mahindra Lal Sircar, M.D., C.I.E., founder of the all India Science Institute, and others.

Sir, the poverty of this vast country is proverbial and a treatment which effects great economy in the matter of saving of life, time and money can only come to its rescue. I am told the Calcutta Corporation is doing immense service to its citizens by giving financial aid to the Calcutta Homœopathic Medical College Hospital which is being managed by the Calcutta Homœopathic Hospital Society. What is asked for in this Resolution is a very modest demand, namely, that steps should be taken to introduce homœopathic treatment in Government hospitals, and to give homœopathic colleges in India the same status and recognition as in the case of allopathic colleges. I hope the House will be unanimous in accepting this Resolution.

Mr. President (The Honourable Sir Abdur Rahim): Before the discussion proceeds any further the Chair would like to mention that Mr. Mohan Lal Saksena sent to the Chair today an amendment which he wanted to move. In the first place, he ought to have sent any amendment, that he had in mind, to the office officially; secondly, he is too late; and, thirdly, he did not even get up to say that he wanted to move an amendment.

Pandit Lakshmi Kanta Maitra (Presidency Division: Non-Muhammadan Rural): Sir, I rise to say a few words in support of this Resolution which is an absolutely harmless one and a very modest one. We have been much too frequently engaged in warfare between this side and that and it is very seldom that an occasion arises here when we can think of devising some means of introducing the healing art. Today's Resolution comes to us as a bathos for we were to move the Constituent Assembly Resolution and from the Constituent Assembly we have climbed down to homœopathy. Be that as it may, I now ask the House to seriously consider the question whether the Government of this country should any longer continue in their attitude not only of apathy towards this system of treatment but also of active antipathy to it.

Lieut.-Colonel Sir Henry Gidney (Nominated Non-Official): No, no.

Pandit Lakshmi Kanta Maitra: My Honourable friend, Sir Henry Gidney, says, "No". Perhaps my Honourable friend does not know that this Government have issued a notification in which they absolutely prohibit all Government servants from taking part in homœopathic practice.

Lieut.-Colonel Sir Henry Gidney: He cannot be a Government servant and a homœopath at the same time.

Pandit Lakshmi Kanta Maitra: I see no anomaly in it, but the circular says that whoever being in Government service practises homœopathy for profit or gratis will be amenable to certain pains and penalties. But why should private practice for charitable purposes be banned?

Lieut.-Colonel Sir Henry Gidney: Because he is a whole-time servant of Government, and he cannot serve elsewhere.

Pandit Lakshmi Kanta Maitra: I do not understand what my Honourable friend, Sir Henry Gidney, means. Is a Government servant debarred from doing any acts of charity? I am, however, referring to this notification of Government to show that far from rendering any assistance to homœopathy, the Government have adopted measures which go directly against the growth and stabilisation of this system of practice in this country. I do not know much about medicine and materia medica of the science, but I know that this has been a system of treatment which has found favour in this country. And speaking from my personal experience of my own province of Bengal, I can say that this system has made enormous strides during the last 50 years. It is indeed a fact that the first homœopathic college was established in Calcutta, and today we find clusters of well-equipped homœopathic colleges growing in different parts of Calcutta and outside wherein students are taught this science with

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Anatomy and Physiology, etc. Sir, it is a well-known fact in Bengal that in Calcutta homœopathic practitioners command very large and lucrative practice, and in fact their practice is in no way inferior to that of the greatest allopaths of the city. Sir, mention has been made by an Honourable Member of Dr. Mahendra Lal Sircar. Is it realised what his adoption of homœopathy meant? He was in those days one of the most outstanding personalities of India, one of the greatest medical luminaries, and he was the founder of the Indian Institute for the cultivation of science in India. Dr. Mahendra Lal Sircar when he took to homœopathy firmly believed in it and went on practising it and abjured allopathy altogether. It is gratifying to find that some of the most authoritative books on homœopathy written by foreign experts frequently make appreciative references to him. This homœopathy is something which was not unknown in this country. There was in ancient India something similar to this system of treatment and its underlying principle *similia similibus curantur* has also its parallel in Sanskrit: a mild and humane system of treatment akin to homœopathy was in vogue in India at the time of King Asoka. When this great king embraced Buddhism he wanted to introduce a system of healing art which would eliminate the necessity of operative surgery and the violent form of treatment which the Ayurvedic system then meant. And a kind of homœopathy in this country arose in that way. It might seem fantastic and raise smiles here and there, but the fact remains that homœopathic principles were known in this country, and that is the reason why in this country the homœopathic system of treatment found great favour and even greater favour and popularity than the land of its birth; and homœopathic practitioners are now carrying on their trade with considerable success. If Government had turned on the scene and regulated the growth and development and the cultivation of this noble science, probably we would not have seen the pitfalls and defects and many other ugly features which disfigure its practice today. We see today legions of quacks growing up here and there with a box of a dozen or so of homœopathic medicines and setting themselves up as practitioners. That is because Government have not done anything to help its growth and expansion on healthy and salutary lines and they have not been able to control the situation. Sir, it seems that Government also in some of their activities accept, occasionally, the principle of *similia similibus curantur*, (like cures like). Whenever there is an isolated act of terrorism by a misguided youth, Government turn round and meet it by an intensified form of organised terrorism with the help of their military and police! So they are following that! They are also turning this country, whenever convenient, into a vast laboratory in which they carry on all manner of experiments. Let them make one more experiment and that with homœopathy in this country.

I think, Sir, it is time for Government to seriously address themselves to it, to giving it recognition and encouragement. Sir, homœopathy is eminently suitable for the climatic and economic conditions of this country; and I hope that a measure like this which does not call upon Government to make any very great sacrifices, pecuniary or otherwise, will receive at least that amount of recognition which has long been its due. I can sympathise with my friends the allopaths who fear that in the event of its recognition by the Government they will have formidable rivals to

grapple with. (Lieut.-Colonel Sir Henry Gidney: "Question") I have every sympathy with them, but I believe that every form of the healing art, whether homœopathic or ayurvedic or unani, when it seeks to alleviate the pain and sufferings of humanity, should have the encouragement, sympathy and support of every section of mankind. Sir, I support this Resolution.

Dr. Ziauddin Ahmad (United Provinces Southern Divisions: Muhammadan Rural): Sir, I have one or two difficulties in connection with this Resolution. The first is this: everybody knows that the strength of a homœopathic medicine technically called potency increases with the amount of adulteration with water. If you take one part of medicine and mix it with 100 parts of water, the potency is supposed to have increased to 100, not diminished to 1/100th; and if this 1/100th part is again diluted with 100 parts of water, the potency becomes 10,000 and the strength of the medicine is supposed to have increased 10,000 times. If you go on diminishing the actual quantity of medicine the potency of the medicine increases: as a mathematician, I would then say, if this process continues *ad infinitum* then the proportion of medicine in a dose will be diminished to zero, potency of the medicine must be increased to infinity. In other words if you take simple water, without putting any medicine in it it must have the highest potency.

An Honourable Member: Are you a doctor?

Dr. Ziauddin Ahmad: I am putting forward my difficulties and I put a common sense question and I hope that some of the advocates of homœopathy will answer my difficulty. (Interruptions.) Has every one finished his speech?

Mr. President (The Honourable Sir Abdur Rahim): The Chair thinks the Honourable Member had better address the Chair.

Dr. Ziauddin Ahmad: I say, therefore, the whole treatment is ultimately reduced to treatment by water: plain water will have the highest potency. I admit there are *hakims* in this country who treat every disease by giving water alone and this homœopathic treatment is nothing better than that.

My second difficulty is this: the basis for every other system of medicine is scientific. It is based on physiology, pathology and materia medica—allopathy, unani system and the ayurvedic system are all like that. But in this case I should like to know whether they have anything of the sort. I have talked with some homœopathic doctors and they say: "We do not care what the disease is, we are only concerned with the symptoms." . . .

An Honourable Member: They never say that.

Dr. Ziauddin Ahmad: That is what they say: and this is the way they administer the medicine. First, they give medicine to a healthy man and find out what symptoms it produces. That is the whole scientific basis of this system. If more scientific basis exists, I hope some Members will get up and correct me. If any medicine produced symptoms, say, minus A, give another dose and it becomes zero again. The treatment practically means $-1 \times -1 = +1$. We have been told that it finds favour

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among the people. I quite admit it; but treatment by means of *sadhus* and *fakirs* also finds favour among certain classes of the people, treatment with amulets and with holy water and so on also find favour among certain people. By analogy, therefore, *sadhus* and *fakirs* ought to be recognised as qualified doctors and should find places in all hospitals.

An Honourable Member: Have you made a study of this?

Dr. Ziauddin Ahmad: I have not made any study of
(Interruptions.)

Mr. President (The Honourable Sir Abdur Rahim): Let the Honourable Member not take note of the interruptions.

Dr. Ziauddin Ahmad: The fundamental basis of homœopathic treatment has not been established to be scientific, nor the theory of potency varying inversely as the quantity of medicine appeals to me. It is said in the Resolution that the same recognition ought to be given to homœopathic colleges as is given to allopathic colleges. Now, in the allopathic colleges, scientific subjects, like chemistry, physics, physiology, Pathology, diagnosing of diseases and other things are taught: how is it possible to teach these subjects in a homœopathic college? They do not believe in diseases, they believe only in the symptoms. I hope that some of the supporters of the Resolution will explain the points I have raised.

Maulvi Syed Murtuza Sahib Bahadur (South Madras: Muhammadan): Sir, I rise to accord my whole-hearted support to the Resolution before the House. Before doing so, I was under the impression that at least non-official Members will support this whole-heartedly; but I am sorry to see my Honourable friend, Dr. Ziauddin Ahmad, himself is opposing the motion. So far as my Honourable friend, Dr. Dalal, is concerned, he is not opposed to it nor does he say that this is not based on science. But our doctor friend, Dr. Ziauddin Ahmad, has come forward to say that it is not based on science. What has potency to do with this? (Laughter.) Many of us do know something of potential energy and kinetic energy in our college days. But even that has no bearing on the subject before the House. The very fact that so many eminent doctors and founders in allopathy have surrendered allopathic treatment in favour of homœopathic treatment is sufficient proof that this should not only be recognised, but also patronised by the Government. Sir, I am one of those responsible for this Resolution. The Honourable the Mover in his closing remarks has said that this modest request may be responded to by the Central Government so that some moral pressure may be brought to bear on Provincial Governments and they may open their eyes and come forward to patronise this as it is being done in Calcutta and in other places. My friend, Dr. Dalal, has entertained some fears that we are interfering with the powers of the Provincial Governments. We know what the present Provincial Governments are. ("Hear, hear" from Congress Benches.)

Mr. Sri Prakasa (Allahabad and Jhansi Divisions: Non-Muhammadan Rural): Homœopathic doses. (Laughter.)

Maulvi Syed Murtuza Sahib Bahadur: As has been very aptly remarked by my Honourable friend, Mr. Sri Prakasa, they are homœopathic doses. So, it is the duty of the Central Government to see that the system which has found favour even with the Royal family, even with our former Majesty King Edward VIII, should be patronised by them.

Sir Muhammad Yakub (Rohilkund and Kumaon Divisions: Muhammadan Rural): And, therefore, he had to go.

Maulvi Syed Murtuza Sahib Bahadur: No, Sir; he lives a very honourable life. (Hear, hear.) He did not care for the Throne.

Mr. Sri Prakasa: Again it is a case of potency. (Laughter.)

Maulvi Syed Murtuza Sahib Bahadur: There the question of potential energy comes in. (Laughter.) The question of kinetic or potential energy comes in when we know that our former Majesty gave up even his Throne. (Laughter.)

Sir, when professional men, like my friend, Dr. Dalal, don't come forward to say that this system is not based on science, I am simply astonished to see laymen trying to do so. We know definitely that several eminent allopathic practitioners have given up the allopathic system and are successfully practising the homœopathic system. The very founder of the All-India Science Institute is one of those who has surrendered allopathic treatment in favour of homœopathy. I mean, the late Dr. Mahindra Lal Sircar, M.D., C.I.E.

Then the other fear entertained by my Honourable friend, Dr. Dalal, was that some quacks might practise this. We do not advocate the cause of quacks in this Resolution. We know that there are many graduates who have qualified themselves in the homœopathic system of treatment. The Government can patronise them. They can also open schools and colleges to impart instruction in homœopathic treatment and recognise the products of such schools and colleges.

Another suggestion made by my friend, Dr. Dalal, was that we should have itinery hospitals so that the doctors may go from *taluka* to *taluka* or from village to village, and I quite agree with him in the proposal which is a laudable one. But are the Government prepared to support such a proposition? If the Government are prepared to consider that proposal favourably, then they can also consider the question of opening schools and colleges for instructing people in homœopathy. I hope, Sir, this modest request made by us will find favour with all the elected Members, including my friend, Dr. Ziauddin Ahmad, and also the professional men in this House. With these few remarks, I support the Resolution.

Dr. G. V. Deshmukh (Bombay City: Non-Muhammadan Urban): Sir, it was very refreshing to hear all this discussion about the alleged scientific subject of homœopathy. At the outset, I must say, Sir that I am opposed to this Resolution, and I shall presently give my grounds for it. It is not based on any technical ground, such as, that this is a provincial subject and, therefore, we should not interfere with it. Indeed, I am very glad that this subject has been brought forward in this House so that we could

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guide the country by our opinion here. I am not one of those who say that everything scientific is concentrated in the allopathic system of treatment. It is far from my mind to suggest that every other system of treatment is unscientific. But, Sir, I will say this, that the allopathic system of the modern day has absorbed everything that is scientific in the various other systems. The allopath rejects nothing, at the same time he is not willing to accept everything on faith or because a few doctors have given up the allopathic system and taken to homœopathy successfully or that there are some mystic things said about it. To accept any system of treatment, it must be based on solid scientific grounds, and when we come to the homœopathic system, that is so much praised in this House today, what do we find? Nobody will deny that every system of treatment must be based on an accurate knowledge of the human body. What would you say of an engineer or let us say of a taxi driver, if he set himself up and said that he would do all the repairs of motor cars without his ever having dismantled a car? Now, in regard to the homœopathic system, or I may say even in regard to the Ayurvedic or Unani system, I think there is a great defect in these systems in that there is no regular scientific method of teaching the subjects. Nobody can accuse me of being hostile to these systems, because in my own way, Sir, I have tried my best to advance the cause of these indigenous systems so that a good direction might be given to both the Ayurvedic and Unani systems. Indeed, Sir, it might interest the House to know that I even presided at an Ayurvedic Conference, and the point that I emphasised on those who were responsible for that Conference was that they should have a regular scientific method of teaching the systems, so that those who will practise the respective systems should be well conversant with what you may say the fundamental facts of the human body, without which it is absolutely impossible for anybody, except for a superstitious person, to accept treatment under any of these systems. And to my regret, I find that the suggestions I had made nearly 10 or 15 years ago to some very prominent Ayurvedic doctors and to those who were following the different systems have not yet been carried out. I had suggested that they should start schools and colleges in which the dissection of the human body could be carried out. They should have laboratories there to show to the students how the human body is functioning, what the physiology of the human system is. Not only that, I also suggested that no mountebank, because he happens to go about with some old practitioner for a few months, should be allowed to set himself up as a practitioner within six months or even in a year's time. There ought to be properly constituted examining bodies so that those who were going to practise these systems should be properly recognised. So long as these things are not done, I do not think that the Government or the public through their representatives should allow this kind of thing to go on in any civilised country. It will interest many of my friends here who are extolling the system of homœopathy to know that the principle of cure adopted in that system, like with like, is accepted in allopathy. Those who gave us an exposition on the subject ought to know that vaccine therapy is also based on the same method. If a man is suffering from tuberculosis, then he is treated with tuberculin, —it is the poison of the same kind of disease that is responsible for it. The whole of vaccine treatment and a good deal of bacteriology is based on it and it is ridiculous to say that this is a system which is something

very different, and, therefore, there should be a separate recognition for it. By all means, if they have something substantial or something valuable to produce, let them put it before a scientific body, but it is no good coming to a legislative body or a body consisting of laymen and whom nobody is going to contradict. Some Members may say: "Do you know something about it? If you do not, you should not contradict". In return it may be asked: "Have they studied the system?" In that case, are they entitled to bring forward this proposition and say, accept this. The proper position for this kind of Resolution, and I think the right method, is to put it forward before a scientific body. There is no dearth of Indian scientific bodies and very important scientific bodies in this country at the present time. They can sift and choose and whatever is valuable will be accepted and whatever is useless will be rejected. Coming to the actual Resolution itself, it says: "be pleased to introduce homœopathic treatment in Government hospitals". What is the idea of this? To introduce homœopathic treatment, and why? By raw men who do not know the elementary principles of the anatomy, structure and function of the human body? At the same time, let me assure Honourable Members of this House that there is nothing to prevent a well qualified doctor from using this method. Indeed I can tell you as a member of the Bombay Medical Council as well as a member of the All-India Medical Council, that there is nothing in the regulations to prevent any well qualified doctor learning homœopathy and trying to cure patients by homœopathic treatment. Therefore, it seems to me that this clause is absolutely redundant. You cannot have homœopathic treatment in Government hospitals or in hospitals at that, carried on by people, who are ignorant of the most elementary things in that particular science. On the other hand, if there is somebody who knows something about it and if he chooses to have any particular drug or wants to follow a certain line of scientific method, he is perfectly entitled at the present day to follow that method. As regards homœopathic colleges in India and giving them the same status and recognition as allopathic colleges, I am not in a position to speak with authority as I come from a province where there is no homœopathic college, and, therefore, I cannot say of the homœopathic college at Calcutta.

Pandit Lakshmi Kanta Maitra: Anatomy and physiology are taught there.

Dr. G. V. Deshmukh: To begin with, I said that I did not know, but what I do say is, let them establish good institutions as schools and colleges, if not absolutely up to date, at any rate, where the elementary principles of scientific teaching are observed. Then let them apply to the scientific institutions. Nearly every province has a university. Let them apply to those universities. The universities will, I know, appoint a commission to go into it and find out up to what standard the school or college is. Perhaps then it might be worth while coming to the legislative body and saying: "Very well, this is the report which the universities have made, and therefore give recognition". But at the present time, to the first part of the Resolution, namely, "to introduce homœopathic treatment in Government hospitals", there is no objection to a properly qualified man giving that treatment, and as for the other part, namely, "give homœopathic colleges in India the same status and recognition as in the

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case of allopathic colleges", as no homœopathic colleges exist now to my knowledge, it seems to me that the Resolution is absolutely redundant. Those who are anxious about it, let them send it to the universities or scientific bodies in the provinces, and if they approve of it, then would be the time when not only the Government but we, the representatives of the people here, may think it worth while to pass a resolution like this. But till then I won't say. I am sorry to differ and not to agree to this Resolution, but I do think that the most sensible thing for us to do is not to accept this Resolution unless my Honourable friend, Mr. Ghiasuddin, is willing to withdraw it.

Mr. D. K. Lahiri Chaudhury (Bengal: Landholders): After listening to the learned speech of my Honourable friend, Dr. Deshmukh, it is with considerable trepidation that I venture to stand on my legs and make a few observations.

Mr. President (The Honourable Sir Abdur Rahim): Today being Friday the House will adjourn for Lunch now and meet again at 2-15 P.M.

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

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

Mr. D. K. Lahiri Chaudhury: In continuation of my speech, I wish to state that I am one of those who hold an impartial view on this subject. I find myself in a position to state clearly that this homœopathic treatment is based on a scientific basis, and, if to illustrate my point, I refer to astronomical things, I hope the House will excuse me. According to astronomy, there are nine planets in this world and the week days are seven. These planets have got their effect on everything in this mundane world. This homœopathy is also on a scientific basis and it is useless to say that it is the business of the quack. Many people hold that view; I am glad to hear from Mr. Bajoria that he does not hold that view. Then there are two other planets which are working in a reverse direction and it tells upon the spiritual world. In every part of the world, it is calculated that seven days complete a week and with the change of seasons, the human elements also change and human nature is also scientifically affected. Summer, winter, the rainy season and spring all have their effect on the human system.

This homœopathic treatment was first started by Hahnemann, who had a perfect knowledge of pathology and also other technicalities of this allopathic treatment. Homœopathy affords a treatment which can be availed of by every one. We want homœopathy for the simple reason

that allopathy is very expensive. I have witnessed with my own eyes thousands and millions of people dying in the villages and they could not get any treatment for want of money. This is a vital point which should not be ignored. I can personally testify to the miraculous results produced by homœopathy. I have a mastiff dog which was suffering from blood dysentery and I took the risk of consulting a homœopathic physician, instead of a Veterinary Surgeon, and to tell you frankly the dog was absolutely cured of the disease by one dose only. I can tell you of another instance in Calcutta. My personal assistant had a boil in the abdomen and the allopathic doctor said that it must be operated. Fortunately or unfortunately, the doctor had gone away for a week on some mufasil call, and, in the meantime, my cousin, who has some experience of homœopathic treatment, advised him to try the homœopathic medicine and with one dose the boil subsided and my personal assistant was absolutely all right. The allopathic doctor, when he came back, would hardly believe it. But after examination he was satisfied that the boil had really subsided. Being an allopathic doctor, he could not give his whole-hearted support to it, but he said that it seemed miraculous to him. I can give you many more illustrations like this of the value of homœopathic treatment.

Pandit Lakshmi Kanta Maitra: What is the quantity you require for your treatment?

Mr. D. K. Lahiri Chaudhury: That generally depends upon the Honourable friend who put the question. Sometimes a lighter dilution will do, sometimes a higher dilution is necessary. The higher the dilution, the more efficacious the medicine. That is the theory. I may add that there is a regular five years' course for this subject in France, Germany and America. In Calcutta, there is a Homœopathic College where there is a regular dissection class, a class of pathology, a class of anatomy, and generally the efficient doctors, who are coming out of this institution, are doing immense service to the suffering people, especially in the rural parts. It is a fact that rural people are dying in thousands for want of proper treatment. (*An Honourable Member*: "What about bio-chemical treatment?") That is all the more good. Bio-chemical treatment is the outcome of homœopathy. In this country we have got Unani, Kabiraji or Ayurvedic, homœopathic and allopathic treatment. Today, we are only pleading the cause of homœopathy. We hardly get an occasion to plead the cause of Unani and Kabiraji systems. When such a Resolution has been brought before this House, I want that the Government will treat it very sympathetically, and if they do so, I know full well that they will render an immense service to the poor people of India. It ought also to be remembered that this treatment, which is absolutely based on a scientific treatment, should be generally taught in this country in such a way that it gets wider scope in this country.

Sir, I may remind the House of one resolution that was passed a few years back at Calcutta at the Tropical Congress. In that Congress we had the good fortune of meeting many of the eminent doctors of the world,—even the inventor of emetine, tuberculine and the inventors of all those bacteriological treatments happened to come over to Calcutta to join the Tropical Congress, and what were the resolutions passed? I shall stand corrected if I am wrong, but the substance of those resolutions was this.

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that that day perfection of treatment will be reached when every kind of treatment which is in existence in this world will be mixed up and a singular treatment will be found out for the human race. As for the allopathic treatment, I may relate one instance which may interest this House. Sir, the Medical Council was meeting at Simla and I was unfortunately present at that time during the Simla Session and I had the good luck to meet some of the eminent doctors who came up in connection with that Medical Council and I arranged in their honour a luncheon at Hotel Cecil, but unfortunately that day I was attacked by flu and was suffering from a high temperature. Then, I told the doctors that I may be excused from taking share at the table; they said: "don't you worry, we are so many doctors present here, and even if you suffer from high fever, we shall prescribe such medicine for you that won't do any harm". Many of these doctors were eminent in their profession and some of them said to me: "to be frank with you, we have got no faith in medicines", some others said: "I only believe in tincture of iodine and salts". (An Honourable Member: "Kruschen salts".) Sir, the fact is that quite often 70 per cent. of the diseases are cured by nature and only in 30 per cent. lies the efficiency of treatment and credit of doctors. Moreover, in the case of homœopathy there is one thing which is to be remembered, viz., that there is no danger in this treatment; if the dose is a little higher or misplaced, it does not cause any harmful result to the patient and that is the greatest advantage. There is a dictum that doctors differ, but according to Dr. Khare patients suffer also. In the case of homœopathy, however, it merely deals with the symptoms, it goes to the root cause of the disease and it is based on a very scientific method, and, generally speaking, every doctor who practises homœopathy will agree that if the symptoms are similar, the treatment is bound to be uniform.

Mr. Deputy President (Mr. Akhil Chandra Datta): The Honourable Member's time is up.

Mr. D. K. Lahiri Chaudhury: In conclusion, I may add that this is a subject in regard to which nobody should lose this opportunity of furthering the cause of homœopathy, and I strongly support this Resolution.

Some Honourable Members: The question may now be put.

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

"That the question be now put."

The motion was adopted.

Sir Girja Shankar Bajpai (Secretary, Department of Education, Health and Lands): Mr. President, I must begin by an apology for a somewhat rheumatic huskiness of the voice today. (An Honourable Member: "Take a dose of homœopathy.") I was going to say that, if I had heard of the marvels that have been recounted today about the efficacy of the homœopathic system of medicine, I might have tried it yesterday in the hope that I should have been able to effect a cure overnight. As it is,

I must ask the House to put up with what I fear vocally is likely to be a somewhat feeble effort. The Resolution, Sir, of my Honourable friend Mr. Ghiasuddin, has had a mixed reception, if I may say so. There are those who have spoken with great enthusiasm for and great faith in the homœopathic system. It is impossible for me to join the chorus from my personal experience, because such recollections as I have of the homœopathic system of treatment go back to a somewhat remote childhood, and the only clear impressions that I have, Sir, are, first, of gratitude for the exiguity and tastelessness of the dose, and, secondly, of admiration for the demonstrative perfection of these minute globules as physical models of the mathematical zero. (Laughter.)

An Honourable Member: You might have taken "mother tincture".

Sir Girja Shankar Bajpai: Well, I have not had any tinctures. The other school, of which the most influential and authoritative exponent was Dr. Deshmukh, was inclined to challenge, with a considerable amount of scepticism, the claim of homœopathy to be treated as a science. I do not propose to enter into this dispute as to whether homœopathy is a science or is not a science. And I have already ventured to explain to the House that I cannot speak from personal experience of its efficacy or otherwise. But there are certain general considerations which, I think, ought to be brought to the notice of the House. There seems to be some sort of an impression that either the Central Government or Provincial Governments impose restrictions on the practice of homœopathy, and it has been urged that, because this is both an efficacious system of treatment and a cheap system of treatment, therefore the Government should put no obstacles in the way of the dissemination of this system. The fact of the matter is that Government do recognise and have recognised for some time that, in a country of the size of India, with the population of India and with the poverty of the people of India, any system of medicine capable of alleviating human suffering should have free play, and that is the reason why there is no legal limitation on the practice of any system of medicine,—whether it be the allopathic system or the homœopathic system or the Unani system or the Ayurvedic system. And, as some Honourable Members are aware, Provincial Governments have in different provinces aided and subsidised the distribution of the Ayurvedic and Unani medicines. So, if any Local Government chooses to give a similar countenance to homœopathy, I can assure my Honourable friend that nobody will be happier than ourselves; we have no objection to that being done at all. So, Sir, the first thing the House has got to realise is that there is no legal restriction whatsoever in any part of British India on the practice of the homœopathic system of medicine.

Pandit Lakshmi Kanta Maitra: Your Government cannot give any recognition. They have already issued a circular on the subject.

Sir Girja Shankar Bajpai: I will come to that point also by and by. My Honourable friend believes in homœopathic doses of speech when a matter of this kind is being explained. I can assure my Honourable friend it is not so easy.

Now, Sir, the Resolution falls into two parts. The first is a recommendation to the Governor General in Council that homœopaths should be appointed to the staff of medical hospitals, and the second is that Government should extend their recognition to the status of homœopathic

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colleges, presumably as teaching institutions. Now, I think it is just as well that the House should appreciate at the very beginning that, so far as the greater part of British India is concerned, whether it is the first part or it is the second part of the Resolution, adoption of it, action on it, depend upon Local Governments. They do not depend upon us. Medical administration, medical education and hospitals are all entirely transferred provincial subjects. The question is whether, as regards the directly administered areas, the Government of India are in a position to do anything and, if so, what?

Now, Sir, let me take the Resolution in the two parts, which I have already stated, and define the attitude of the Government of India. So far as hospitals in the centrally administered areas are concerned, there is absolutely no objection whatsoever to any doctor on the staff of these hospitals applying the homœopathic system of medicine to the treatment of his patients. There is no objection to that at all. Equally, if a person suitably qualified for an appointment on the staff of a Government college or teaching institution possesses, in addition, specialised knowledge of homœopathy, that by itself is not going to be a disqualification to his appointment to the staff of that college. But I do not think that either the House wishes or any Honourable Member wishes that we should appoint to the staff of these colleges or extend recognition to individuals whose education has no scientific grounding either in physiology or in anatomy or any other subjects that go up to make the corpus of the medical science; that we should extend our recognition to anybody who comes along and says: "I have read a book by the founder of the science or for six months I have meditated in solitude upon the miracles of homœopathy and I am now in a position to come along and tell you—No disease, however, fell, I have merely to touch and it will be cured". I am quite sure that if Government adopted an attitude of such promiscuous recognition, whether by way of appointment or for the purposes of registration or anything else, the very first people who will get up here in the House and belabour Government for having shown callous indifference to the health of the multitude of this country will be the Honourable Members who sit opposite.

Pandit Lakshmi Kanta Maitra: Why put a ban on the homœopaths by issuing a circular?

Sir Girja Shankar Bajpai: There is no ban. I was not going to refer to the circular in the course of my speech because I am not aware of the facts; but if what my friend is suggesting is that some circular has been issued prohibiting homœopathic doctors from practising homœopathy, then all that I can say is that I have no knowledge of any such circular at all.

Pandit Lakshmi Kanta Maitra: Government servants have been prohibited from practising homœopathy.

Sir Girja Shankar Bajpai: But Government servants are supposed to be the wholtime servants of the Government for the purpose of doing the duties of the post to which they are appointed. It is not fair really that a Government servant, who by rules is required to devote his time to his special duties, apart from the question of seeking to supplement his

income—it may be that somebody does it for charitable purposes—it is not right that such an individual should be allowed to practise homœopathy. In any case, I submit that that particular matter does not come within the purview of this Resolution at all. The Resolution seeks the introduction of homœopathic treatment in Government hospitals. Is it the suggestion of any Honourable Member, is it the suggestion of my Honourable friend that all these gentlemen whom this circular affects are members of a Government hospital staff? They are not. Similarly, the next thing is that Government should give recognition to homœopathic colleges. Is it the suggestion of my Honourable friend that any of these servants is the principal or a professor in a homœopathic college in Delhi? I am not aware of the existence of any such college in Delhi. What my Honourable friend is talking about has nothing to do whatever with this Resolution. I think I can have your support, Sir, in saying that that particular question does not arise.

Now, Sir, to go on. The question that I was dealing with was the question of the eligibility of persons who are specialised in homœopathy for appointment to the staff of Government hospitals. The next question that has been raised is the question of the recognition of homœopathic colleges. Well, I am not aware of any homœopathic college in any centrally administered area. I made some inquiries and the result of these inquiries has been that no such institution exists. My Honourable friend, Dr. Deshmukh, who, apart from his eminence in the profession, happens to have had a very distinguished public career as well relating to such matters as medical education, and so on—he is a member, for example, of the All-India Medical Council—, even he found that in his experience he knew of no homœopathic teaching institution outside Calcutta. That being the position, the question of giving recognition to a homœopathic college is not a practical question for the Government of India at all because the college does not exist in a centrally administered area. If there is a homœopathic institution in a province, it needs recognition either by its own Local Government or by the University of the area in which it is situate. Then, I submit the proper course for that institution is to approach the University or the Local Government, as the case may be. The Government of India are not concerned with that. The Government of India in the matter of the recognition of medical qualifications are concerned only with the All-India Medical Council and, as my Honourable friend may be aware, section 11, sub-section (2) of the All-India Medical Council Act (XXVII of 1933) provides:

"That any medical institution in British India which grants a medical qualification not included in the first schedule (a number of qualifications are recognised here) may apply to the Governor General in Council to have such qualifications recognised and the Governor General in Council, after consulting the Council, may by notification in the Gazette of India amend the first schedule so as to include such qualifications therein."

Now, Sir, if there is a homœopathic college in Calcutta or Bombay which seeks recognition by the All-India Medical Council or for purposes of the All-India Medical Council, the procedure described in the sub-section, which I have read out to my Honourable friends, is the procedure which is open to that institution. There is no reason why that institution should not adopt this procedure.

[Sir Girja Shankar Bajpai.]

So, Sir, to sum up, the position is this. As regards the appointment to staffs of medical colleges, there is no prohibition for suitably qualified people. As regards recognition, to the extent that the Government of India are concerned at all, the matter has to be dealt with by the All-India Medical Council in the first instance. Any institution which seeks recognition has its path clear. It has got to make an application in the prescribed way. My Honourable friend said something about it being the system of medicine that needs recognition. I have already tried to explain to the House that, if recognition means the right to practise, or absence of recognition means the absence of right to practise, the problem does not exist because the practice of no system of medicine is prohibited in this country. That being so, I do not know that there is any practical issue before Government. Anybody who wants to practise can practise.

Pandit Lakshmi Kanta Maitra: It is a negative thing.

Sir Girja Shankar Bajpai: It is not a negative thing. Practice is a positive act, and the positive right to practise can be exercised by anybody who likes to practise. So that the position is this, that really it is not possible for the Government of India to take any direct or positive action under this Resolution. I have been asked for an expression of sympathy, moral sympathy, on behalf of the Government towards this. My answer is that Government have moral or, indeed, every conceivable kind of sympathy with any system of medicine which tends to alleviate human suffering, and if it would please my Honourable friends that a record of the discussion in the House today should be forwarded to Local Governments—because after all action, if any action has to be taken on this over the greater part of British India, must be taken by Local Governments—I am prepared to do that. But if what we are required to do is to go beyond that, in other words; if we are required to extend indiscriminate patronage, if you like to individuals who profess homœopathy, but who have not the requisite scientific foundation, then in that case, I submit that with our responsibility to the people of this country, with due regard to ordinary humane and humanitarian considerations, it is not possible for us to do that. Sir, that is all I have to say.

Mr. M. Ghiasuddin: Sir, I wish to say just a few words by way of reply. First of all I take the arguments of my Honourable friend, Dr. Deshmukh. He says that homœopathy is no science. Sir, it is something for the scientists to decide whether a certain subject is a science or not, and not for a layman like myself to say. Without going deeper into the whole thing, whether it is a science or not, I will say that I only judge a thing by its results. As far as the results are concerned I have got before me ample statistics to show that people treated by homœopathic method were cured in all epidemic diseases, like cholera, plague, etc., and other diseases. The other point raised by my Honourable friend, Dr. Deshmukh, was that there is no proper college or institution where this science could be taught or is being taught. He said there was no where any institution where human anatomy could be taught to students of homœopathy. I am afraid on this point my Honourable friend, the learned Doctor, is misinformed. I have just now been given information that there is a College in Calcutta where the course extends to over five years and regular diplomas are granted and these holders of

diplomas have a right to practise homœopathy. On the authority of my Honourable friend, Sir Abdul Halim Ghuznavi, I say that human anatomy and everything else is taught there.

The other point is, there are a good many quacks in this profession who call themselves homœopathic doctors. Sir, I admit this charge. But I consider this is an argument in our favour. If there are quacks, it is for the Government to stop them. It is for the Government to provide proper education and debar those persons from practising who are not qualified. I think the boot is right on the other leg in this matter. All I can say is that at present in a good many civilised countries of the world this system is prevalent, and I have just been supplied with a list of a few hospitals in America and other places which are serving the people there very successfully. There is a hospital in New York after the name of the inventor of homœopathy and it has got 2,500 beds. There is another hospital in Chicago, a homœopathic hospital with 2,000 beds. Then there is a medical college at Philadelphia with the same number of beds. All these persons cannot be fools. We may not prove on the floor of the House, scientifically speaking, whether it is a science or not. But all these persons who go to the homœopathic hospitals and those who finance them cannot be all fools. I admit the helplessness of the Government of India. A good many powers have been taken away in this respect. Provincial autonomy is in full force, and so the Government of India cannot dictate to the Provinces. I admit this much of excuse. But I do submit that the Government of India should give some indication in a practical way, and start some small institution. If that lead is forthcoming, I think I will be pleased to withdraw this Resolution. With these words, I resume my seat.

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

"That this Assembly recommends to the Governor General in Council that he may be pleased to introduce homœopathic treatment in Government hospitals and give homœopathic colleges in India the same status and recognition as in the case of allopathic colleges."

The Assembly divided:

AYES—44.

Aaron, Mr. Samuel.	Jogendra Singh, Sirdar.
Ayyangar, Mr. M. Ananthasayanam.	Kailash Behari Lal, Babu.
Azhar Ali, Mr. Muhammad.	Lahiri Chaudhury, Mr. D. K.
Bajoria, Babu Baijnath.	Lalchand Navalrai, Mr.
Banerjee, Dr. P. N.	Maitra, Pandit Lakshmi Kanta.
Bhagavan Das, Dr.	Malaviya, Pandit Krishna Kant.
Chaliha, Mr. Kuladhar.	Mudaliar, Mr. C. N. Muthuranga.
Chattopadhyaya, Mr. Amarendra Nath.	Muhammad Ahmad Kazmi, Qazi.
Chettiar, Mr. T. S. Avinashilingam.	Murtuza Sahib Bahadur, Maulvi Syed.
Das, Mr. B.	Pant, Pandit Govind Ballabh.
Das, Mr. Basanta Kumar.	Parma Nand, Bhai.
Gadgil, Mr. N. V.	Raghubir Narayan Singh, Chondhri.
Gauba, Mr. K. L.	Ranga, Prof. N. G.
Ghiasuddin, Mr. M.	Saksena, Mr. Mohan Lal.
Ghulam Bhik Nairang, Syed.	Sant Singh, Sardar.
Ghuznavi, Sir Abdul Halim.	Sham Lal, Mr.
Giri, Mr. V. V.	Sheodass Daga, Seth.
Hans Raj, Raizada.	Singh, Mr. Ram Narayan.
Hosmani, Mr. S. K.	Sinha, Mr. Anugrah Narayan.
Ismail Khan, Haji Chaudhury	Sinha, Mr. Satya Narayan.
Muhammad.	Som, Mr. Suryya Kumar.
Jedhe, Mr. K. M.	Sri Prakasa, Mr.
	Varma, Mr. B. B.

NOES—36.

Abdul Hamid, Khan Bahadur Sir.
 Ahmad Nawaz Khan, Major Nawab Sir.
 Aikman, Mr. A.
 Bajpai, Sir Girja Shankar.
 Bansidhar, Rai Sahib.
 Chanda, Mr. A. K.
 Dalal, Dr. R. D.
 Deshmukh, Dr. G. V.
 Griffiths, Mr. P. J.
 Hudson, Sir Leslie.
 James, Mr. F. E.
 Jawahar Singh, Sardar Bahadur Sardar Sir.
 Lal Chand, Captain Rao Bahadur Chaudhri.
 Lalit Chand, Thakur.
 Laljee, Mr. Husenbhai Abdullabhai.
 Lloyd, Mr. A. H.
 Mackeown, Mr. J. A.
 Mehta, Mr. S. L.
 Menon, Mr. K. R.

Metcalf, Sir Aubrey.
 Mukherjee, Rai Bahadur Sir Satya Charan.
 Nagarkar, Mr. C. B.
 Naydu, Diwan Bahadur B. V. Sri Hari Rao.
 Noyce, The Honourable Sir Frank.
 Rau, Sir Raghavendra.
 Row, Mr. K. Sanjiva.
 Roy, Mr. S. N.
 Sale, Mr. J. F.
 Scott, Mr. J. Ramsay.
 Sher Muhammad Khan, Captain Sardar Sir.
 Spence, Mr. G. H.
 Thorne, Mr. J. A.
 Tottenham, Mr. G. R. F.
 Witherington, Mr. C. H.
 Zafrullah Khan, the Honourable Sir Muhammad.
 Ziauddin Ahmad, Dr.

The motion was adopted.

RESOLUTION RE INDIA'S WITHDRAWAL FROM THE MEMBERSHIP OF THE LEAGUE OF NATIONS.

Seth Sheodass Daga (Central Provinces: Landholders): Sir*, I move the following Resolution:

"That this Assembly recommends to the Governor General in Council to withdraw the membership of this country from the League of Nations and to discontinue the payment of the annual contribution thereto."

Mr. G. H. Spence (Secretary, Legislative Department): Sir, on a point of order, I would refer you to rule 14 which provides that:

"The business of the Indian Legislature shall be transacted in English, provided that the President may permit any member unacquainted with English to address the Council in a vernacular."

I am credibly informed that the Honourable Member is not unacquainted with English and that he has in fact. . . .

Some Honourable Members: What is your source of information?

Mr. Deputy President (Mr. Akhil Chandra Datta): Order, order. The Chair would like to inquire if the Honourable Member is acquainted with English?

Seth Sheodass Daga: Sir,* I do not know English.

Mr. Deputy President (Mr. Akhil Chandra Datta): The Honourable Member can proceed in his own language.

* English translation of the speech delivered in the vernacular.

Mr. Ram Narayan Singh (Chota Nagpur Division: Non-Muhammadian): Sir, may I know if the report of this speech is being taken?

Mr. Deputy President (Mr. Akhil Chandra Datta): Certainly, it will be reported.

Seth Sheodass Daga: The League of Nations was established on the 10th of January, 1920, and its aim was to settle the disputes between the Members of the League by arbitration and negotiation. The organiser of this League was the United Kingdom, and from the very beginning, India was one of the original members of it. At that time only 17 or 19 Nations joined it, but many of the nations of the world did not join the League. All this happened after the Great War. America and Russia did not join the League at that time, and, even up to now, America has not joined. Russia joined a year ago. Germany also did not join up to 1936. Japan which was one of the original members resigned the League in 1933, because she wanted some portion of China to which perhaps other nations would not agree. The aim of the League was a noble one, but in practice every thing is going on quite contrary to the original idea. May I be permitted to say that the League instead of being an Arbitrator in the cause of peace has turned a band of brigands and a set of butchers.

Sir, even today important countries, like Japan, Germany and America, are not there and so the League is not able to do anything in the cause of peace. Therefore, the League instead of helping and supporting the weak countries has been the cause of their ruin. I am giving some instances below.

Japan wanted to conquer Manchukoa and when the United Kingdom intervened and objected, it was asked by Japan to give up India, and so the League failed. Thereafter, Japan resigned its membership of the League and the League sat with folded hands and were not able to save Manchukoa.

It had been settled by the treaty of Versailles that the Rhineland was not to be occupied by German soldiers and in spite of that Germany gar-risoned the Rhineland and took possession of the same and the League found itself helpless to prevent it.

Now, I will give the latest instance of the League's brigandage. We are all aware of the fact of Abyssinia and Italy being the members of the League of Nations and also painfully aware of the fact as to how Abyssinia was devoured by Italy. It was the duty of the League to interfere when two members were at logger heads and to punish the one that was in the wrong. Italy treated Abyssinia very cruelly and the League which claims to be an apostle of justice was quietly watching what was happening. Left to herself, Abyssinia would have settled her differences with Italy directly without the aid of the League, and would have, as we see today, been much better off. But the worthy members of the League raised false hopes in her mind, and went on delaying matters until the whole of Abyssinia was practically allowed to be swallowed up by Italy. This loot and butchery went on under the very nose of the League, and, I may be permitted to say, by their connivance, According to the principles, which the League proclaims and for which it came into existence, it should have sided with Abyssinia, but the only outward symbol of sympathy which it was able to extend consisted in

[Seth Sheodass Daga.]

giving faint expressions to their opinion that Italy was in the wrong. It also went as far as to sanction the control of petrol supply to Italy, but this sanction remained a dead letter. Several nations, including the U. S. A., undertook to supply petrol to Italy and yet the League instead of openly siding with Abyssinia in order to exert pressure on Italy remained a silent spectator of the naked brutality until poor Abyssinia was practically wiped out of existence. Sir Samuel Hoare realising the force of world opinion had ventured to suggest that Abyssinia be left to settle her affairs with Italy herself, but that suggestion cost him his office. All the humane principles laid down by the League to be observed in the time of war, such as to refrain from bombing or exposing to gas attack the civilian population centres of Red Cross Society, hotels, churches, mosques, etc., were trampled under foot and the League closed its eyes to this open challenge to its authority by Italy. This inglorious drama finally ended in the disappearance of the Negus from the Assembly. Will it be far wrong to suggest by way of an explanation to the League's attitude in this matter that, Italy being a white nation and Abyssinia a coloured one, the League sympathised with the former with the result that the latter, though in the right, became its victim? What hope can there be for India which is not a white nation in constant fear of being swallowed up by one white nation or other. Some people lay a great emphasis on the fact that India is one of the original members, but this serves no useful purpose, except enabling the British Government to nominate one of their favourites as a delegate, and, thus, increase their strength by one vote in the League Assembly.

Though an original member, India is not represented on the Executive Council of the League and has no voice in important matters. It is true that there has been some reduction in India's contribution, but it is not to an appreciable extent. The representation of India in the staff of the League is very meagre, as will be clear from the following figures showing the contribution paid by each country, and the return it gets in the form of salaries to its officers:

Name of the country.	Contribution in Swiss Francs.	Salary of the officers in Swiss Francs.
Britain	3,189,462	925,147
France	2,399,690	1,468,692
India	1,670,670	51,625

When the British Government was suppressing the Indian nation with all its might and main in its struggle for the attainment of its birth right in a non-violent manner in 1932, what did the League do for India?

The attitude of the League towards the affairs in Spain is a living example of the failure of the League of Nations which claims that it is an apostle of justice. All the members of the League profess that they are neutral, but Italy has been sending 60,000 soldiers and some high officers and still claim to be maintaining its neutrality, but the League

has not been taking any steps to punish these delinquents. It is obvious from the above that the League can serve no useful purpose and it is also not humanly possible for it to do any good.

As I have observed, above the League is a gang of robbers and a set of butchers, who are in the habit of standing aside to let one of them have recourse to plunder, so that they may in their turn be permitted to do the same when occasion arises.

Under these circumstances, Sir, I propose that India should withdraw from the membership of the League and the payment of the annual contribution to the League be discontinued, and I hope and trust that the Assembly will whole-heartedly support my Resolution.

Mr. Deputy President (Mr. Akhil Chandra Datta): Resolution moved:

"That this Assembly recommends to the Governor General in Council to withdraw the membership of this country from the League of Nations and to discontinue the payment of the annual contribution thereto."

Dr. Bhagavan Das (Cities of the United Provinces: Non-Muhammadian Urban): Sir, I regret that I happen to know English, otherwise I might perhaps have been able to speak as eloquently and as fully as my Honourable and very worthy friend, Seth Sheodass Daga, has done, in his and my mother-tongue. As it is, I am compelled to speak in English, by the rules.

Sir, I support the Resolution, which has been so ably moved by him; but I confess that I do so with much sadness, because the ideal of the League of Nations, as conceived in the mind of that noble-hearted idealist, President Wilson, the third truly great President of the United States of America, is very dear to my heart. When I first read of the establishment of the League, it appeared to me as the dawn of the millennium, the realisation of the poet's dream of "the Parliament of Man and the Federation of the World". It is only because the machinations of the cunning diplomats of the Great Powers, mainly, Great Britain and, secondly, France, have perverted the League wholly away from that ideal, that the Indian people no longer wish to remain connected with it in any way. Even the British editor of that influential paper, the *Statesman* of Delhi and Calcutta, wrote not long ago, towards the close of the Italo-Abyssinian war, to the effect that the time had come when nations, which had any self-respect left in them, could only feel ashamed to have had and to have anything to do with the League of Nations. The League represents the last of the fourteen points suggested by President Wilson for embodiment in the Treaty of Peace between the belligerents in that epidemic of murderous madness and mutual butchery, called the Great War. When he toured in the countries of Europe after the Armistice, he was everywhere hailed as the Prince of Peace. But when the Treaty came to be actually drawn up, the Big Ten, and then the Big Four, and finally the Big Two, namely, the Prime Minister of England, Mr. Lloyd George, who very often literally "quotes the Bible for his own purpose", and Mr. George Clemenceau, the "tiger" of France, successfully outwitted the simple-hearted, straight-minded idealist, and whittled away thirteen of his points, and left only the last. President Wilson yielded point after point, hoping perhaps to win everything back through his League. His clever colleagues knew better,—very clever in their own conceit, but very foolish in the eyes of God, as perhaps the survivor of them, Mr. Lloyd George,

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is realising now, in view of the greater preparation for a worse Armageddon. At the Sorbonne University, when they gave him a degree to show him honour, President Wilson said: "My conception of the League of Nations is just this—that it shall operate as the organised moral force of men throughout the world". Today, the general feeling is that the League has become a puppet of Britain and France, instead of the organised moral force of mankind.

Sir, I had the high honour of having, for a brief hour, under my roof in Benares in 1930, the daughter and the son-in-law of that noble-hearted idealist, President Wilson. Prof. and Mrs. Sayce were naturally reticent, and could not tell me much on the subject; but I learnt more from another American visitor, as to how President Wilson had died, broken-hearted, of paralysis, because of the frustration of the high hopes he had set upon the League. Not only had the diplomats of Europe deceived him, but his own people disowned him. In the U. S. A. a conspiracy had been formed, of Republican Senators, for economico-political purposes, to belittle the President and make his mission for world peace a failure. The Senators were tools of the international clique of capitalists and armament-makers who have been at the back of most of the wars of this century, including the Great War. The former President Theodore Roosevelt declared publicly, shortly after the Armistice: "Wilson has no authority whatever to speak for the American people at this time. His leadership has been emphatically repudiated by them".

The first Assembly of the League of Nations met in Geneva in November, 1920. Over 16 years have gone by since then. The League has deteriorated steadily in effectiveness as a moral force, till the time has come when even a British editor says that no self-respecting people should have anything to do with it. The Disarmament Conference held by the League proved a fiasco, even as the World Economic Conference held in London proved a fiasco. The military preparedness of the nations for another outbreak of butchery is far greater today than it was before the outbreak of the World War. About a year ago, if I remember rightly, Mr. Lloyd George, in one of his public speeches, bemoaning the mad race in armaments, of the Powers, but not confessing that it was the consequence of his own excessive cleverness at the time of the framing of the Treaty of Versailles, said that the total of the expenditure of the Great Powers on the armaments was one thousand million pounds a year, and that something like thirty million men were employed, as the standing armies and reserves, without counting those engaged in the manufacture of arms and munitions. He should have said they were mis-employed, in preparing for the work of mutual butchery, and, far worse, for the butchery of the civilian populations. I was amazed and horrified to read recently, in a paper which professed to quote reliable statistics, that the total of the budgeted military expenditure of the Great Powers during the last year, that is to say, for 1936-37, was twenty-five hundred million pounds. One thousand million pounds a year was unbearable and intolerable burden enough for 'the workers of the world'. But—twenty-five hundred million pounds in one year! If all those thirty million men were properly employed, and all that vast amount of money spent in organising the human race for peace instead of organising the nations for mutual war, employed and spent in works for promoting the

general welfare of mankind, what incalculable blessings would rain upon Humanity! The whole surface of the earth could be turned into one blooming garden, and, indeed, the Kingdom of Heaven could be established on the earth. But the League looks on, and can do nothing to stop this disastrous misuse of men and money. So many wars have taken place during the last 16 years, wars between several Republics of South America, wars between Japan and China, and the League has been able to do nothing. Japan openly says that if Britain is to hold India as its private property, why should not Japan hold China similarly: "Hands off China"! Such is the consequence of the malignant example of imperialism set by Britain, and her refusal to help India to establish genuine self-government. "Sins come home to roast". "The mills of God grind slowly, but they grind exceeding small". The grinding of the mills of God is the circling of the cycles of human history and psychology.

India in particular has nothing to gain from remaining a member of the League, except the contempt of all other nations, the contempt of the British most of all in their heart of hearts, for being the merest catspaw of the British Government, and for paying for the diplomacies of British statesmen at the cost of yet worse privation of the already half-starved and ragged hundreds of millions of our people. I understand, Sir, that next after Britain and France, and perhaps, one or two others, India makes the largest annual contribution towards the upkeep of the League, and has been paying up very regularly, while many other nations are in arrears. What is the result of all this? Instead of being the organised moral force of mankind, the League looks on, while the so-called Great Powers—Powers of Evil and Darkness—are becoming organised martial forces, between which, when they clash, India, the humble serf of Britain, will probably be ground to dust. We cannot forget that India lost from war-fever, during the *four months* of 1918, principally because of the drain of her resources to supply the war-requirements of Britain, and her own consequent lack of food and clothing, and the resultant depletion of disease-resisting vital power, over 12 millions of human beings, by the statistics of the Government of India themselves—as many as, or more than,—were killed in battles in *four years* of the Great War. World-wide disarmament is sure to come, either by world-wide slaughter, or by mutual agreement. It seems that it will come by slaughter, and soon, since the League cannot usher it in by agreement.

The ostentatious pretence is that India is an independent member of the League, but every one knows that this is only brazen diplomacy. The representatives of India on the League have always been only the nominated tools and mouthpieces and megaphones and microphones of the British Government. I am not aware that India has derived any single benefit from her membership of the League. The League has a Committee of intellectual co-operation. One of our most famous men, a world-celebrity, Prof. Sir Radhakrishnan, has been put upon it. I had some correspondence with him and one very brief talk. I got the impression that nothing substantial can be done by the Committee, in respect of really improving the moral quality of the education in the European countries, and the quality as well as the quantity in India. We see that instead of teaching peace between the creeds and the nations, children of 8, 10, 12 years of age are being trained in all European countries in military discipline, are being soaked in war mentality, and taught

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to hate the people of other nations. The League looks on. It is an axiom of ancient Indian tradition that education is the seed and root, and civilisation is the flower and fruit. As is the quality, cultural and vocational, of the education, such will be the quality of the civilisation. Wrong education has dethroned God in Europe and enthroned capitalist Mammon instead; has given to him, for archangel councillors and ministers, militarist moloch on his dexter side, and diplomatist Mephistos on his sinister side; and has provided him with boon companions in the shape of Comus, Momus, and Priapus, the ministers of sensualism, high living, and all that is known as the right-side of the great capitals, the modern Babels, of Europe! The League consists of courtiers and *durbars* who enjoy and applaud the cinema, dance and Bacchanalia. It is only by right education and not by such superficial services and artifices, and show of enormous industry over trivial details, and many processes of whitewashing and eyewashing and leaf-washing, as the League indulges in, in common with all bureaucracies—that all the ills of mankind can be cured, and all their problems solved, as nearly as is humanly possible to cure and solve them. The League has not been of any help to India in this vital respect.

The League has a Committee on Foods, as the physical basis of life and of civilisation. It has published large books full of minute statistics, which I have been looking into recently. The net result is that cereals, green vegetables, fresh fruits, milk and milk-products are the best foods, and these, together with eggs and certain meats for non-vegetarian folk, are solemnly recommended. Now, India has known all this for thousands of years, and she needs no advice as to what food to take; but she needs the food itself, which she produces too, but is deprived of, ruthlessly.

I have had talks in Benares with two Secretaries of the League, one an Australian gentleman, and another a Dutch lady, if I remember rightly, who were attached to departments concerned with the Drugs and Drink Traffic and the Sex-slave Traffic, respectively. The opium traffic of India with China has decreased; but, so far as I am aware, the consumption of cocaine and of alcoholic drinks of various kinds, indigenous and foreign, has increased, especially among the students of universities, and among those generally who regard themselves as "educated", to the horror of all those who wish well to the younger and the future generations of India. The Hindu and the Muslim religions say that *Sur-a-pa-nam*, the drinking of spirituous liquors is one of the five *maha-pataka-s*, "heinous sins" and the Holy Quran says: "Al-khamro amal-ish-Shaitani", "intoxicants are the work of the Devil". And yet the British-Indian Government are pursuing diligently the policy of deriving income from this deliberate debauching and degradation of human nature, and while they profess and pretend to restrain and regulate the consumption of intoxicants, in practice stimulate it directly and indirectly, and the Indian States, which formerly never touched money from these infernal sources, are now naturally and eagerly imitating the British-Indian Government in this respect. The League has done nothing to mend the ways of the British-Indian Government in this matter, which is a matter of life or death, of body and soul to the Indian people.

There are many more things to say. Many have been said by my worthy friend, Seth Sheodass Daga, and more I trust will be said by

other speakers. I will conclude with just two more observations: If the League were worth the money and the energy spent upon it, and if India were really an independent member of it, the horrible civil war of mutual extermination now going on in Spain would have been impossible; and the other civil war, now going on in India for the last sixteen years—truly civil, non-violent, on the side of the Indian people, and, therefore, perforce, not too violent on the part of the British people, because of the intuitively far-sighted wisdom and philanthropy of our God-given leader, the saintly Man of Peace—this civil war too would have ended in an amicable treaty of honourable inter-dependence between India and Britain long ago.

Sir, the League of Nations, having thus proved itself a failure, and become perverted from the philanthropic ideals of its noble-minded and generous-hearted Founder, President Wilson of the U. S. A., India has every reason to sever its nominal and farcical connection with it. Sir, I support the Resolution. (Applause.)

Sardar Sant Singh (West Punjab): Sir, the League of Nations never appeared to me as the dawn of the millennium as it appeared to my Honourable friend, the humanity loving Dr. Bhagavan Das, when the League of Nations was first established. Before the Manchurian crisis, or the Chaco crisis, or the latest Abyssinian disaster developed, it was very clear to me that the establishment of the League of Nations was the biggest fraud committed by the British diplomacy upon the world. If any evidence were needed to prove my attitude towards the League of Nations as an institution it would be forthcoming from the fact that since my election to this august House in 1931, not a single year has passed in which I have not tabled questions asking the Government to withdraw from this League of Nations. It was in answer to my questions that a statement of the total amount of contribution so far made by the Indian Government to the League of Nations was laid on the table of the House, and it amounted to no less than 1.53 lakhs with an annual contribution of about Rs. 14 lakhs from our revenues. Sir, when after the close of the Great War the idea of collective security found favour, it was not with the intention of creating what was called a self-determination spirit in the countries, which were still subject to the Imperial Governments of Europe, but it was a sort of collective security for those big dacoits who had gathered together the loot, and appropriated, or I should say, misappropriated the various territories to themselves from Germany and other defeated nations. It must be said to their credit that this idea was clothed in a humanitarian form and laid before the public. I may safely concede that it was the greatest triumph for British diplomacy when they made India as an original member of the League of Nations. What was given to us was but a sentiment to which even a very shrewd gentleman like Dr. Bhagavan Das fell an easy prey, and the country began to praise the Government that India had become an independent member of the League of Nations, an original member of the League of Nations. But what was our real status? A Secretary of State sitting about 6,000 miles away from India was to nominate a few persons to represent us. Who were our representatives? Mostly Englishmen.

Mr. N. M. Joshi (Nominated Non-Official): Not quite true.

Sardar Sant Singh: Mostly Englishmen, I said.

Mr. N. M. Joshi: Not mostly.

Sardar Sant Singh: If they were not mostly Englishmen, then it was those Indians, who were 80 per cent. Englishmen, who were nominated to these gatherings. And how did they vote? They voted at the bidding of the Secretary of State, not at the bidding of this House, or at the bidding of the country. This has been the shameful and disgraceful history of our connection with the League of Nations. We were there not to help in the humanitarian task of preventing war, but we were there to vote at the bidding of England so that English Imperialism might live. Are our revenues meant for that? Talking about the various activities of this League of Nations, I think, I had better quote from some of the books, rather than give my own views about it. Here is a quotation from a book called "World Politics, 1918-1936" by R. Palme Dutt:

"Three factors may thus be traced in the formation of the League of Nations. The first was the aim of the victor Imperialist Powers to maintain the fruits of their victory. The second was the aim of capitalism as a whole to maintain its threatened rule against the revolution of the subject masses and of the colonial peoples. The third was the aim to prevent or hinder future wars. These aims were in fact contradictory; and the subsequent history has brought out more fully these contradictions."

[At this stage, Mr. President (The Honourable Sir Abdur Rahim) resumed the Chair.]

Here is a picture drawn by a writer, and a true picture it is, about the League of Nations. Let us take the latest history of the Abyssinian War. In the case of the Manchuria crisis, Japan could put forward some plea of justification as regards its aggressive policy in Manchuria. In the case of Chaco, some case was made out but in the case of Abyssinia no justification was possible? And what did the powers do? Fifty powers gathered together to protect the rape of Abyssinia. They hesitated and hesitated. And when did they make up their mind to apply the sanctions which are so much applauded? It was only when Mussolini sent troops to Libya and threatened Egypt that England jumped up and supported the sanctions. It was then that the Mediterranean fleet was collected. It was when the Imperial route to India through the Mediterranean and the Red Sea was threatened and was in danger of being interrupted that the British fleet was collected. It was then that the sanctions were given. May I ask the Honourable the Finance Member why he asked us to suffer the loss, which we suffered by applying those sanctions against Italy, about which in this year's budget he had lot to say? Sir, we are always made the victim. What did France do? She had one agreement with Mussolini and another agreement with Britain. Why did not Blum, as the Prime Minister of France, give any further sanctions against Italy? Because he knew that if he deprived Italy of this conquest of Abyssinia, Italian forces may turn upon France and conquer them. That was the reason and not any humanitarian idea that prevented them from bringing about that small pressure, called sanctions, against Italy. Subsequent history has shown that the continuance of the League of Nations as a power for collective security of the nations is a huge fraud and sham. Why should we pay for this fraud and sham? The League's failure is very well recorded in a paragraph in the *Round Table Journal* for the month of June. It says:

"All these truths have been abundantly vindicated in the history of the League of Nations. Few will contend that anything like a world patriotism or a European patriotism has yet emerged at Geneva, to overbalance the struggle for national

interests and security. Hardly any of the vital changes made since 1918 have been made through the League. Reparations and war debts were ended in effect by repudiation. Arms equality was taken by Germany unilaterally after she had twice left the Disarmament Conference and had resigned from the League because the League members had been unable to give her the arms equality she had been promised through their own disarmament. It was the same with the re-militarisation of the Rhineland. Germany could not allow the completion of the Franco-Russian pact of military assistance to pass without answer. She gave full warning of her strong objection to the diminution in her own security involved in the pact. Yet the League was unable to do anything to solve the Rhineland problem by agreement before the period of crisis arose. Nor has the League yet been able to make those frontier rectifications that seem to be indispensable to the relaxation of tension in the Balkans. The inability of a league of sovereign States to bring about that constant revision of the economic *status quo* which is manifestly necessary in the modern changing world is even more obvious. By far the most serious cause of present day unemployment, dictatorship, unrest, armament expansion and drift towards war is economic nationalism—the attempt of all sovereign nations, and particularly of twenty-six nations in Europe, to live in economic water-tight compartments, separated by unbalanced indebtedness, prohibitive tariffs, quotas, embargos and currency depreciation."

The League has failed in this long list of their activities. I ask why should we be paying for such a League? What is the idea behind it? What is the sentiment which should compel us to pay? The League of Nations has been nothing but a big failure and it has been demonstrated that the League of Nations may serve no useful purpose in preventing aggression. Abyssinia was a member of the League, and yet the powers would do nothing to protect it. This reminds me of the famous speech made by the Prime Minister of France, Mr. Blum, in the French Senate. I quote from memory but he said that if they contributed to the defeat of the Italians in Abyssinia, the prestige of the white man as against the black races would have suffered tremendously. Is that the idea for which the League is working and is that the idea for which we are paying? Do we want that bullets manufactured with the money which we have been contributing to this League, may pierce our chest. If India ever wanted to be independent, the League will be on the side of Britain and will utilise all its resources in crushing us and in massacring us.

Mr. N. M. Joshi: How will the League do it?

Sardar Sant Singh: I know that only two persons have benefited by the League, one is the British and the other is our friend, Mr. Joshi, who makes constant trips to Geneva. When I say that this League of Nations is going to be an instrument for strengthening our chains of slavery in India, I am not overstating the case. I am really feeling it. Sir, the sooner we finish our connection with the League the better for the country and better for humanity. In very plain language, this League of Nations is nothing but a sort of balance of power or alliance between European nations to maintain their Imperialism in the world today. We are not parties to it. Why should we be parties to the League of Nations. It is time that we reconsidered our policy and told the League of Nations that "you don't live for the Asiatic races and nations, but only for the European nations". If the European nations want it, let them contribute towards its maintenance. We do not want it. Let the verdict of this House make this fact clear to the Government. So long as we allow ourselves to be a party to this big fraud and camouflage, so long we are not contributing anything to humanity. That is why we must tell Europe plainly that we stand in no need of this League of Nations. My submission is,

[Sardar Sant Singh.]

and I conclude by saying, that I really cannot understand why the Government of India have been making such huge contributions so long. Why don't they reconsider this question? Why don't they accept the advice of the people of this country and cease connections with this League.

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member's time is up.

Sardar Sant Singh: Now, Sir. . . .

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member's time is up.

Khan Bahadur Sir Abdul Hamid (Nominated Non-Official): Sir, I am afraid, I am unable to claim an acquaintance with the intricacies of European foreign policy, which my Honourable friend, who has just sat down, seems to claim. I have no doubt that he thoroughly grasps the very difficult problems of foreign policy in Europe, but this much I can say, that I do not attribute to those great nations the callousness which he seems to impute to them.

An Honourable Member: How charitable and generous you are!

Khan Bahadur Sir Abdul Hamid: Will you kindly keep quiet?

An Honourable Member: Please address the Chair.

Mr. B. Das (Orissa Division: Non-Muhammadan): On a point of order, Sir, can the Honourable gentleman say: "will you kindly keep quiet"?

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member, if he is interrupted, should in the first place appeal to the Chair.

Khan Bahadur Sir Abdul Hamid: Sir, the Honourable the Mover was in your absence speaking in a language, which it was difficult indeed even for me to follow, and I am sorry about that, particularly, because, I fancy that he must have very cogently put his case, but by speaking in that language, which I am sure he could not help, he deprived us of the chance of following his arguments. My intervention in this debate is mainly due to the fact that I happened to have formed part of the Indian Delegation to the Twelfth Assembly of the League of Nations at Geneva in 1931 (*Voices*: "Ah, ah!" "The cat is out of the bag").

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member need not take any notice of that.

Khan Bahadur Sir Abdul Hamid: I thus had an opportunity of gaining an insight into the working of that institution, of taking part in its deliberations and acquiring some knowledge and experience of the conditions in which the Indian Delegation functions at that international assemblage. I am afraid, Sir, that the Resolution betrays a certain amount of pique, and a lack of appreciation of the true significance of our membership of the

League. The preceding speakers seemed to labour under the misapprehension that India's membership of the League is an imposition and a Machiavellian subterfuge of the British Government to promote its imperialistic designs. They have tried to make out that the Indian Delegation is, so to speak, tied to the apron strings of the British Delegation, and, generally, acts as its mouthpiece and as an automaton without any distinct individuality or independence of action or initiative. Well, such an interpretation of the functions of the Indian Delegation is completely at variance with the facts. With the exception of one British delegate, one only, whose inclusion was an asset to our Delegation, Sir Denys Bray, the entire delegation was Indian with an Indian leader and I believe that this has been the case with subsequent Delegations. In London, we foregathered and held discussions on the agenda with the League experts of the India Office. At Geneva, we maintained our separate entity. We used to meet the Empire delegations and as far as possible acted in a spirit of co-operation, but we received no instructions from the British Delegation. (*Voices*: "Question".) In matters of foreign policy, of course, the British Delegation took the lead, and this was only to be expected in view of the well-known fact that of the foreign policy of the empire, the British Government is our trustee. Our delegates were elected to the various committees, where we represented the viewpoint of our Delegation and of our Government, the Government of India. I recollect that one of us was elected chairman of the Bureau of the Assembly—a rather unusual and coveted honour. The Committees explored problems of wide and varied interest, legal and constitutional, technical organisations, armaments, budgetary and financial, social and humanitarian, and political. The work of the Committees is even more important than the plenary session of the Assembly. Our delegates gain invaluable experience, and come into contact with the world problems affecting the peace and social welfare of the world. This, Sir, is a brief summary of the activities of the Indian Delegation. The social side is not unworthy of consideration. The delegation meets other delegations in the Assembly, in committees, and socially. Misconceptions and prejudices wear off, and the foreign countries learn to appreciate the fact that both intellectually and socially Indians are not inferior to any of them. This is a national propaganda, which is of immense value to our relations—intellectual, commercial, social and political with other countries—and this is an aspect that should be kept in view.

Sir, a great deal of stress has been laid on the heavy annual contribution of India towards the League organisation. That this is a cause for genuine complaint on this score cannot be denied, and successive delegations have, at the behest of the Government of India, taken steps to agitate the question in the appropriate committee year after year. As a result of these sustained and unrelaxed efforts, the contribution has been reduced, though to a small extent, and may possibly be further revised to our advantage at no distant date. Sir, the Resolution suggests that India should withdraw from the League of Nations and discontinue payment of her contribution. The discontinuance of our contribution would be the inevitable corollary of our withdrawal.

To my mind, Sir, the Resolution is unfortunate. It has been sought to justify it on the ground of powerlessness of the League to thwart aggression and its failure to live up to its ideals and on the ground of

[Khan Bahadur Sir Abdul Hamid.]

financial economy. Our contribution is heavy, but a reduction has been made, as I have stated before, and a further reduction is possible. The Government of India, however, have themselves been, it must be said to their credit, fully alive to this fact, and their representatives have spared no pains to press home this point of view, but this is clearly no ground for withdrawal. To interpret our international status and obligations in a purely material sense would be unworthy of us. Other countries, which have withdrawn from the League, had other reasons for their decision. I hope, India will not present to the world the spectacle of a great country seceding from the League and forsaking its international activities and obligations on purely financial grounds.

Now, Sir, take the other ground—the League's ineffectiveness. No one will dispute the fact that the League has had bad failures and great defeats. The Abyssinian and Spanish imbroglios are the latest additions to a long list of disasters! But the League, on the other hand, has many triumphs to its credit. (Interruptions.) If this were not so, Soviet Russia, Turkey and Mesopotamia would not have recently joined and Egypt would not apply for admission to the League. Why have these countries taken this step? Sir, India is an original member of the League. The countries, I have mentioned, are the latest recruits and for many years since its inception have not belonged to it. Why then have they come into it now or wish to come into it? The answer is clear. They were or are anxious to crown their independent status by joining that international organisation of independent States and, despite the failures of the past, still rightly believe in its beneficent efficacy. It is true that India is not a fully self-governing country, but in the comity of nations she has been treated on that basis. She has been admitted to the League on a footing of equality, together with all self-governing dominions of the British Empire. Logically, admission to the League should have followed our acquisition of Dominion Status but the process has been reversed in our case. Our international status is identical with that of the fully self-governing countries. Our delegates come into contact with international statesmen, rub shoulders with them and collaborate with them.

Pandit Lakshmi Kanta Maitra (Presidency Division: Non-Muhammaddan Rural): Are you reading from a book?

Khan Bahadur Sir Abdul Hamid: I am reading from my speech. It would be the height of unwisdom to sacrifice an international position and status which ranks us with the free nations of the world and is pregnant with vast potentialities. If you leave the League once, it will not be possible for you to re-enter it easily.

Some Honourable Members from Congress Benches: We do not want to enter it.

Khan Bahadur Sir Abdul Hamid: It is not a sound policy to cut one's nose, to spite one's face and I beg of you not to do so. I feel confident that in approaching this problem the House will be actuated by no pettifogging spirit but will be inspired by foresighted statesmanship.

[At this stage, Sir Girja Shankar Bajpai was crossing the line.]

INDIA'S WITHDRAWAL FROM MEMBERSHIP OF THE LEAGUE OF NATIONS. 2605

Mr. President (The Honourable Sir Abdur Rahim): Order, order. No Honourable Member should cross the line between the speaker and the Chair.

(Khan Bahadur Sir Abdul Hamid resumed his seat.)

Mr. President (The Honourable Sir Abdur Rahim): Mr. James.

Khan Bahadur Sir Abdul Hamid: Sir, I have not yet finished my speech.

Mr. President (The Honourable Sir Abdur Rahim): Another Honourable Member has been called upon to speak. Mr. James.

Mr. F. E. James (Madras: European): Sir, I listened with the greatest respect to the speech of my Honourable friend, Dr. Bhagavan Das. There is nobody in this House who is more greatly respected for his intellectual abilities and the probity of his character than the Honourable Member, Dr. Bhagavan Das. Therefore, anything that he says, particularly on a subject involving the question of international politics, is entitled to the greatest possible respect and I very much regret that on this particular issue I am not able to follow him all the way. I think, I detected in part of his speech a misconception of the League of Nations, as an organisation, which is very widely current. I would like to remind him that the League of Nations is not a super-organisation. It cannot be any better than the member States of which it is composed. It is not a super-organisation which can impose its will upon the sovereign States, who are its members. I admit that one of the greatest difficulties, which the League of Nations has to face in pursuing its policy of collective security, is that the member States are not willing to surrender any portion of their sovereignty. I am one of those who believe that a complete system of collective security based upon a league of nations is impossible unless the nations of that system are prepared to surrender at least a part of their own sovereignty, and that is the very thing which the member States composing the League are today not prepared to do. May I, Sir, bring to the notice of my Honourable friend, Dr. Bhagavan Das, a quotation from a recent book by Mr. H. A. L. Fisher, the eminent historian, in which he makes this point in much better language, than I possibly can use. It is taken from Volume III of the History of Europe. He says:

"The League of Nations can be no better than the member States of which it is composed."

Mr. President (The Honourable Sir Abdur Rahim): It is now 4 o'clock 4 P. M. and the adjournment motion will now be taken up.

MOTION FOR ADJOURNMENT.

ARREST OF CONGRESS LEADERS AND VOLUNTEERS IN DELHI.

Mr. M. Asaf Ali (Delhi: General): Sir, I move:

"That this House do now adjourn."

Mr. President, as you know, I am one of the least vocal members of the House, and I may also add that I am not given to an excess of emotion. The occasion for this adjournment would not have arisen but for the fact, that, unfortunately for the metropolis, it has been entrusted to the

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care of a pinch-beck Hitler. The Police Chief, who has been entrusted with the maintenance of law and order in Delhi, it appears, took it upon himself to demonstrate his power rather than the power of the British Government in Delhi yesterday. In fact clouds had been gathering for some time and I cannot do better than read out to you a passage from the National Call which has described the state of affairs as they existed a day before the 1st of April. Describing the preparations which were being made by the local Congress Committee for the observance of a hartal on the 1st of April as ordered by the Indian National Congress in order to mark the people's protest against the new constitution, the paper's reporter says:

"A regular tug-of-war, it is understood, is going on between the Congress and the local authorities. While the local Congress workers are organising demonstrations, exhorting shopkeepers and other businessmen of the city to close their premises and not to transact any business on the 1st April in accordance with the wishes of the All-India Congress Committee, the local authorities are leaving no stone unturned in persuading *(the reporter may easily have said 'in coercing')* the shopkeepers . . ."

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member has not read the words of the report. Is that the wording of the report?

Mr. M. Asaf Ali: The actual wording of the report is "persuading" and I simply added my comment by saying "it might easily have been coercing". To continue the quotation:

"The local authorities are leaving no stone unturned in persuading the shopkeepers not to close their shops. In this connection a notice in Urdu and Hindi has been issued by the Senior Superintendent of Police, Delhi Province."

And then runs the language of the notice. This report goes on to say:

"Information has been received in the office of the Delhi Congress Committee that local police officials had been summoning business men, shopkeepers and Tongawallas to the police stations with a view to bringing pressure to bear on them not to observe hartal on the 1st April. Regular propaganda is also being carried on by the Senior Superintendent of Police through handbills and radio suggesting that business should not be suspended."

And here I have in my possession the various notices which were issued by the Senior Superintendent of Police and others whom the Senior Superintendent of Police or somebody else, who was in league with him, had persuaded to publish. Here are a number of notices which were put up, all intended to restrain people from pursuing in a peaceful manner what they intended to do, that is to suspend their business. And that was not all. On the 1st April, early in the morning I received a communication before eight o'clock that about a dozen or more arrests had been made in various parts of the city. That looked like an ugly situation and therefore I had to run down to the Congress office to see what was happening. Well, I was in the Congress Office, and this was at about eight o'clock. The first step that I took was to try and ring up the Honourable Sir Henry Craik. He was not up yet. Therefore I had to try some one else and before I could ring up the Deputy Commissioner or the Chief Commissioner, a noise was heard on the road and immediately afterwards somebody ran upstairs bringing this flag and this rod. It was really adjusted to a Congress car and had been torn down or rather knocked down.

The flag was torn by a policeman who trampled it under his feet (Shame) and this was done in the presence of the Senior Superintendent of Police. I immediately ran down to go and speak to the Senior Superintendent of Police because the situation was becoming more and more ugly. Thousands of people were going about in the streets and this incident was taking place in the presence of these people. It might have infuriated any person into committing any act of violence. We could certainly control hundreds and thousands of people, but we could not control every one. It was impossible for us to do so. The police were making our task more and more difficult by these acts of provocation. This was not a single act. Other acts of similar nature were reported to me that morning. However, I went straight up to the Senior Superintendent of Police. Unfortunately for me I did not know him and he did not know me. So I had to introduce myself and tell him who I was and without any courtesy, or politeness or exchange of greetings, I was just told, "Well, what do you want us to do". He was saying something to that effect. I told him that these acts on the part of the police were provocative and that the people were perfectly peaceful and therefore the police should not interfere with them and that as things happened the situation was becoming more and more ugly and that I intended ringing up the Honourable the Home Member.

Sardar Sant Singh (West Punjab: Sikh): What was the name of the Superintendent of Police?

Mr. M. Asaf Ali: I think that gentleman must be somewhere about the premises of this Chamber. If you look round, you may find him.

Sardar Sant Singh: Was it not Mr. Scott who was connected with the beating of Lala Lajpat Rai? (Shame.)

Mr. M. Asaf Ali: I believe he is the Officer. I went up to him and told him the whole of this affair. He turned to me and was going to say something when his orderlies charged the people who were standing at a distance of about a hundred paces and the Senior Superintendent's attention was drawn to this. I also had to go and pacify the people and tell them to go away. Then I came back. In the meanwhile another thing happened. I am just giving you, Sir, unvarnished facts without the least embroidery or exaggeration. I am just giving the exact facts and nothing more. At the time I was speaking to the Senior Superintendent of Police a number of national flags which had been entrusted to one of the Congress volunteers had been wrested from this volunteer and were thrown on the ground. When I was talking to the Senior Superintendent of Police, he said, 'Look here, I do not want these flags. If you want them you can take them away'. They were all lying on the ground. This was not a solitary incident. As I said this was done in different parts of the City. When the Senior Superintendent of Police was watching or was not watching, I do not know, the tearing down of this flag took place. This flag was knocked off the bonnet of a Congress car and if the House likes, it can see how it is torn. My Honourable friend, Mr. Thorne, could satisfy himself by examining this flag, as to how it was torn. It must have been knocked off with a blow. Howsoever it was done this flag was lying on the ground and it was trampled upon by the orderlies of the Senior Superintendent of Police. The Senior Superintendent of Police was there and it is for him to say whether he saw it or

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did not see it. At any rate this was done at his instance, or at least the flag was removed at his instance. However this is one of the many incidents. Another boy was carrying a flag. This orderly of the Senior Superintendent of Police snatched that flag from the hand of this boy and trampled it under his foot. All these, I submit, Sir, were acts definitely calculated to provoke people who were standing round this flag. This morning Mr. Thorne very complacently said, "I do not know why this should be considered a matter of public importance". Mr. Thorne does not seem to know up to this day that not less than 20 millions of people walked behind this flag to the polls and returned more than 750 candidates to various Legislatures who might have held the portfolio which he seems to hold now and who might have ordered the flying of this flag from every Government building, in fact from every house possible. (Hear, hear). Therefore it is a matter of public importance. Sir, it is this flag for which hundreds have given their lives, nay thousands have died (Applause), this is a flag under which a majority of the people of India are prepared to walk to the gallows if necessary. (Applause.) If you have not got the decency to respect the feelings of the people who honour this flag the sooner you get out of this country, the better.

There is one other incident to which I must refer. Unfortunately the time at my disposal is very short. That is the incident of the lady worker, one of the most respectable Congress women, one of the most energetic of our lady workers. (Applause.) She was insulted, in fact, I think she was assaulted in an indecent fashion. Two Europeans, I do not know who they were, had the audacity to lay their hands on this lady's shoulders (Shame), they actually tore her blouse. (Shame.)

Some Honourable Members: What cowards.

Mr. M. Asaf Ali: This is an outrage *in excelsis*. No Indian can possibly stand an attack of this kind by any one, whoever, he may be, least of all by foreigners who pretend that they are civilised human beings. I hope, Sir, this House will be satisfied with the plain, straightforward and unvarnished account of the facts I have given to them and that this motion will be carried. (Applause.)

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

"That this House do now adjourn."

Mr. M. S. Aney (Berar Representative): Sir, the mere statement of facts put before this House by my Honourable friend, Mr. Asaf Ali is sufficient to indicate the depth of depravity to which the powers-that-be can go under certain conditions. It is impossible to conceive for me that officers who misbehaved themselves so ignominiously yesterday when the demonstrations were going on have done all these things in the presence of their superior officers without feeling confident that these things would be applauded, appreciated or at any rate will be connived at by those who were standing behind them, that is their superior officers. And why was it so? What was the occasion for them to make an exhibition of their temper, to show such pettiness of mind like that? Possibly the very idea which brought the demonstration into existence

was troubling their minds. The demonstration was, as you know, intended to register the nation-wide protest against the inauguration of a constitution which was not wanted by the nation. It was thrust upon the people in spite of them and the demonstration was intended to register their protest. This attitude of the nation naturally had its reactions on those who wanted to thrust it upon us, and the officers who misbehaved were representatives of that reactionary bureaucracy which wanted to thrust this constitution upon us. But they must remember that they were responsible for the maintenance of law, order and peace in the country. In fact that is the pretension which they always put forward in justification of all the enormities, indefensible and unjustifiable, perpetrated by them from day to day.

Now, any police officer who has the slightest experience of managing big demonstrations or attending big processions could have easily conceived that it is not easy to keep the mass mind under control if an extraordinary provocation is given to them. And if there had been the slightest retaliation on the part of any of those who were in the mass there or in the demonstration, they would have a right to say, "Here are those who are pledged to peace and non-violence, and they have done this and that", and so on. Was this kind of misconduct on the part of these officers due to an innate desire on the part of the authorities that the non-violent attitude of the masses should not continue and there should be some kind of violence which might provide them an excuse to wreak further vengeance upon them? Was that the inner motive of these persons? Is there the slightest attempt on the part of persons on those benches to deny the facts given here? Even if they deny them, it is no use. There are persons who have seen these things perpetrated before their very eyes. There is my Honourable friend, Mr. Asaf Ali, himself who was present when these brutal things were perpetrated. The flag was trampled under foot. You may not call it a national flag because you do not admit that India is a nation at all. You are prepared to owe allegiance to some other nation and you greet over and pay your salutation to that flag. But you must at least know as responsible administrators of this country that there are lakhs and crores of people who regard this flag as a symbol of all the best aspirations of this country. It is this flag they look up to and they hope to instal this flag one day upon the pedestal of their powers. That is the attitude of the whole nation towards this question. Is the fact not known to the Honourable Members on the Treasury Benches or their agents who work outside under their orders that there has been a flag *satyagrah* in this country when hundreds of people from all parts of India flocked to the city of Nagpur to protect the honour of the flag? It was in fact the first important *satyagrah*, the first important civil disobedience movement in which the spirit of civil disobedience became manifest. That agitation by itself should have convinced Government, if they had cared to read aright the sentiments which move the people of this country and the aspirations which are beating in their hearts, that the flag is not for the people of this country a mere rag with three colours in it, but it represents to them the embodiment of their future hopes and prosperity and the status which this country is to have in the comity of civilised nations hereafter. The flag represents to them all that; and when you insult that flag you treat the popular aspirations and the popular ambitions and sentiments with contempt. It is fortunately due to the teachings of that great man that even under a provocation like that this big mass that was gathered there took it calmly

[Mr. M. S. Aney.]

lying down and nothing untoward happened. I think if I had been there and had seen that police officer do such a thing in my presence, had he even been ten times as high as I am, I would have kicked him there and taken all consequences, thereby showing him that no treatment of that kind can be tolerated by any Indian worth the name. I really wonder how my friend, Mr. Asaf Ali, succeeded in keeping all these gentlemen under control in the face of a provocation like that. Credit for that is all due to that great saint who is living in Wardha and preaching the gospel of non-violence credit is not due to the order that you keep with the little band of police officials who move there. The credit is not due to them but to the deep lesson of non-violence which has been engraven in the hearts of the Indian people through the teachings of that great man who is dedicating his life not only to the service of this land but to the service of the whole of humanity.

After this flag incident, when I come to the story of the molestation to which a respected lady worker of this town was subjected, my voice shakes with indignation. Have these Englishmen not even the least sense of chivalry in them? One thing which they said in this country was that Indians lack in chivalry because they do not take their wives with them and parade them in the streets. But where was the chivalry of these people when they laid their profane hands on the shoulders of this lady worker, who would have willingly submitted to be taken to jail or even to the gallows? She was pledged to the creed of non-violence and there was no trouble in arresting her when she did nothing against your order or against your law. If they say there was resistance on her part, a thing which we have not heard up to this time, I shall not believe it, because I know the lady. I have seen her working in this city for years. I know what a respectable and unselfish public worker she is. When at the time of arrest hands were laid on her shoulders and she was shaken like that, it was too much for any one to put up with. And when these things are brought to the notice of this House, instead of giving a promise to consider patiently what we have to say, childish attempts were made to raise technical objections to hush up the discussion. No sense of decency, no sense of ordinary courtesy or politeness on their part seems to have remained. They are so much carried away by their sense of prestige to protect people who work under their orders outside that all their sense of decency and courtesy and politeness seems to have vanished for the time being from their minds. Ticklish objections were raised and the result was that there was a terrific outburst from my Honourable friend the Leader of the Opposition who is very seldom excited. Today when on a subject like this when lakhs of people are feeling over this thing and an attempt was made to hush it under some technical plea, even that cool-headed politician who sits there day in and day out was at once excited and made an excited reply which I have not been used to hear from him for many years. You can imagine, Sir, therefore, the depth of popular feeling, to what extent the people are feeling the indignities to which the members of the demonstration were put that day; and what was the occasion? Why were efforts being made by the Government, as my Honourable friend, Mr. Asaf Ali, has shown, counter-efforts to dissuade the people from not observing the *hartal* in the way in which they were minded to do it? What was the idea behind these things? Why were you coming in the way of people exercising their judgment and regulating their

conduct in accordance with their own idea, so long as they did not break any law of yours? Your responsibility, in my opinion, is to see that laws are not broken by the people. To that extent you will be justified in restricting their liberties. But so long as they want to keep within the limits of the law and take upon themselves the responsibility of observing peace and order, there is no justification whatsoever on the part of Government or their officers to come in the way of the people's activities and to take up the work of counter-propaganda. The thing was going on for a day or two previous to the demonstration—that has been brought to our notice. I really congratulate my Congress friends who were in the demonstration—I was not in the demonstration yesterday unfortunately, because I had been called to perform another duty in the village of Panipat, where some other things had occurred—but when I came back and learned of all these things, I was really congratulating these men for having observed an exemplary attitude of neutrality and patience in the midst of provocations when an ordinary man would have cut away and taken to violence naturally. Government must thank Mahatma Gandhi, thank the National Flag which their servants had the profanity to trample on, for it saved them yesterday and it saved the people: it is that flag which will save you hereafter and this country also. With these words, I support the motion for adjournment.

Mr. Amarendra Nath Chattopadhyaya (Burdwan Division: Non-Muhammadan Rural): Sir, I have heard with rapt attention and with a sense of shame the description of the outrage which Mr. Asaf Ali has given to this House. I would ask every European gentleman here what he would have done if an Indian had treated their national flag in this way. I would ask whether they would not have brought out their machine guns to slaughter unarmed people there wholesale, raid houses, insult women and show their respect for the flag. Here, unprovokingly, non-violently, a procession, a most constitutional procession, to show their indignation at the forcing of these reforms on an unwilling nation, was going on, and the myrmidons of the Government who are paid by Indian money to keep peace go and insult the flag of the nation—a nation not of a handful of men, but a nation of 350 millions who could if they willed destroy the whole fabric in a moment, but who are placing themselves under the guidance of the best of human beings, the leader of the human race, who has been preaching in season and out of season for peace and for non-violence all over the world: and today in this House we have to hear this outrage without being told by this time that that officer has been sacked, that that officer has been turned out the officer has been punished.

An Honourable Member: He will be promoted.

Mr. Amarendra Nath Chattopadhyaya: Yes. I know. We in Bengal experience these things, and to us it seems to be mere pin-pricks: we have been accustomed to this sort of insults: and today simply because all these hundreds and thousands of our young men are passing their days in jails, we do not at this moment want to send our young men in Delhi to jails. Our leaders have been showing the greatest composure even under the highest provocation and we have simply to pass a vote of censure. Whom shall we pass a vote of censure on? Have the British Government that sense of delicacy, that sense of decency, that sense of self-respect, that a vote of censure would mean anything to them, would improve them, would improve their morals? I am ashamed that here we have our European friends who would not come with us to vote for a censure. Why?

[Mr. Amarendra Nath Chotopadyaya.]

Does not this outrage deserve their support? Do they feel that Europeans have a right to trample down upon our national flag? Do they feel that Government is justified in dishonouring our national flag? If they do so, they had better say so in plain language. If they do not vote on this motion with us, we shall know that they have lost their manhood; they have lost their sense of self-respect, they have lost what made them great and naturally they will be cowed down by a Mussolini in Italy or a Hitler in Germany. I believe that instead of placing this description here with such high feeling, Mr. Asaf Ali's dead body would have spoken far more feelingly if he had stood there and laid down his life for maintaining the prestige and the respect of the flag. We should have had one life less—and that would not have mattered much: we would have lost one life but we would have gained the whole country. But the whole thing is being controlled by one man: that one soul pervades the whole of India today; and the bravest man, the most courageous man, the man who could lay down his life at a moment's notice, feels the efficacy of patience. 350 millions of people have to be educated, and I will say that this kind of outrages only serve to test the progress of our struggle, of our nationalism and of our patriotism. I know there were young men, young women in the procession who could have laid down their lives for the flag, but they did not. Sir, I appeal to this House in the name of all that is sacred, in the name of all that is noble, that they should pass this vote of censure unanimously, because the Government have failed to take any steps against the offending officials who committed this outrage. If the Government had communicated to this House that they had taken suitable action against the offending police officers, I am sure this House would have been spared of this censure motion, but no, the Government did not care to take any notice of the mischief done by their police officers. I hope, Sir, this House will pass a vote of censure with a majority, the like of which it had not seen before.

Maulana Shaukat Ali (Cities of the United Provinces: Muhammadan Urban): Sir, I think it is my duty to intervene in this debate, but before I do so, I want to make my position very clear. Every one knows that I was present here yesterday instead of joining the procession as a protest against the new Reforms that have been forced on the people of this country. Some of us had decided to get the best out of these reforms, and, in accordance with that decision, I came here. Sir, I have got the courage of my convictions; I have been an old Congress man. I left it when I found that it would not satisfy us. I have fought against the Congress. I had stood out in the Bombay City when the Civil Disobedience Movement was at its height and people wanted to boycott. I have seen English girls and women being laughed at when they went to buy chiffons or a bit of silk from Whiteaways by a jeering crowd of Indians. I had to stand up against my own brethren and fight them. They are my old friends and co-workers, and I am looking forward to the day, sooner or later, much sooner than later, when we shall again be working hand in hand for the advancement of our country. Sir, I had taken no part in yesterday's procession. When some people asked me for my views, I advised Muslims not to join in the boycott. I have done all that, and yet I feel it is my duty to speak out when I find that incidents have happened and facts

have been clearly placed before the House which make one's blood boil. I have been carefully listening to every word that Mr. Thorne was uttering this morning, and I think he practically gave a very fine certificate to the whole body of Congress workers in the Delhi City when he said that it was a very orderly procession. Now, he must either accept the facts as stated by the Mover or deny them. The whole House wants him to speak out and to let them know the real facts. If the facts are as stated by my friend, Mr. Asaf Ali, then the whole House should unanimously censure this Government and ask them to express regret for the unfortunate incident and punish those who were responsible for misbehaviour. I know Shrimati Satyavati Devi—she is a lady worker of honesty, and character. She was perfectly willing to be arrested. I have myself been a prisoner. All people know that my brother and I have been prisoners. But as long as people were courteous to us, there was no trouble. There was no chance of my running away when there was a warrant issued for my arrest; also, because of my size, I am incapable of running away and evading the arrest; but if, unnecessarily, people wanted to pull my beard, or my ears, I would never have hesitated to hit them back. Sir, in this case, this respectable lady worker was perfectly willing to be arrested, and, therefore, it was the duty of the Government and of those who were responsible for law and order to see that she was arrested alright and courteous treatment was accorded to her. When she was perfectly willing to be arrested, where was the justification for assaulting her in the manner the police officers on duty did. That a young, respectable public worker like Satyavati Devi, should have been roughly handled by police officers, especially when she was perfectly willing to be arrested, is a perfect disgrace for the Government. I appeal to the Government to see that there is no repetition of such incidents. By all means they could have taken strong action if any attempt were made by those who were arrested to run away or to resist arrest. But in this case she was perfectly willing to be arrested, and yet she was treated in a manner,—I don't want to use strong language,—which no self-respecting Government would allow its servants to practise. I hope Mr. Thorne will be able to place all the facts before the House, and that he will take action against the offending over-zealous police officials in a manner which will do credit to his Government. Sir, I do not know what is in store for this country, I do not know what will happen to this country, if we go on in this mad way. I do not know that—God alone knows best, though day and night five times in a day I, as a humble sinner pray for the deliverance of this country,—my mother and younger brother both died with the same prayer on their lips. They expected to see a change in the country before they died, they expected India to be a free and independent country, but they were disappointed. Sir, I have many friends on that side (official benches), but if their subordinates misbehave and insult the public, especially when the procession was perfectly orderly, if they lose their head and get excited for which there can be no justification, I think Government must punish those people who have misbehaved with a heavy hand so that it may serve as an object-lesson to the entire police force.

Mr. J. A. Thorne (Government of India: Nominated Official): Sir, I waited to intervene in this debate, because I was expecting some facts to be adduced in support of this motion. I fear, Sir, that we have gone

[Mr. J. A. Thorne.]

astray from the precise terms of the motion, but may I remind the House of its terms? To be fairly accurate, there is one quite specific incident—rough handling a respectable Congress woman by two European policemen; another incident or set of incidents is fairly specific,—deliberately insulting the National Flag; and the rest of the motion refers to the misbehaviour of certain officials of the Delhi police force generally, and acts of grave provocation calculated to disturb a peaceful demonstration by the citizen of Delhi. Well, Sir, the only speech which has adduced any facts is that of my friend, Mr. Asaf Ali, and I think I should be correct in describing his speech as more sensational in manner than in matter, and I am still rather at a loss to make out what case the Government have to answer. (Laughter from the Congress Party Benches.) However, I shall try to tell my humdrum story, and I fear, or shall I say? I hope, I shall not be sensational either in manner or in matter.

Mr. S. Satyamurti (Madras City: Non-Muhammadian Urban): Manner we see that.

Mr. J. A. Thorne: Well, Sir, it was known for some time before the 1st of April that a demonstration would be held in Delhi. Meetings were held and some intemperate speeches were made, but I do not wish to lay any stress on that. The attitude of the Congress was defined in, as I said this morning, a peaceful and conciliatory fashion. I will read, for instance, one communication from the Delhi Provincial Congress Committee. "The Delhi Provincial Congress Committee has once more to notify to its subordinate committees and the general public that suspension of business should be voluntary, that is to say there must be no molestation, no intimidation or anything of that kind". I should perhaps mention that there was a little, not a very powerful, sting in the tail of one of these communications, and that was to the effect that all those who still believe in police protection should refer back to the past to the amount of the protection they actually received. Well, that is rather an ambiguous remark, but it does, I think, slightly take away from the generally peaceful intimation of the Congress's intention. Now, Sir, the Chief Commissioner in view of these developments,—if I may quote his own words:

"After consulting the District Magistrate and Senior Superintendent of Police, I decided that prohibitory orders were unnecessary. No processions or meetings were prohibited. But I gave clear instructions that molestation and intimidation were to be suppressed firmly and promptly, and reminded the District Magistrate and the Senior Superintendent of Police . . ."

if I may paraphrase his words,—of their powers and duties, in particular under section 7 of the Criminal Law Amendment Act of 1932, which refers to molestation of persons in the pursuit of their ordinary avocations. That was the situation before the 1st April. As for the incidents of yesterday which are considered to be derogatory or unworthy of the administration, I have still to rely on the text of Mr. Asaf Ali's motion and such statements as he made in support of the statements therein. The first of these is the rough handling of a respectable woman by two European policemen. I cannot help feeling that there must be some misapprehension as to what actually happened. (*An Honourable Member on the Congress Party Benches:* "No.") Well, Mr. Asaf Ali,—I made a note of his words at the time—said that this lady was "assaulted in an indecent fashion by European police officers who tore her blouse off." I agree that, if that had happened, not only Mr. Aney's blood would boil, but I may say that of

every gentleman in this Assembly. But I cannot, as I said, believe that this statement—which is made for the first time in Mr. Asaf Ali's speech—has any foundation.

Sardar Sant Singh: May I ask . . .

Mr. J. A. Thorne: I cannot give way.

Sardar Sant Singh: On a point of information, Sir . . .

Mr. President (The Honourable Sir Abdur Rahim): No interruption will be allowed.

Mr. J. A. Thorne: As I said this morning we are handicapped for lack of newspaper information. My Honourable friend, Mr. Desai, who for some reason is rather amused at that—professed to read from the *Statesman's* account this morning; but not very accurately. I will read the very words of the newspaper's account:

"She said she was passing near the Delhi Cloth Mills in the morning when one of them (one of the two policemen) held her by one shoulder and the other by her other. She pointed out to them that they could arrest her, but had no right to touch her."

Mr. M. Asaf Ali: That was an assault and an indecent assault.

Mr. J. A. Thorne: I leave it to the House to decide whether that very unsensational account, which I understand to indicate that she considered that the technical requirements of an arrest were exceeded, that is to say, she was referring to the terms of section 46 of the Criminal Procedure Code,—whether that is compatible and reconcilable with Mr. Asaf Ali's description. Sir, I have here a statement made by the officer responsible, and I hope I may be permitted to refer to that:

"The Assistant Superintendent of Police and the Traffic Inspector arrived at the above place and found a large crowd collected. It was attempting to dissuade employees inside to abandon work. A few policemen had already been posted there and with their help the crowd was cleared to one side to allow free access and exit to and from the works. About two minutes later Shrimati Satyawati accompanied by Birla millhands and others arrived and came right up to the gate."

What follows I will not read because it may prejudice the trial. But the gist of it is that the Assistant Superintendent of Police considered that she had committed an offence and found it necessary to arrest her:

"The crowd swarmed round on both sides and there was the possibility of an ugly scene. The Assistant Superintendent of Police laid his hand on her shoulder and told her that she was under arrest. On this some of her followers ran forward and the Traffic Inspector placed his hand on her shoulder and indicated that she should stand near the gate until a police lorry should arrive from Subzimandi. She told him not to touch her and he left her alone. The crowd was then quietly pushed back but portions commenced to throw brickbats. The police party was a small one and no further action could be taken until a lorry with a small reinforcement of police arrived. Meanwhile the crowd continued to stone the police. On the arrival of the lorry the crowd was pushed back to a distance of 150 yards and the prisoners were taken away in the lorry."

That statement gives the correct facts and it corresponds to the lady's own statement so far as we know it. I do not think that the circumstances are such that a very great deal of passion should be aroused upon the facts as they have happened.

Now, Sir, the next reference is to deliberately insulting the National Congress Flag, and here we have Mr. Asaf Ali as an eye-witness. I listened with attention to his speech and I found it extremely difficult to find what precisely Mr. Asaf Ali saw with his own eyes; what he saw, what he presumed to have happened from what he saw after it had happened, and

[Mr. J. A. Thorne.]

what he did not see at all. However, may I refer to a statement of the Superintendent of Police, who was on his way home after patrol at about 8-20 A.M.:

"I noticed a saloon car with a small Congress flag on the bonnet. There were other people about, one man with a Congress flag on a long pole and another with red flags. As there was a fair crowd about, I got down to enquire if there was anything the matter. Some patrolling police came up at the same time and I noticed the red flags lying on the ground. I ordered them to be left alone and removed by whoever owned them. There was a slight confusion in the crowd and they were possibly dropped. When the crowd cleared I noticed the small flag gone from the bonnet of the car. I cannot say how, as my attention was taken up by the confusion around.

Meanwhile Mr. Asaf Ali came up and demanded to know in an extremely overbearing manner why the police were acting in so provocative a fashion. He started to threaten to report me to Sir Henry Craik and to raise questions in the Assembly on the conduct of the Delhi Police and myself, telling me to be careful. I ignored his threats. The Deputy Superintendent of Police had meanwhile arrived and had moved on a portion of the crowd which had collected while he was arguing. No violence was used by the police, and on any ordinary day no notice would be taken of the incident."

I may say that, in conversation with me, Mr. Scott said that he recollected saying to Mr. Asaf Ali at that stage—"You too had better be careful", or something to that effect.

I did not understand Mr. Asaf Ali to assert positively that anything which might be interpreted as an insult to the Congress flag was done by Mr. Scott, or in his presence or with his connivance. But if the allegation is that anything of that sort was done by Mr. Scott or with his knowledge or connivance, I have his authority to say that it is untrue that the flag was removed at his instance or that it was trampled upon by his orderly; that it is untrue that his orderly dragged down the pole of the flag.

Mr. M. Asaf Ali: Does he deny?

Mr. J. A. Thorne: I have found it extremely difficult to make out what the assertion is. However, I submit that there is no case to meet. These are all the incidents that have been alleged; and Government cannot admit in any way that the officials of the Local administration have behaved in any manner other than one which does them great credit.

Mr. D. K. Lahiri Chaudhury (Bengal: Landholders): Shame, shame.

Mr. President (The Honourable Sir Abdur Rahim): That kind of expression cannot be allowed. The Honourable Member knows that.

Mr. Bhulabhai J. Desai (Bombay Northern Division: Non-Muham-
5 P.M. madan Rural): Sir, I own to a considerable degree of surprise at the manner in which Mr. Thorne put forward his last plea that this Government cannot admit—I want you to note it—that this Government cannot admit that any of its officers acted in a manner so as to deserve censure. I should certainly have expected a gentleman in his position to have been more honourable and frank after admitting the facts than to put a gloss on them and attempt a defence of Government. It seems to me that none of the material facts have been denied by Government today and the House must remember the background of these incidents. This morning, a newspaper, not too friendly to the nationalists in this country, reported that throughout the length and breadth of this

country peaceful *hartals* have successfully taken place as a protest against the inauguration of a disgraceful subterfuge in the form of the Government of India Act of 1935, but added to that is the fact that three days before in the House of Commons, when Mr. Butler replied to a question as to the ordained *hartal*—if that expression has any meaning in it—he said: "Yes, the Government are aware of the ordainment of the Congress and Government are also aware that it is a method by which protest is usually expressed against wrong measures in India." If that is what the Under Secretary of State said in the House of Commons, you can easily understand the desire on the part of those dressed in little authority in this land to be able to report that their apprehensions were incorrect, that it was a failure and that people hugged this great Constitution in this land. Without remembering that background, you cannot understand these incidents and you cannot appreciate them. I am quite certain that even Mr. Thorne, if he were the actor in this scene, would have judged very differently but he realised that you must dissociate the background, treat these as if they were two trivial incidents and lull this House into a belief that we are a set of fools and cannot understand the significance of these things.

We are of those who believe that the world will someday come to the recognition that force is not a method by which national disputes will be settled. Therefore, while they may have force behind them, they may laugh at us, pacifists, but I wish to live and hope to live until the laugh is turned against them when the great holocaust takes place next year or the year after or earlier than that in their own land. I hope they are waiting to see what it is not to disturb peaceful men but to respect them for not using the strength which they possess. That is a state of mind which it is impossible to bring home to the mind of men who had exercised undisputed sway, acted insolently for half a century and more. They cannot realise that sometime a tide in the affairs of men will come and that we shall demand the respect that is due to yourself in your own land and in other lands. It is a thing of which you cannot make light. Even if there were a single flag called the National Flag, it has more than mere political significance for us. They do not understand that. They cannot understand it. To them, after all, the Union Jack may be a matter of political independence. To us, the National Flag stands for something very much higher and for a very good reason. We are not yet free and yet in that flag we see not merely the freedom to come but the sign of the great peace by which the world will be ruled in times to come. To us, therefore, it is much more sacred than a political symbol, for which men may die and men may surrender. To us, it stands as a sacred symbol not merely of India but of the world to come but if they believe in machine guns, aeroplanes and every other engines of force, let them laugh, but let them also remember that we in this land are made of sterner stuff, that we have faith in what we do, faith in our methods and that we shall stand by them in the teeth of their laughter, until some day, their own contempt and their own laughter will be a canker in their own souls. The Congress Flag was taken off from the bonnet of the car of a Congress worker and the Superintendent of Police was idly looking on—that was the account he gave, but he was able to say no more. He does not and cannot contradict what our friend, Mr. Asaf Ali, has told us. We are told that he did not see it. I dare say, he did, but I would not judge about that. So far as I am concerned, I will say this, that so far as I am aware, a peaceful citizen of Delhi, a highly respectable citizen owning several shops in several parts of this City, came

[Mr. Bhulabhai J. Desai.]

to me two days ago for advice. The Assistant Superintendent of Police went to him and said: "Mr. So and So, are you going to close your shop?" He said: "Yes, why not?" "But why should you? You have the whole Police at your back." He said: "No, I wish to close it, because I wish to close it, and what face can I show to my countrymen, if I don't?" After all, there is such a thing as public opinion which in this country is regarded as oppression, the freedom to commit suicide, the freedom to commit traitorous acts. I take it that that is the kind of freedom which the police was out to enforce. Otherwise what was the need of all these cautions and posters, of all the military appearance and show against one of the most magnificent meetings that has ever been held in this city since the year 1919. Where was the need for that show of force? It is a matter of no consequence. They can maintain their force, but we will baulk them of the pleasure of using it by the methods that we have deliberately adopted. Then comes the account which he coldly gave of the manner in which two men behaved—it does not matter to which race they belonged—it is a matter of no consequence to me. He would have known if he had only cared to inquire that she was the granddaughter of Shradddhanand, a most respected citizen of this City and this land. She is a young lady who had been five times to jail, so that the police are not unaware of her antecedents in the national cause. This lady was not going to shirk or run away from any arrest. She was prepared for the consequences of her action which was undoubtedly misinterpreted, but that is for the Police Magistrate who tries it. Later on, two men, one after the other, put their hands on her and tried to keep her in that condition and it is seriously stated in this House that it is not an act of outrage. I dislike to put that question and I hate it, but he must understand that even if a hundredth part of that occurred to any woman in his land or, for the matter of that, to any Englishwoman in this land, then even the cold Mr. Thorne would have been boiled up to a point where he would not have been able to make a speech. I confess the officials here have reached a stage where callousness is the rule of their life where others are concerned.

Sir, if this is the standard by which we are to be judged, we refuse to be so judged so that the two incidents, which are not sought to be justified so far as the facts are concerned, because in the one case there is no denial at all but there is a halting explanation and an absence of knowledge, on the part of whom?—these two incidents are there. Sir, the incident was reported to me immediately it occurred and I rang up Sir Henry Craik in response to the request of my friend, Mr. Asaf Ali. So far as what occurred between us is concerned, I won't tell this House because he is not present here, but I will say this in corroboration of what occurred that the incident was related to me in all its details at the very time, within a few minutes of its occurrence, from the Congress House itself. Whether it was represented to others or not I do not care. I think myself that the testimony of an Honourable Member of this House corroborated by another who was there within a few moments of its occurrence is worth a million times more than any statement of any other kind (Hear, hear.) If, therefore, other police-men in other cities did not insult women and did not tear up the national flag, it is not to their credit but it is to the credit, as my Honourable friend, Mr. Aney, pointed out, to the spirit by which now moves this country, inspired as they are by the teachings of the great saint. (Hear, hear.) Sir, you must recognize that

the rarity of the instances is not because of their forbearance or kindness. In fact it is obvious from the manner in which the police in the City proceeded with their *agents provocateur* right through the City throughout the previous week, that they wanted blood, but they did not get a taste of it, and that is their despair. (Hear, hear.) It only shows that what they could not do, to their credit, they could do that, to their disgrace. Sir, I support the motion. (Loud and prolonged Applause.)

Honourable Members: The question may now be put

Mr. T. Chapman-Mortimer (Bengal: European): Sir, in the circumstances in which this House is discussing the motion now before us, it is perhaps natural that some Honourable Members should give a somewhat excited expression to their feelings, but I hope, Sir, that I may be able to follow the admirable restraint of the speeches of my Honourable friend, the Maulana Sahib and my Honourable friend, Mr. Thorne. I trust in anything I have to say, my Honourable friends opposite will recognize that we too have a case.

Mr. S. Satyamurti: Who are you? Are we opposite to you? Are you the Government?

Mr. T. Chapman-Mortimer: I did not suggest that; I am not speaking for the Government. My Honourable friends here challenged the European representatives in this House, they accused us of a lack of chivalry, we have been called liars and dishonourable men, and other things.

Mr. S. Satyamurti: Who said so?

Mr. T. Chapman-Mortimer: My Honourable friend there.

An Honourable Member: He did not say so.

Mr. T. Chapman-Mortimer: I beg your pardon, but he certainly said that we would be lacking in chivalry if we could not support this motion.

An Honourable Member: That will depend upon your vote.

Mr. President (The Honourable Sir Abdur Rahim): Let there be no interruptions.

Mr. T. Chapman-Mortimer: Sir, I entirely agree with my Honourable friend, the Leader of the Opposition, when he says that this discussion is pointless and useless unless it is considered in regard to the background in the country today. Sir, the circumstances in which we meet tonight are without precedent possibly in the history of the world. In no other country, I believe, has there been such a situation, and coming as I have come recently from Germany, France and Italy and having seen something of what happens in other countries when ladies, however high in rank, do things which are against the Government of the day, I think, I know what I am talking about. Sir, I was in Germany when a lady, a countess, was beheaded because she offended the Government of the day (Voices: "Oh, Oh!")—If Honourable Members will bear with me for one moment.—I will only say that, whereas in these other countries, you have seen acts of violence and abominations such as we have never seen here and I hope we shall never see here in spite of what my Honourable friend the Leader of the Opposition, said, when he talked about a holocaust,—whatever that may mean. . . .

Mr. Bhulabhai J. Desai: I meant "in Europe, in Western countries"; you ought to have understood it.

Mr. T. Chapman-Mortimer: I hope we may not see such scenes in this country. I entirely agree with him and other speakers when they say that the main reason for the peaceful conduct of processions and demonstrations yesterday is due to the action and preachings of Mr. Gandhi. (Hear, hear.) I entirely agree that Mr. Gandhi's teaching has contributed towards the peaceful progress from one state of affairs, where a country is governed by a bureaucracy, and by another country, to a state of affairs where that country governs itself. With that, I entirely agree, but I also suggest, and I would beg some of my Honourable friends opposite to consider this point, that, though I do not speak for the Government and, obviously, cannot speak for the Government, I do suggest that the Government of this country also deserves some credit. (Voices: "Oh, Oh, Oh, Oh!") Yes, they do! And, not only in this case, but in respect of a great many other matters as well. Sir, if the police and the Government were really as bad as some Honourable Members make them out to be, if they constantly put forward *agents provocateur* and mean to stir up strife in order that they may then put in troops or police to beat down innocent people who have been so stirred up, as it is alleged, surely they would have done all that. . . .

An Honourable Member: But they have done that over and over again!

Mr. T. Chapman-Mortimer: Not yesterday; we are discussing yesterday! (Laughter.) If they were really as bad as all that, if it is true that negligent officers are invariably called back quietly and warned without censure, things would have been different, and then there might be some substance in this motion, but I submit that when you consider this amazing situation in which we appear to have had only one small incident to talk about, that I suggest is a very remarkable thing, however much some Honourable Members may dislike what was alleged to have taken place. (An Honourable Member: "There are many others also".) We are not discussing others; I have not heard that suggested by other speakers. I come now to the second part of this motion where it deals with a deliberate insult to the National Congress flag. Well, Sir, I was not present, and I know nothing about the facts of the case whatever. (An Honourable Member: "Then don't talk".) I may know nothing about the facts of the case (Laughter), but I do know this, that, until the Congress Party can get the other parties in this country to agree as to what is or is not the national flag of India, they cannot claim that, however much they may admire the Congress flag, that flag represents anything more than the emblem of their own particular party and their friends. They cannot claim it as the flag of the Indian nation.

Mr. S. Satyamurti: It has behind it twenty million voters!

Mr. T. Chapman-Mortimer: But you cannot suggest that you are the "nation"? My Honourable friend cannot suggest that his is the only party in this nation? (Interruptions.)

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member should be allowed to go on. Honourable Members have made their own speeches, but they were not interrupted like this.

Mr. Bhulabhai J. Desai: But, how can we otherwise take objection to a speech of this kind? How could we anticipate such a violent distortion of truth which we are being treated to, *viz.*, that this national flag does not represent the Indian nation. . . .

Mr. T. Chapman-Mortimer: I must really ask the Leader of the Opposition not to say that—he called me a liar, and I object.

Several Honourable Members: No, no, he has not said that.

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member has not used that word.

Mr. S. Satyamurti: "Gulity conscience". (Laughter.)

Mr. T. Chapman-Mortimer: If he did not actually use the word 'liar', he certainly implied that I was at the best a pretty cheap sort of chap. That is the least I can say. Nevertheless, in spite of what Honourable Members opposite may claim, there are parts of this country, which will shortly be within the Federation, where the Congress flag is not even allowed to be shown at all. (An Honourable Member: "Which is that part of the country?") Mysore, and there are no doubt other parts of the country. I am merely pointing that out to prove that you cannot claim it is more than a party flag.

Finally, I come to the remarks of the Honourable Member who sits behind me and who also comes from the same province that I come from. He charged the Europeans with callousness and as lacking in self-respect and that generally we had fallen very far from the standards and ideals of our forefathers. I emphatically deny that. I am just going to point out that Honourable Members cannot maintain that we are lacking in chivalry or in self-respect or in honour when you will see us voting as we shall do on this motion. As I have said, if ladies of whatever degree take part in public life, whether it is in Assemblies like this, where one is open to be called all sorts of names, or whether it may in other spheres where they are handled by men, roughly as they suggest, or merely have a hand heavily laid on their shoulders, they do so at their own risk and they cannot in fairness claim to have all the benefits and advantages of what is known in mediæval language as chivalry. After all, women are sometimes rather difficult to deal with. We all know that. No woman is more difficult to deal with than a woman who is aiding and abetting law-breakers. (Interruptions.)

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member need not take notice of these interruptions.

Mr. T. Chapman-Mortimer: I say that when a woman comes into public life of that sort, she must do so at her own risk, and however much we may deplore what happened to her, I suggest that if you are going to make appeals to chivalry, then ladies must withdraw from the public arena and should confine themselves to their proper sphere. I oppose the motion.

Several Honourable Members: The question may now be put.

Sir Cowasji Jehangir (Bombay City: Non-Muhammadian Urban): Sir, I am sure every one of us has listened to every one of the Honourable speakers with a considerable amount of attention and I may also say that every one of us wants to do the right thing. I was, therefore, very anxious to hear the Honourable Member who represents Government. The issues before us are not difficult to understand. We are not dealing with complicated questions of law. We are dealing with fairly simple facts and, having to deal with such simple facts, I consider that I am also capable of expressing an opinion. Now, Sir, there are two issues before us. The first issue is: Did a police man, it does not matter who he was, take a flag off from a private motor car and trample it under foot? That is the first issue. There may be difference of opinion as to whether that was an outrageous act, whether it was an amazing act, whether it was an act done in the performance of his duty, whether he was out to amuse the public roundabout,—there may be differences about that. But the issue is: Did he take off a flag which was on a bar as is usually stuck on the cars of Honourable Members opposite? Did he take off that flag and did he trample it under foot? Well, Sir, we have an Honourable Member of this House who says that he saw it done. (*Some Honourable Members*: "No, he did not say that.") I beg your pardon. What he said, then, was that the flag was immediately brought to him after this act had been done and he came down to investigate. I am now told that there are several eye-witnesses to this incident. The fact also remains that the message explaining this incident was conveyed to the Leader of the Opposition very soon, after it is alleged to have happened. Well, Sir, the evidence that has been brought forward by my Honourable friend, the representative of Government, is that the officer denies that he ever took off that flag from the bonnet of the motor car or trampled it under foot or instigated such an action or saw such an act being done by any of his subordinates. Therefore, we have here a statement of facts corroborated by witnesses also who are outside this House and who are able to testify to it. But we have the denial of the officer who is accused. It is left to Honourable Members to decide as to whose word they will accept.

Now, Sir, as to the importance and the gravity of the offence. It may not be the national flag of my Honourable friends opposite. It is not my national flag. My Honourable friend, who has just spoken from the European Group, does not admit that it is a national flag but he must admit that it is an emblem respected by millions in this country today. (Hear, hear.) That is a fact that cannot be denied. If a Government officer or a non-official took a revered idol from a temple and threw it under foot and was accused of doing so and it was proved that he had done so, then I am certain every Honourable Member opposite would say that he had done a very indiscreet act, an act that must rouse the feelings of many who do not even profess the religion to which that idol belonged and it would certainly rouse the feelings of people who worshipped that idol. Therefore, those of us who do not worship idols cannot estimate the feelings of people who worship an idol. I think my Honourable friend does not really realise or has come to a proper judgment as to what other Honourable Members and millions of other people of this country feel when their sacred emblem—it may be only a piece of cloth—is treated in the manner they believe and allege it was treated. Undoubtedly their feelings would be roused. Now, Sir, we are passing through very critical

times, and I am sure we are going to pass through more and more critical times in the near future. I take it and I must admit that I cannot but come to the conclusion that this incident did take place. It may have been done on the spur of the moment, it may have been indiscreet. The officer who did it may not have realised what he was doing, but that it was done and that it did hurt the feelings of a large number of people is the conclusion I have come to. I would, therefore, appeal to my Honourable friends opposite to try and realise that in these critical times, such action on the part of their officers should be strongly condemned (Hear, hear), and unless that condemnation comes from Government, such acts will be repeated and will do more damage in the future than they have done today. We have seen in the past, and in our experience a great deal of bloodshed due to an indiscreet act perhaps of a Government officer, sometimes of a non-official, which roused the religious feelings of another caste or community. What appeared to a man to be an innocent act has been taken offence at by a whole community and it has been resented by a whole community and the resentment has taken the form of riot ending in bloodshed and a great deal of trouble. We have seen that in the past in ordinary times. But now if an act of this sort is to be allowed to take place without condemnation it is a very serious matter. Of course, my Honourable friends opposite may say that they do not believe that it has taken place and that the officer denies it. I would ask them to reflect a little bit over this question. But naturally I do not say that the officer in this case deliberately is denying something that he did. I am not saying that; but naturally he is inclined to give as good an explanation as he possibly can. That is only human. We have got to judge for ourselves. If there is strong evidence on this side that there was such an incident, it must be discouraged, that is the point, now and in the future. Sir, I have had experience of intimidation, by my Honourable friends to my right in the past. (Laughter.) I know very well what that intimidation means, and I know how it can be done and with what success it can be done, and also know how helpless the police can be when such intimidation takes place as a mass movement. I know that and I can quite understand the Government desiring to protect those who do not wish to be intimidated and I would be the first to complain on the floor of this House and in the public if any Government whether it be this or the future Government of Honourable Members sitting to my right, if they refuse to protect the people, men and women in this country, who do not want to be intimidated and who want to stand on their rights and who are forced by any organisation to do things they do not want to do, and I would expect a Government if it be the government of the opposite benches or of the benches to my right, to protect these people against any mass organization or intimidation. But that is a very different thing to an officer taking an emblem which is after all greatly respected by millions of people, from the bonnet of a motor car and throwing it on to the ground deliberately. Such actions do undoubtedly rouse the feelings of resentment. Well, Sir, in these circumstances, while strongly condemning the intimidation that takes place, knowing that it does take place and strongly condemning it—and having nothing to do with these *hartals* and not approving of these *hartals* with my Honourable friend, the Maulana, I cannot but say that any officer who acts like this ought to be taken to task and it ought to be seen to by the authorities that no officer in the future will take the liberty of so acting.

[Sir Cowasji Jehangir.]

(Hear, hear.) Unless that is done, there will be more trouble in store for all concerned. I know that my Honourable friends will say that I am simply taking the word of my Honourable friend to my right against the words of the officer in question. I am not doing that. I am weighing things. I have never seen this officer. I have never heard of this officer, and I do not know anything about him. I have during my career met many excellent police officers for whom I have the greatest respect and I have nothing to say against this particular officer, I do not know him, but weighing all the evidence as I see it today, I have come to the conclusion that this occurrence did take place whether with his knowledge or without his knowledge, it did take place, and now is the proper time to condemn it. One condemnation of this sort may help a great deal in the future. (Hear, hear.) Let it be neglected, it will give encouragement to others to act in a similar way, condemn it straightaway and a great deal of good might arise. This is one of those questions on which, I, for one, am certainly not excited, my passions have not been roused. I desire to respect the feelings of others as I hope they will respect mine. (Hear, hear.) If my religious feelings are hurt, I trust my Honourable friends to my right will come to my rescue, just as if their religious feelings are hurt, if their sentiments are hurt, if they have a case, it is our duty to say so and give them moral support.

Now, Sir, as to the question of this distinguished lady worker in the Congress cause, may I say that I have seen in other parts of the world ladies who take part in politics being dragged by their feet and thrown out. I have seen it with my own eyes.

Mr. S. Satyamurti: In which country?

Sir Cowasji Jehangir: In England, in France, I have seen it. I have seen women treated, in a way my Honourable friends in this House would call, brutal. I am inclined to agree with my Honourable friend who spoke for the European Group that if ladies showed a desire to take part in politics, they must take the rough with the smooth and if this lady was a little roughly handled, she should not worry about it. But if she was ill treated unnecessarily, then I agree with the Honourable Member who spoke from the Government Benches that such treatment is worthy of condemnation. But it is not quite clear to my mind as to how she was treated.

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member's time is up.

Several Honourable Members: The question may now be put.

The Honourable Sir Frank Noyce (Leader of the House): Sir, my days in this country are numbered and so are my days in this House. I had hoped that it would be possible for me to get through my five years of office without intervening in a debate of this character. I had hoped to keep that record until the end, but I cannot allow the speech of the Honourable Member who has just spoken to pass without some comment from one who finds himself in the unenviable position of temporary Leader of this Assembly. My Honourable friend, Sir Cowasji Jehangir,

appears to me to have based the whole of his speech on an entirely wrong assumption, and that has vitiated the whole of his argument. As I understood him, he suggested that the senior Superintendent of Police removed the flag himself.

Sir Cowasji Jehangir: I did not say that. I said the allegation is that he may have done it, he may have instigated it or he may have seen it done by some officer of his own. That is what I said the allegation is.

The Honourable Sir Frank Noyce: If that is so, it makes my Honourable friend's speech so much the worse. He says the senior Superintendent may have done this, he may have done that. It is alleged he may have done it, he may have instigated it, he may have seen it done. On what basis did he bring this charge against this officer? If my Honourable friend, Mr. Asaf Ali, had seen anything done, I should have been content to accept his evidence. But all that we have is hearsay evidence that there was some sort of a scuffle in which a flag was removed. There is no evidence whatever that the senior Superintendent removed the flag himself or saw it done or knew anything about the way in which it was done. These are the facts. The senior Superintendent has definitely denied that he knows anything about it. And I submit, Sir, that we on this side are justified in accepting that denial. There is no clear evidence as to what happened; and we all know perfectly well what different accounts are given of incidents that occur when there is commotion of this kind and when feelings are running high. We have heard something about eye-witnesses, but we have not been told who they are or what measure of credence can be attached to them.

Mr. M. Asaf Ali: Graduates of Cambridge and Oxford.

The Honourable Sir Frank Noyce: So much for the incident of the flag. I am prepared to agree that, if this flag was wilfully removed by any officer of Government or any member of the police, that would have been a provocative act which at a time like this would deserve severe reprobation. But I submit, Sir, that there is not a scrap of evidence that that was the case.

As regards the case of the lady against whom undue force is alleged to have been used, that has been sufficiently dealt with by my Honourable friends, Mr. Chhannan-Mortimer and Sir Cowasji Jehangir. As far as one can gather from such evidence as is available, it is a question of how long two hands were laid upon two shoulders. I think, Sir, it is perfectly clear from the lady's own statement that no undue force was used. As has been said in the course of this discussion, if ladies engage in politics they have to run the risks incident thereto.

I do submit, Sir, that we are in danger of losing perspective this afternoon, and I should like to bring the House back to reality. I think my Honourable friends opposite,—small blame to them from their point of view,—have taken advantage of two small incidents; they may agree with me or not but they are two very small incidents. They have taken advantage of those two small incidents to raise a discussion varying over a very wide field, and I should like to bring the House back to

[Sir Frank Noyce.]

the terms of the motion. The terms of the motion are to censure Government for their action in regard to these two cases. I submit there is no justification whatever for that. Nothing has been established in regard to the senior Superintendent; and I am quite certain that at any other time than this when tempers are apt to be frayed and passions are high, the other incident would have passed without any comment of any kind or description. I submit, Sir, that far from Government or their officers deserving censure, they ought to be congratulated on their successful handling of yesterday's proceedings. (Applause.)

Several Honourable Members: The question may now be put.

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

"That the question be put."

The motion was adopted.

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

"That the Assembly do now adjourn."

The Assembly divided:

AYES—61.

Aaron, Mr. Samuel.
Ahsan, Maulvi Muhammad
Aney, Mr. M. S.
Asaf Ali, Mr. M.
Ayyangar, Mr. M. Ananthasayanam.
Azhar Ali, Mr. Muhammad.
Banerjee, Dr. P. N.
Bhagavan Das, Dr.
Chaliha, Mr. Kuladhar.
Chattopadhyaya, Mr. Amarendra Nath.
Chettiar, Mr. T. S. Avinashilingam.
Das, Mr. B.
Das, Mr. Basanta Kumar.
Datta, Mr. Akhil Chandra.
Dessai, Mr. Bhulabhai J.
Deshmukh, Dr. G. V.
Essak Sait, Mr. H. A. Sathar H.
Gadgil, Mr. N. V.
Gauba, Mr. K. L.
Ghiasuddin, Mr. M.
Ghulam Bhik Nairang, Syed.
Giri, Mr. V. V.
Govind Das, Seth.
Gupta, Mr. Ghansham Singh.
Hans Raj, Raizada.
Hosmani, Mr. S. K.
Ismail Khan, Haji Chaudhury Muhammad.
Jedhe, Mr. K. M.
Jehangir, Sir Cowasji.
Jogendra Singh, Sardar.

Joshi, Mr. N. M.
Kailash Behari Lal, Babu.
Khan Sahib, Dr.
Lahiri Chaudhury, Mr. D. K.
Lalchand Navalrai, Mr.
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.
Pant, Pandit Govind Ballabh.
Parma Nand, Bhai.
Raghubir Narayan Singh, Choudhri.
Ranga, Prof. N. G.
Saksena, Mr. Mohan Lal.
Sant Singh, Sardar.
Santhanam, Mr. K.
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.
Umar Ali Shah, Mr.
Varma, Mr. B. B.

NOES—40.

Abdul Hamid, Khan Bahadur Sir.
Ahmad Nawaz Khan, Major Nawab Sir.
Aikman, Mr. A.
Bajpai, Sir Girja Shankar.
Bansidhar, Rai Sahib.
Bhide, Mr. V. S.
Buss, Mr. L. C.
Chanda, Mr. A. K.
Chapman-Mortimer, Mr. T.
Dalal, Dr. R. D.
Ghuznavi, Sir Abdul Halim.
Gidney, Lieut.-Colonel Sir Henry.
Griffiths, Mr. P. J.
Grigg, The Honourable Sir James.
Hudson, Sir Leslie.
James, Mr. F. E.
Jawahar Singh, Sardar Bahadur Sardar Sir.
Lal Chand, Captain Rao Bahadur Chaudhri.
Lalit Chand, Thakur.
Lloyd, Mr. A. H.
Mackeown, Mr. J. A.

Mehta, Mr. S. L.
Menon, Mr. K. R.
Metcalf, Sir Aubrey.
Mukherjee, Rai Bahadur Sir Satya Charan.
Nagarkar, Mr. C. B.
Naydu, Diwan Bahadur B. V. Sri Hari Rao.
Noyce, The Honourable Sir Frank.
Rau, Sir Raghavendra.
Roughton, Mr. N. J.
Row, Mr. K. Sanjiva.
Roy, Mr. S. N.
Sale, Mr. J. F.
Scott, Mr. J. Ramsay.
Sher Muhammad Khan, Captain Sardar Sir.
Spence, Mr. G. H.
Thorne, Mr. J. A.
Tottenham, Mr. G. R. F.
Witherington, Mr. C. H.
Zafrullah Khan, the Honourable Sir Muhammad.

The motion was adopted.

The Assembly then adjourned till Eleven of the Clock on Saturday, the 3rd April, 1937.

LEGISLATIVE ASSEMBLY.

Saturday, 3rd April, 1937.

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.

ARCHÆOLOGICAL EXCAVATIONS BY FOREIGNERS IN INDIA.

830. ***Mr. C. N. Muthuranga Mudaliar:** With reference to the replies to parts (d) and (g) of unstarred question No. 62, dated the 15th September, 1936, regarding archæological excavations by foreigners in India, will Government state the result of their enquiries?

Sir Girja Shankar Bajpai: A statement containing the result of the enquiries is laid on the table.

Statement.

Permits for archæological excavations in Greece and Turkey are freely granted to foreign societies and individuals who are properly accredited, but the excavations are under strict Government control as regards the rights of land owners and tenants, disposal of antiquities excavated, and conditions of publication. It may be said in general that the excavator has no rights beyond the scientific use of his discoveries. All costs involved by the work, including the salary and maintenance of a Government inspector, have to be borne by the excavator, and all antiquities found belong to the Government. It is possible to receive a grant of duplicates, but this is a concession, not a right.

2. The same conditions hold in Italy, but are very seldom put into practice. That is to say, there is hardly any foreign excavation in that country.

3. In Egypt, Syria and Iraq, there is a similar free permission and similar strict control of foreign work, but greater liberality in the disposal of finds.

4. Excavations are permitted in Cyprus under strict Government control and subject to the terms of the license granted by Government. Such of the antiquities recovered from excavations as are required for the scientific complement of the Cyprus museum or for the purpose of illustrating the history or art of Cyprus are selected and acquired by Government without payment. The remaining antiquities are divided roughly half and half between Government and the excavator. Somewhat similar conditions are enforced in regard to excavations in Palestine.

INSURANCE COMPANIES WORKING IN INDIA.

831. ***Pandit Sri Krishna Dutta Paliwal:** Will Government please state how many insurance companies were working in India on the 31st December, 1936? How many of these are Indians and how many foreign?

The Honourable Sir Muhammad Zafrullah Khan: The number of insurance companies complying with the provisions of the Indian Life Assurance Companies Act, 1912, and the Indian Insurance Companies Act, 1928, on the 31st December, 1936, was 375 of which 226 were Indian and 149 non-Indian.

NEW INSURANCE COMPANIES ESTABLISHED IN THE PROVINCES.

832. *Pandit Sri Krishna Dutta Paliwal: (a) How many new companies were formed between the 1st January, 1931, to the 31st December, 1936?

(b) What was the number of companies established in each province?

The Honourable Sir Muhammad Zafrullah Khan: The Honourable Member is referred to the following publications of the Department of Commercial Intelligence and Statistics which are available in the Library of the House and contain such information as is available on the subject:

- (1) "Joint Stock Companies in British India and in the Indian States of Hyderabad, Mysore, Baroda, Gwalior, Indore and Travancore, 1932-33" (Nineteenth issue).
- (2) Monthly publication "Joint Stock Companies".

DEPOSIT OF SECURITIES BY NEW INSURANCE COMPANIES ESTABLISHED IN THE PROVINCES.

833. *Pandit Sri Krishna Dutta Paliwal: (a) How many of the companies established between the 1st January, 1931, to the 31st December, 1936, have deposited securities with the Controller of Currency for less than Rs. 50,000?

(b) How many of these have paid Rs. 50,000 and over but less than one lakh?

(c) How many of these have paid one lakh but less than two lakhs? What are their names?

(d) How many have paid full two lakhs? What are their names?

The Honourable Sir Muhammad Zafrullah Khan: (a), (b), (c) and (d). On the assumption that the Honourable Member refers to Indian Life Assurance Companies, a statement is laid on the table giving the necessary information as at 31st December, 1935, which is the latest date for which the information is readily available.

Particulars regarding deposit made as at 31st December 1935 by Indian Life Assurance Companies established between 1st January 1931 and 31st December 1935.

No. of companies whose deposit is—			
Less than Rs. 50,000.	Rs. 50,000 or over but less than Rs. 1,00,000	Rs. 1,00,000 or over but less than Rs. 2,00,000.	Rs. 2,00,000.
80	8	4(a)	1(b)

- (a) 1. All India Railwaymen's Fund, Nagpur.
 2. Bombay, Baroda and Central India Railway Co-operative Mutual Benefit Fund for Indian Staff, Bombay.
 3. Neptune Assurance Co., Bombay.
 4. Swadeshi Bima Co., Agra.
 (b) Depositors Benefit Insurance Co., Bombay.

BOOKS AND PUBLICATIONS FORFEITED IN THE CENTRALLY ADMINISTERED AREAS.

834. *Mr. Mohan Lal Saksena: Will Government be pleased to lay on the table a list of books and publications forfeited by them in the centrally administered areas?

Mr. J. A. Thorne: It is not in the public interest that I should lay a list of forfeited books and publications on the table. Proscriptions dealing with publications in the centrally administered areas are notified in the *Gazette of India*.

Mr. S. Satyamurti: May I know what is the public interest? When a book is forfeited, that fact is already published. The question simply asks the Government to lay on the table a list of books and publications forfeited by them in the centrally administered areas. What is "public interest", may I know?

Mr. President (The Honourable Sir Abdur Rahim): The Chair understands public interest is a well known phrase, but whether a particular matter is or is not in the public interest, it is entirely for the Government to judge.

Mr. S. Satyamurti: I agree, but where it is an obvious case, and Government say a public notification cannot be placed on the table of the House, I submit, it is a matter for the Chair. I can understand if there is a difference of opinion, but when Government refuse to place a public document on the table, I submit it is for you, Sir, to give a ruling.

Mr. President (The Honourable Sir Abdur Rahim): The Chair has given its ruling; what is obvious or what is not obvious, it is very difficult for the Chair to decide.

Mr. Sri Prakasa: Can they be made available in a special almirah in the Library?

Mr. President (The Honourable Sir Abdur Rahim): Mr. Mohan Lal Saksena.

Mr. B. Das: Can M. L. As. visit the Home Department and read these proscribed books?

Mr. President (The Honourable Sir Abdur Rahim): The Chair has called the next question.

PERSONS UNDER RESTRAINT ORDERS IN THE CENTRALLY ADMINISTERED AREAS.

835. *Mr. Mohan Lal Saksena: Will Government lay on the table a statement giving the names of persons in the centrally administered areas who are under restraint orders, the period for which they have been under restraint, the reasons for such restraint, the nature of restraint orders, and the allowances, if any, allowed?

Mr. J. A. Thorne: At the end of February, 1937, 393 persons were in jail detention in the centrally administered areas. It is not in the public interest that I should give their names. They are all detained on account of their connection with the terrorist movement in Bengal. The period of detention varies, the maximum being less than five years.

As regards allowances, I would refer the Honourable Member to the reply given by the Honourable Sir Henry Craik to question No. 181 on the 25th January last. The monthly allowance has since been reduced by Re. 1. Study allowances and examination fees are also paid in certain cases.

Mr. Mohan Lal Saksena: Are these orders of restraint periodically revised?

Mr. J. A. Thorne: I submit, Sir, that question does not arise out of the answer given by me.

Mr. Sri Prakasa: What authority will decide when our conception of public duty and their conception of public interest conflict?

Sardar Sant Singh: May I know if these people, who are kept under restraint, know the charges for which they are kept under restraint?

Mr. J. A. Thorne: That question, again, I submit, does not arise.

Mr. President (The Honourable Sir Abdur Rahim): What was the question?

Sardar Sant Singh: The question was whether the persons restrained themselves know the charges for which they are being kept under restraint?

Mr. President (The Honourable Sir Abdur Rahim): If the Honourable Member is in a position to state that, he can do so.

Mr. J. A. Thorne: I am afraid I am not in a position to state that.

Mr. S. Satyamurti: The question asks, you will notice, Sir, the reasons for such restraint.

Mr. President (The Honourable Sir Abdur Rahim): Yes, the Honourable Member says that he is not in a position to state that in the public interest.

Mr. S. Satyamurti: But it does arise out of this question.

Mr. J. A. Thorne: That has been answered. The answer is—in connection with the terrorist movement in Bengal; they are all Bengal terrorists.

Mr. Kuladhar Chaliha: Are their cases periodically revised?

Mr. J. A. Thorne: That question was already asked by another Honourable Member, and I said I am not prepared to answer it.

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member is not in a position to give the information.

INTRODUCTION OF NEW RATES OF PAY IN THE POSTS AND TELEGRAPHS DEPARTMENT.

836. ***Dr. P. N. Banerjee:** (a) Does Circular No. E.S.A.-130/35/Coll.-2, dated the 15th March, 1935, from the Department of Industries and Labour still hold good? If so, has the clerical establishment of the Circle Offices, as referred to in paragraph 2 of the said circular, been organised in two Divisions and its effect given from the date of introduction of the new rates of pay in the Posts and Telegraphs Department? If not, why not?

(b) When were the new rates of pay actually introduced in the Department? Will not the effect to the organisation of the clerical establishment, as referred to above, be given from that date in terms of the first sentence of paragraph (2) of the Circular as mentioned above?

Mr. S. N. Roy: (a) The reply to the first part of the question is in the affirmative. As regards the second part, owing to administrative and financial reasons it was subsequently not found possible generally to organise the clerical staff in the Circle Offices on the basis of two divisions simultaneously with the introduction of the new rates of pay.

(b) The new rates of pay were introduced with effect from the 1st April, 1935. The answer to the second part of the question is in the negative.

MOTION FOR ADJOURNMENT.

Mr. President (The Honourable Sir Abdur Rahim): There is one motion for adjournment in the name of Mr. Chettiar. That is really covered by the Chair's ruling, and so that goes out.

THE INSURANCE BILL.

APPOINTMENT OF MR. J. A. MACKEOWN TO THE SELECT COMMITTEE IN PLACE OF MR. P. J. GRIFFITHS.

Mr. G. H. Spence (Secretary, Legislative Department): Sir, I move:

"That Mr. J. A. Mackeown be appointed to the Select Committee on the Bill to consolidate and amend the law relating to the business of insurance in place of Mr. P. J. Griffiths."

All I need say in explanation of this motion is that Mr. Griffiths will cease to be a Member of the Assembly before the Select Committee meets.

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

"That Mr. J. A. Mackeown be appointed to the Select Committee on the Bill to consolidate and amend the law relating to the business of insurance in place of Mr. P. J. Griffiths."

The motion was adopted.

THE INDIAN TARIFF (AMENDMENT) BILL.

The Honourable Sir Muhammad Zafrullah Khan (Member for Commerce and Railways): Sir, I beg to move:

"That the Bill further to amend the Indian Tariff Act, 1934, for a certain purpose, be taken into consideration."

[Sir Muhammad Zafrullah Khan.]

The Bill proposes to continue during 1937-38 the protective duty of twelve annas per maund which was imposed on the imports of broken rice into India in 1935. The duty has in a very large measure fulfilled the purpose for which it was imposed, which was to prevent the inrush of broken rice, which is a by-product of the rice industry, into India so as to compete with the Indian product, particularly with the cheap varieties of rice. There has in certain directions been an improvement in the situation, for instance, the price of Bengal and Bihar rice and of certain of the better qualities of Madras rice has risen, though the price of the cheaper qualities of Madras rice has not risen, and there have been some indications which might well have justified the Government in reducing the duty to a certain extent. On the other hand, it is expected that the current rice crop will be a bumper crop, and in view of that, it was thought expedient that no reduction in the duty should take place and that the duty should continue to be imposed for a period of another year. I am aware that certain Honourable Members have by means of questions suggested that the duty should be extended to rice and paddy, and there is an amendment down on the paper suggesting the extension of the duty to these two articles. That amendment it would not be possible for the House to consider as it proposes to impose a duty which has not been proposed by Government. Nevertheless, I might submit that no case can be made out for the imposition of a duty on rice and paddy inasmuch as the object for which the duty was imposed upon broken rice has been amply fulfilled. The figures of imports of rice during the 11 months of the current year compared with the figures for the previous year would bear that out. The imports of rice during the first 11 months of the year compared with the total for 1935-36 were 15,313 tons and 28,514 tons. The figures of broken rice are 2,758 tons for the 11 months of the current year and 61,778 tons during the last year. The figures for paddy are 67,702 tons during the 11 months of the current year and 119,731 tons during the last year. I would submit therefore that today compared with last year there is no justification for the imposition of this duty upon rice and paddy. I hope that Honourable Members will consider, first, that it is desirable that this duty should be continued, and secondly, that it is not desirable in the interests of the consumer and that it is not necessary in the interests of the producer that this duty should be extended to rice and paddy.

Mr. President (The Honourable Sir Abdur Rahim): Has sanction been given?

The Honourable Sir Muhammad Zafrullah Khan: As I have submitted already, that amendment will not be discussed as sanction has not been given and therefore it is out of order. That is why at this stage I have made this suggestion for the consideration of those Honourable Members who are interested in the question from that point of view.

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

"That the Bill further to amend the Indian Tariff Act, 1934, for a certain purpose, be taken into consideration."

The amendment* by Mr. Santhanam is clearly out of order. It wants to extend the duty to other categories and no sanction has been obtained thereto.

*"That in clause 2 of the Bill, in the proposed Item 10 (2), for the words 'Broken rice' the words 'Broken rice, rice or paddy' be substituted."

Mr. K. Santhanam (Tanjore *cum* Trichinopoly: Non-Muhammadan Rural): I am sorry that my amendment has not the required sanction to make it in order. Still I am afraid I cannot accept the argument of the Honourable the Commerce Member for his refusal to accept it on his sole initiative. It is common ground between us that the present imports either of broken rice or rice or paddy are not excessive. The only ground on which he has brought forward the Bill, and it is a right ground, is that he wants to conserve at least the present position of the paddy growers. We have seen how badly the imports of Siamese paddy affected the cultivators of paddy, and the Government brought forward this small protective duty on broken rice only after a great deal of agitation and after two years after it became necessary. Now, the present position is that by the extension of this protection to paddy and rice nobody will be affected. The imports are low and are not likely to be affected. The Government finances are not affected and the consumer will not be affected, because, as my Honourable friend has said, there is a bumper crop and local competition is bound to keep the prices at a fairly reasonable level to the consumer. Therefore, there is nobody who will be affected by the extension, but it will be valuable as a preventive measure. It will prevent any sudden speculation in rice causing harm again once more to the paddy growers. The paddy growers in this country have been the hardest hit among the agriculturists. Government have not done anything whatsoever to help them. What I suggest is when there is nobody to lose by this measure, why not have it on the statute book? It may not have any effect either in decreasing or increasing the imports and it will not affect local prices, but it will be a stabilising factor in the market for paddy. The economic recovery in this respect has not been steady. This year imports have fallen; there may be a sudden fluctuation and the imports may rise. In that case this will be a preventive measure, and there cannot be any objection so far as I can see, on the part of the Government. Their revenues will not be affected by extending this protection to rice and paddy, but on the other hand it will give a sort of moral support to the paddy growers, so that, whatever the present position, economic recovery may not be hampered by any unforeseen fluctuations in the market.

Mr. President (The Honourable Sir Abdur Rahim): The Chair can allow the Honourable Member to make the suggestion, but he cannot go into that question at any length.

Mr. K. Santhanam: He used that argument. He appealed to this side . . .

Mr. President (The Honourable Sir Abdur Rahim): If the Honourable Member insists on that, it is not relevant since the amendment is out of order. But the Chair has allowed him to make his suggestion to the Government. He cannot go further into that.

Mr. K. Santhanam: I am not speaking on the amendment. I only want to speak on the general motion and I am only trying to controvert his argument. As regards this Bill, I submit that the duty is insufficient. Of course, we support the existence of this 12 annas duty on broken rice, but it is not of much help, it is of very small help, and if we support it, we have to express the views of our constituencies that it is wholly insufficient. So, while supporting this measure, I suggest to the Honourable the Commerce Member that he should not feel satisfied that he has done the right

[Mr. K. Santhanam.]

thing for the paddy growers in this country. He must look into their condition and see what further measures are necessary to help them. He must think of helping the export of paddy and rice. Burma has been separated and as a consequence India has become self-sufficient in paddy. It does not depend much upon exports, but upon the local market. Therefore, it is in the power of the Commerce Member to regulate the internal price by freight rates. I think the railway freight should be so adjusted that the internal movement is facilitated. Now, I think the freight rates are not properly adjusted; they are very heavy, especially for paddy growers in the south. I submit that the movement of paddy and rice in South India is being greatly hampered by what I may even call the uneconomic rates levied on the movement of paddy and rice. The Honourable Member can do much by negotiating with the Ceylon Government for favourable treatment for South Indian paddy and rice. My district, for instance, had a very lucrative market in Ceylon and that market is dwindling, and I really wonder if the Government of India do not take active measures whether the market will exist at all for us in the next two or three years. It is being replaced by locally grown rice and by imports from Burma. I do not see why Burma growers of paddy should be put in a better position than paddy growers of South India, because the steamer freights from Burma to Ceylon are much lower than the railway freights, from the Tanjore district or from the other neighbouring paddy growing districts to Ceylon. This Tanjore paddy is being replaced, and that is a point to which I should like to draw the attention of the Honourable Member. Therefore, I say that this is a small, though, of course, good, necessary and essential help, but it will not help our people very much and other measures are necessary, and I hope that Government will consider the position carefully and do what they can in the matter.

Mr. T. S. Avinashilingam Chettiar (Salem and Coimbatore *cum* North Arcot: Non-Muhammadan Rural): The Honourable the Commerce Member gave us some statistics about the reduction in the imports of broken rice. As far as we are concerned, we are sorry we do not find in these official reports any separate accounts as regards broken rice. What is given here is only rice in the husk and rice not in the husk, and, as far as I can see from this "Review of the Trade of India for 1935-36", page 193, Table 7, which gives the quantity and value of the principal articles of exports, arranged in the order of their importance, rice not in the husk in 1934-35 was 1,592 tons, and, in 1935-36, it was 1,394 tons. That is in value, Rs. 10,30,28,000 in 1934-35 and 10,94,74,000 in 1935-36. What I mean to convey is that the import of broken rice might have gone down, but rice not in the husk has not certainly gone down. It has to a certain extent increased. Otherwise, you cannot account for these figures.

The Honourable Sir Muhammad Zafrullah Khan: I have given the House figures for the 11 months of 1936-37 and that shows that there is a considerable decrease in imports of paddy during these 11 months as compared with last year.

Mr. T. S. Avinashilingam Chettiar: Of rice not in the husk?

The Honourable Sir Muhammad Zafrullah Khan: Both rice and paddy.

Mr. T. S. Avinashilingam Chettiar: In view of the fact that the Honourable Member himself suggested that this year the crop is expected to be

a bumper crop, unless something is done about the present state of imports the proceeds of the sale of rice will be very small indeed. I do not presume to know much about other products, but we, who come from the rice growing districts of Southern India, can safely say that the rise in price has been very little indeed. The Honourable the Finance Member said the other day that there has been a rise in the price of primary products, but, as far as our parts are concerned, the rise has been very small, almost infinitesimal. It is not a new fact, but I may tell him that it is only because of the love of the land that the agriculturists are continuing their agricultural activities in our part of the country. If they had looked to the profits of agriculture, they would have left their profession long ago and would have allowed the land to lie fallow. I would press upon the Commerce Member to take measures at once and immediately, as far as it lies in his power to do something to the increase of price of rice. We offer him a suggestion that if the duty is put on both rice and paddy, it might go some way to increase the price of rice. With these words, I support the measure.

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

"That the Bill further to amend the Indian Tariff Act, 1934, for a certain purpose, be taken into consideration."

The motion was adopted.

Clause 2 was added to the Bill.

Clause 1 was added to the Bill.

The Title and the Preamble were added to the Bill.

The Honourable Sir Muhammad Zafrullah Khan: I beg to move:

"That the Bill be passed."

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

"That the Bill be passed."

Prof. N. G. Ranga (Guntur *cum* Nellore: Non-Muhammadan Rural): Sir, I am sorry to observe that the Honourable the Commerce Member has committed himself to the statement that they were even considering the advisability of either completely withdrawing this protective duty or lowering it in view of the improved conditions of the rice trade in the country. We have been trying to press the Government to extend this protection to rice and paddy. The Honourable the Commerce Member, as if to add insult to injury, says that they were even considering the lowering of this very small and inadequate duty. From the very beginning, we on this side of the House have been bringing it to the notice of the Government that this duty is inadequate and does not go far enough. As my Honourable friend, Mr. Santhanam, put it, it is necessary that Government should do everything in their power to help the paddy growers. They are the largest section of peasants in this land. Rice is the only crop in our crop economy which has eight crores of acres under it, and very little has been done by this Government to help it. We are told that a sub-committee was being constituted by the Imperial Council of Agricultural Research to look after the interests of paddy growers and to try to carry on researches into the production of rice. We do not know what has happened to that Committee or what work the Committee has turned out till now, but we do not know that no attempt has so far been made to give any proper representation for the paddy growers on that particular Committee. Unless an attempt is made to tackle this problem in a more comprehensive fashion, I am afraid,

[Prof. N. G. Ranga.]

the paddy growers cannot be helped adequately, as they deserve to be helped. No attempt has so far been made to raise either the general level of prices in this country or the prices of paddy in particular. While in other countries, especially in France, America and England, definite steps had been taken by the Governments there and the Central Banks to raise the level of the wholesale prices, no attempt has been made here to follow up that procedure and help our peasants. Unless an attempt is made to raise the general level of prices, and, in particular, the prices of different kinds of rice, the paddy growers of this country cannot really be said to be helped at all. It is very easy for my Honourable friend, the Commerce Member, to draw our attention to the fall in the imports of broken rice and also full rice, but he must remember that at no time did the imports form any considerable proportion of the total consumption of rice in this country. What was really most important and what is now important is the effect of any kind of import into this country of rice and broken rice and paddy. Sir, the Government spokesmen have admitted from time to time that it was these imports, however small, which really affected adversely the prices that were ruling for different kinds of rice in different parts of India, and they also had to admit that as long as the economic depression had continued, any amount of protective duty could not be considered to make for helping paddy growers. If that is so, certainly, Sir, it argues to reason that Government should take some positive steps to counter the effects of the economic depression by trying to raise the economic level of prices for paddy and improve the productive capacity of our peasants, and especially the productive capacity of our own paddy lands. If at all anything has been done, it is very little and on the whole it is largely true to say that nothing has been done effectually to help our paddy growers in this country. This Bill, as it is, gives only a part of what we want from the Government in order to protect the paddy growers. If we have the interests of the paddy growers at heart, we cannot very well oppose this Bill and dismiss it, but at the same time we must emphatically voice the dissatisfaction of paddy growers with this Bill and also with the other attempts that are supposed to be made by this Government, and we must maintain that, until and unless the Government really come forward with a most comprehensive scheme of assistance and protection to paddy growers, the paddy growers cannot be satisfied with the activities of this Government even in so far as this particular economic measure is concerned. Therefore, Sir, I warn the Government that they should try at the earliest possible moment to come forward with a more comprehensive scheme of economic betterment for the paddy growers.

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

"That the Bill be passed."

The motion was adopted.

THE PAYMENT OF WAGES (AMENDMENT) BILL.

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

"That the Bill to amend the Payment of Wages Act, 1936, for a certain purpose, be taken into consideration."

Sir, this is the last of a long series of labour measures I have brought before this House. After some of those important measures, measures such as the Bills amending the Factories Act and the Workmen's Compensation Act and the Assam Tea Labour and Emigration Bill and indeed the Bill to which this very small Bill is an amending one, this may seem to be more or less in the nature of an anti-climax. I must confess, Sir, that I am glad that that should be so, for I should like to make my exit from this House, if one may say so, in a quiet manner. I can only hope that the House will accord me this morning the support that it has given so generously during the last five years. Honourable Members may recollect that section 9 of the Payment of Wages Act was inserted by the Select Committee which considered the Bill. Their observations on this point were as follows:

"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."

But, unfortunately, Sir, neither we nor the members of the Select Committee noticed that the clause did not fully carry out that intention, for it seems to oblige the employer to pay wages to men who merely appear, whether they appear for work or not. A man who comes to the factory and declines to do any work seems to be treated in the same way as the man who appears and does the work. Now, in all the discussions regarding the Bill it was never suggested that we should secure pay to men who were not willing to work. What the Act seeks to do is to secure that the man who does the work will get the pay, and I hope that the equity of our proposal will be recognised by all parties in the House. I should perhaps add that it is not intended by this provision to withhold wages from the man whose work has been defective; we have been careful to limit the provision to a definite refusal, and such refusal would have to be proved if the deduction were disputed. Sir, I move.

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

"That the Bill to amend the Payment of Wages Act, 1936, for a certain purpose, be taken into consideration."

Mr. V. V. Giri (Ganjam *cum* Vizagapatam: Non-Muhammadan Rural): Sir, I rise to make a few observations on the amendment proposed to the Payment of Wages Act, 1936. My serious complaint against the Government of India has been and is that they always desire to prevent strikes and industrial disputes by introducing penal measures and by not encouraging trade union methods to prevent such disputes. I consider that strikes occur in this country, whether they are lightning strikes or stay-in-strikes or Satyagraha strikes, because of acts of commission or omission on the part of the supervising of officials, whether in the workshops or in other industries, with or without notice to the employers or managers. Sir, from the little experience I have of trade unions, works organisations and strikes in this country, I say that a tactful handling of the situation, when there is an apprehension that there will be a dispute, would prevent such eruptions as lightning strikes or stay-in-strikes. Instead, therefore, of placing before this House such measures which always give an indication to the workers that they are nothing more or less than the hewers of wood and drawers of water for the capitalists and employers, they would have done well in introducing

[Mr. V. V. Giri.]

the spirit of the recommendations made by the Royal Commission years ago. For instance, Sir, if they wanted to prevent such lightning strikes or stay-in-strikes as is contemplated under this Bill, if they had only introduced the conciliation machinery or the joint standing machinery recommended by the Commissioners, these suggestions need not have been discussed at all, whether in the original Act which came before this House or the amending Bill. On the other hand, if only the Government of India had carried out another recommendation made by the Royal Commission on Labour with regard to the inauguration of industrial councils, representative of the interests of the Government, of the employers and of the workers in various countries, in all probability this issue would not have arisen before us when the Select Committee sat or when the Bill came before us last year and became an Act, or when this Bill comes before this House again this time. I, therefore, consider that the Government should consider more in the light of unending strikes by trade union methods rather than introducing penal measures of this character.

I may be allowed, Sir, to strike a personal note before I sit down. It may be that this is my last speech in this Assembly, because I return from this Assembly to the Madras Assembly. I will take this opportunity of expressing my personal regard for the Honourable Member opposite, the acting Leader of the House, because he has always tried his best to do things in the best possible manner so far as the workers are concerned, and we have always appreciated his sense of courtesy and his qualities of head and heart. (Applause.) If he has not been able to do much for the workers in this country, it is due to the fact that we have got in our country a sculless Government, a Government representing the Imperialistic and capitalistic interests of England. Therefore, being an agent of such a Government, he is justified in not being able to do much that we expected. We do hope, not by speeches in Legislative Assemblies and Councils, but by the sacrifices we have yet to offer at the altar of our motherland, that a time will soon come when we shall have a Government in this country of the people, for the people and by the people when the workers' interests will be safeguarded. With these words, I express my views on this amending Bill.

Mr. N. M. Joshi (Nominated Non-Official): Mr. President, the Bill which my Honourable friend, Sir Frank Noyce, has placed before the Assembly for consideration enables the employer to make deductions from the wages of his workmen on the ground of absence even though the workmen may be present in the factory. I have given notice of an amendment, and I shall not, therefore, speak on that amendment at this stage, but I would take this opportunity to bid my farewell to Honourable Sir Frank Noyce, who is retiring from his service and leaving our country within a few days. Sir, I had the honour and privilege of being a Member of this Assembly during all the five years' term of my Honourable friend, Sir Frank Noyce. During this period, Sir Frank Noyce has been responsible for passing several measures dealing with labour questions, measures most of which have been beneficial for the interests of the working classes in this country. It is not my good fortune to be able to say that I have always felt that Sir Frank Noyce, as representing the Government of India, had done what was necessary to

be done for the working classes of this country. But, Sir, I have absolutely no hesitation in stating this that, although Sir Frank Noyce may not have accepted whatever we had asked him to do, he had always given us very prompt and very sympathetic hearing. Whenever a point of view was placed before him on behalf of the working classes, he had shown readiness to consider that point of view, and, on behalf of the working classes of this country, if I may do so, I express my personal gratefulness and the gratefulness of the working classes of this country for the sympathy which he has shown towards them during his term of office. I am very glad to hear that the Honourable Member is going to Geneva soon after his retirement. I wish that the Honourable Member had gone to Geneva a little earlier. Even though his visit to Geneva may have come a little later, still I have no doubt that it will be of some use in bringing about proper understanding in the Government of India as regards the work of the International Labour Organisation.

Well, Sir, I may also be permitted to say one word more regarding my relations with Sir Frank Noyce in this Assembly. I am conscious that I have been a source of annoyance to Sir Frank Noyce and irritation too. It was not given to me, as I stated, to be satisfied with what he was able to do, and I had to put forward proposals which would satisfy only my conscience and nobody else's. I have tried to do that. But I assure my Honourable friend, Sir Frank Noyce, that whatever annoyance my attitude towards public questions may have caused to him, whatever I had done was not intended to cause annoyance or irritation to him. Sir, the annoyance which I have caused to Sir Frank Noyce may not have been always due to my attitude towards labour questions. Sometimes he may have been annoyed with me for my general political views too. But I can say one thing as regards Sir Frank Noyce. Mr. President, you and the other Members of this Assembly can easily appreciate the difficulties under our present political conditions for a proper understanding between the Britishers and Indians. We find it difficult, although we may know our British colleagues for several years, to talk to them frankly and express what our political views are in private conversation. That difficulty is always there, and I must say this that, in spite of that difficulty, Sir Frank Noyce is one of the few Britishers whom I had the privilege of meeting in Delhi and Simla to whom I could express my views and to whom I could frankly tell even in private conversation without any fear of loss of friendship, and I have always found, although it was not given to us to agree with each other politically, that he showed friendly understanding of our attitude. Sir, for that also I am very grateful to my Honourable friend, Sir Frank Noyce. I shall not detain the House any longer.

As regards the Bill itself, I have got an amendment which I hope Sir Frank Noyce will sympathetically consider, and, as this is the last measure he will take the credit of accepting, I hope he will accept it, so that the friendliness that exists between himself and myself and the House generally will be further developed.

The Honourable Sir Frank Noyce: Sir, I have to thank my Honourable friends, Mr. Giri and Mr. Joshi, very much indeed for the kind references they have made to the work that I have been able to do in connection with labour questions. My Honourable friend, Mr. Giri, frankly admitted that he did not really think much of it, but I think he did admit—and I am very grateful to him for doing so—that I had done

[Sir Frank Noyce.]

my best within the inevitable limitations of my position. Mr. Joshi and I are old friends and old enemies (Laughter), but I think he treated me with rather less than his usual fairness when he described himself as a source of annoyance and irritation to me. I do not think that is true. I am not conscious of any irritation. Mr. Joshi's habit of dealing with everything that comes before him with meticulous care, super-meticulous care, if I may say so, does make it necessary occasionally to exercise a certain amount of patience (Laughter), but I am not prepared to admit more than that. If I have ever shown any annoyance or irritation with him, I trust he will accept my deep apologies for doing so, because, as I had an opportunity of saying in this House the other day, I have very great respect for the way in which he has fought the cause of labour all the years I have known him, and I can assure him that I and my colleague, Mr. Clow, like himself a Member of the Labour Commission, have been materially assisted by his, shall I say, critical attitude. My Honourable friends, Mr. Giri and Mr. Joshi, have not said much about the principles of the Bill, and I take it that I can, therefore, safely assume that those commend themselves to this House. I shall deal with the amendments moved in due course.

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

"That the Bill to amend the Payment of Wages Act, 1936, for a certain purpose, 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. N. M. Joshi: Sir, I move:

"That in clause 2 of the Bill, in the proposed *Explanation* to section 9, the words 'without any cause' be added at the end."

Sir, as I stated when I spoke on the Bill only a few minutes ago, this Bill is intended to enable an employer to make deductions from the wages of his workmen although the workmen are present in the factory, but when the workmen have for some reason or other refused to do the work. Sir, my amendment is intended to provide a safeguard on behalf of the workmen. I am not suggesting that although the workmen are present in the factory and they refuse to work without any reason they should be paid by the employer. But what I am suggesting is this. If a workman goes to a factory and finds that there is sufficient cause for him to refuse to do work, the employer should be bound to pay him because if the employer provides sufficient cause for his refusal, the employer is responsible for payment. If there is no justification for the refusal, I am not suggesting that the employer should be compelled to pay, but if there is sufficient justification for the refusal, then the employer should be bound to pay. If we do not provide for that, the employer will refuse to pay a man although the man has got sufficient ground to refuse to work.

The Honourable Sir Frank Noyce: Surely the amendment is "without any cause".

Mr. N. M. Joshi: Yes, my amendment is "without any cause".

Sir H. P. Mody (Bombay Millowners' Association: Indian Commerce): And without any reason.

Mr. N. M. Joshi: Let me, Sir, make a frank admission. I have got very many varied activities, but I have not yet tried my hand at draftsmanship. It is not my strong point, I admit. If my amendment is wrong in draftsmanship, I am prepared to have it amended. But what I want is that the House should accept my proposal and let the amendment be modified suitably to my proposal. My proposal is that if a workman has got sufficient justification to refuse to do work, then certainly when he goes to a factory the employer should be bound to pay. Sir, what may happen is this. A workman goes to a factory and he finds that the employer has suddenly made a change in the conditions of work. The employer may ask him to work longer than the workman is bound to work and in such a case the workman is bound to say, he will certainly not work longer hours. Similarly, a workman may be accustomed to handle a particular kind of material. The employer does not give him that particular material but asks him to work on a different kind of material to which the employee is not accustomed. Under these circumstances, although the employee may refuse to work, the employer should be bound to pay. It is an ordinary law of contract that if there is a change in the conditions of work without notice, the employer must pay his employee. I have therefore proposed that we should make an addition to this clause stating that in case the employee refuses to work and has sufficient justification, his presence should not be treated as absence. Sir, my proposal is a very slight modification of the proposal made by the Government of India. As regards drafting, if you will permit me to make a slight drafting modification, I shall do so. Instead of "without any cause", I shall say "without sufficient cause".

Mr. President (The Honourable Sir Abdur Rahim): There is another amendment to that effect.

Mr. N. M. Joshi: If there is another amendment, then I shall not move mine. Or if you permit me, I shall modify my amendment.

Mr. President (The Honourable Sir Abdur Rahim): There is an amendment to that effect and so the Honourable Member cannot modify his amendment in the same terms.

Mr. N. M. Joshi: In that case, I move my amendment for the present.

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

"That in clause 2 of the Bill, in the proposed *Explanation* to section 9, the words 'without any cause' be added at the end."

Prof. N. G. Ranga (Guntur cum Nellore: Non-Muhammadan Rural): Sir, there is one other amendment I have given notice of, and that is:

"That in clause 2 of the Bill, in the proposed *Explanation* to section 9, the words 'without sufficient cause' be added at the end."

With your permission, I should like to amend this by substituting the word "reasonable" for the word "sufficient". In the Act itself, this very phrase "without reasonable cause" is already there in the proviso on page 6 of the Act.

Mr. President (The Honourable Sir Abdur Rahim): Is it merely verbal?

Prof. N. G. Ranga: Yes, Sir, it is only a verbal alteration. The word "reasonable" should be substituted for "sufficient". As is well-known to the House, I was very much opposed in the very beginning to the inclusion of section 2 and the proviso to section 9 when it came to be introduced in this House. Sir, in spite of our very strong protest and continued agitation on the part of the working classes against this, the Government of India did not see it fit to accept this proviso or rather the amendment, almost at the point of the capitalist sword held at that time, luckily for himself, by my Honourable friend, Sir H. P. Mody, who I see is now running away at the very mention of it. (Laughter.) Sir, I wish I could also associate myself with my friends, Messrs. Giri and Joshi, in congratulating my Honourable friend, the Member for Industries and Labour, on the termination of his Membership of the Executive Council of His Excellency the Viceroy. But, Sir, it is not possible for me to congratulate any of the Members of the Treasury Benches, because, to be an occupant of the Treasury Benches is itself a sin in this country, situated as it is.

Mr. M. S. Aney (Berar Representative): You are free from that sin!

Prof. N. G. Ranga: Yes, thank God, and thank the Governors. Merely to plead that, situated as he was in this country and in the vortex of Imperialist politics, he could not do very much more than he was able to do is only an apologia and not much more; and I for one claiming also to speak for the working classes cannot bring myself to either congratulate him or to condole with him upon his failure. Sir, I have known very little of the Honourable Sir Frank Noyce, because we have found it necessary to try to know as little of these people as possible in their personal capacity. But the little that I have known of him in this House through his work has convinced me that however good he may be by himself, he cannot really appear to be anything but the failure of a good man in this country and in this Government, because he has got to be an agent of British Imperialism, as was so happily put by my Honourable friend, Mr. Giri. Sir, this particular *Explanation* and this Bill is an instance to prove my inability to congratulate him. Where is the necessity for bringing forward this *Explanation*? Who has drawn the attention of Government to this particular omission in the original Act as it came to be passed? Did it dawn upon them because of their own inspiration and because of their overflowing love for the workers, or has it been placed before them pertinently by the capitalists in this country? I do not know where lies the truth; I do not know whether we can really get the full truth in answer to my query. But I do have a suspicion that capitalists of this country have had their hand in drawing the attention of Government to this particular omission, and the attempt to make good this omission cannot be said to be in the interest of the workers.

Sir, the original section 9 is bad enough. All over the country there were protests by the working classes in a unanimous fashion. There was not one trade union, either yellow or red or Government or even white, not one trade union which was found to support section 9 of this Act. And yet Government got it passed, merely because they had extraordinary powers in their hands, thanks to the Government of India Act. Not being satisfied with that, they want to go forward with this and prevent any

chance of any group of workers trying to eke out their living while they are at work, but cannot put their heart into it or their soul into it, merely because thousands of their own comrades happen to be on strike, and, therefore, they cannot feel very enthusiastic about their work. It is very easy for my Honourable friend, the Baronet from Bombay, or the Knight from Bombay, to jump up and say: "Certainly you cannot encourage stay-in strikes!" Even supposing that we do not wish to encourage these strikes, how will it affect those workers who are obliged to be there and play the part of blacklegs while their comrades are on strike? Merely because they are obliged to earn their wages and maintain their families, they certainly cannot be expected to be very enthusiastic about their work. It is all that the employers have to thank themselves for, to be able to have some workers at least in their factories willing to carry on their work. But what is meant by that willingness to carry on their work? What is meant by this particular phrase "to carry out his work"? In ordinary circumstances it is possible to have a particular standard for expecting the workers to carry out their work; but under such extraordinary circumstances as have come to prevail, whenever there is a strike, certainly this particular phrase "carry out his work" has got to be interpreted in a different fashion, with more latitude and more liberally. Are we quite sure that the employers will be prepared to interpret it just as liberally as they ought to? Where is the guarantee? Employers have not shown themselves to be liberally minded nor have they shown themselves to be sensible. We had the extraordinary example of the Agent of the Bengal Nagpur Railway only the other day when in spite of the efforts of the Honourable Member-in-charge of Industries and Labour he was trying his best to victimise the labourers and force them almost to continue to remain on their strike; and even after they had chosen to return to work, to cause every kind of annoyance in order to force them to go again on strike. Faced as we are with such employers where is the guarantee that these employers will not make an arbitrary use of their judgment in deciding whether the worker is really refusing to carry out his work or not? To leave such wide and unrestricted powers in the hands of employers is really dangerous to the interests of labour itself.

Then, Sir, I do not want this *Explanation* at all. I am quite prepared to consider the possibility that some workers will find themselves incapable of staying away from work, and, therefore, will be obliged to go to work and try to carry on as much as they can possibly do. But it is possible for the employer to go and try to drive away even those workers without at the same time putting in a placard that he has declared a lock-out, by simply saying that they were not doing their work and carrying out the work that was allotted to them, and thus oblige them to leave the factory and force them also to go and join the ranks of the strikers and get for himself the advantages of a lock-out without having to face the disadvantages of it. Sir, there are certain occasions . . .

Mr. Hussenbhai Abdullabhai Laljee (Bombay Central Division: Muhammadan Rural): Are they deserters,—these people who are against the strike to work?

Prof. N. G. Ranga: My Honourable friend wishes to call some of these unfortunate people deserters. Yes, certainly they are deserters. But deserters there are bound to be: we have deserters here and in different

[Prof. N. G. Ranga.]

parts of the country. But they are deserters, because they are obliged to maintain their own families, although at heart they would like to join the ranks of the strikers and strengthen the strike. What is to happen to them? They are even likely to be victimised by the biggest exploiters in the country. They not only want to exploit and persecute the strikers, but also those who are obliged to work even at a risk. I do not want this arbitrary power to be left in the hands of these people at all; and for that reason I would very much wish that this *Explanation* is not accepted. But if it is likely to be accepted, then I would recommend that my amendment should be accepted because it at least tries to condition the arbitrary power of the employers to refuse to pay for these people who according to them may be considered to be refusing to carry out their work. I do not know why this very same phrase that I wish to add now at the end of this particular *Explanation* "without reasonable cause" which found a place in the original proviso has come to be omitted in this *Explanation*. I do not know who was responsible for this—whether it is an oversight or a deliberate mistake that has been committed by the Government. In the original proviso it read like this:

"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 is required under the terms of their contracts of employment and without reasonable cause, such deduction from any such person may include such amount not exceeding his wages for eight days as.....in lieu of notice."

This phrase which found a place in the original proviso ought to find its place again in this *Explanation*. By adding this, I am only trying to help the Government, rather than help my own working classes. This *Explanation* is wholly against the working classes, but I expect the Government to accept my little amendment only, because it tries to lessen the blow that is sought to be hurled at the working classes of this country. It is not very long ago that we have passed this Act: it is only one year. Why have Government thought it advisable to come forward with an amendment like this, fraught with such important consequences, so soon after the passing of this Act? Is it to benefit the working classes? No. Have they come forward with any amendment at all for the benefit of the workers? No. Have they tried to have some other section in the very same Bill which can be said to compensate the workers for this blow dealt at them? Not at all. This is clear proof that the Government and its agent for the time being, Sir Frank Noyce, are anxious to conciliate the employers as far as it is possible to meet them more than half-way, to help them in every possible manner and tighten the grip of the employers as well as of the Government over the working classes. My Honourable friend the capitalists are all the time anxious to get help from every possible quarter and they have reached the Government and my Honourable friend, Sir Frank Noyce. I can very well understand that Sir Frank Noyce is anxious to make this parting gift to these capitalists. It was only last year and also in the Simla Session that my Honourable friend, Sir H. P. Mody, was complaining of the extraordinary anxiety of Sir Frank Noyce to get as many laws as possible for labour and to get as many of these international labour conventions as possible accepted by this House: and he went out of his way in that Session to assure Sir H. P. Mody

that Government were thinking very seriously whether they should not revise their usual readiness, or past readiness, to accept the conventions or recommendations that were coming from Geneva. And now he has done one better. As he is going away to England and bidding his last farewell to India so far as the Indian Civil Service is concerned, he wants to make this gift to these capitalists. Why, I would like to know. My Honourable friend, Mr. Joshi, was anxious to congratulate Sir Frank Noyce: I do not grudge his doing so, but I certainly do not see any point in congratulating a Member of this Government for bringing forward this Bill which is nothing short of a terrible blow to the working classes as a whole. I cannot understand how even a person like Sir Frank Noyce could have brought himself to put his signature to this Bill and introduce it in this House, and then say "I have tried my best to be a friend of labour but I feel it is not my fault: it is the fault of the circumstances in which I find myself unfortunately—unfortunately for myself and for the working classes of the country". No, Sir. I expect some retribution from Sir Frank Noyce even for this, and I hope that when he goes to Geneva he will try to make that retribution by trying to persuade Geneva to pay more attention to the interests of Indian labour and not to accept his own advice and the warning that was given in the last Simla Session that Geneva was going too far and too fast and was too liberal towards labour and so on: I hope he will try to make Geneva consider the needs of the working classes, including the agricultural labourers in this country. Sir, I move my amendment.

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

"That in clause 2 of the Bill, in the proposed *Explanation* to section 9, the words "without reasonable cause" be added at the end."

Sir H. P. Mody: Mr. President, after making a death-bed repentance, my Honourable friend, Mr. Joshi, characteristically put in an amendment. I must say that he has been true to type. He has disagreed with every single thing that my Honourable friend, Sir Frank Noyce, has done in the course of his career as a Member for Industries and Labour, and yet he says he has not had the slightest intention of annoying Sir Frank Noyce and that he fully appreciated all the great work that he had done. Well, Mr. Joshi has a very curious way of showing his appreciation. What is the Bill before the House. The Bill merely seeks to rectify a defect, a defect which I would almost say is one of drafting. Under section 7 of the Payment of Wages Act, an employer is entitled to make certain deductions for absence from duty of his employees. Now, absence from duty has been defined as being absent from the place or places where the employee is expected to work. Obviously therefore, when it is becoming a fashion to indulge in stay-in strikes, the situation is altered; and if the Act was left as it is, then the employer would not be enabled to make any deductions so long as the employee was on the premises, but was refusing to work. That has been sought to be set right by this very simple and innocent little measure. All that the Bill says is that if an employee is on the premises but refuses to work, it should be regarded as absence from duty. I should have thought that that was a very straightforward way of dealing with the issue. What do my friends want? They think that

[Sir H. P. Mody.]

some trade union principles are infringed by this Bill. What trade union principles? Is it in consonance with trade union principles to go on sudden strikes? Is it in consonance with those principles not to formulate grievances but to plunge the industry into disorder without the slightest notice? What trade union principles are these that my friends are standing for, I ask? And then, supposing you have a grievance,—is it reasonable to go to a factory, and squat there, refuse to work, and continue to stay there? I should have thought that it would be more reasonable, if you had enforced leisure to go and spend your time at your own home with your wife and children? Why stop in a factory, in a foul atmosphere, and surrounded by machinery, when you can go home and spend your time with your family? It is against trade union principles to say that you can go to a factory, refuse to work and still be entitled to wages, and it is against common sense and reason to say that when you have a grievance, you should go and squat in a factory and refuse to move. I do not see either reason or principle in the opposition of my friends, and I for one will certainly oppose the amendments both of my friends, Mr. Joshi and Prof. Ranga.

Sir, this is the last Bill for which my Honourable friend, Sir Frank Noyce, will be responsible, and I, with greater whole-heartedness and earnestness than my friends, Mr. Joshi, Prof. Ranga and Mr. Giri, can claim, say that the work which he has achieved in these last few years has been enduring and is one of which he may well feel proud. (Applause.) I think the greatest compliment to his work is that he has earned the goodwill of even those sections of the community whom his legislative measures have affected. I mean the employer classes, and I am sure it will be a source of great satisfaction to him that he carries with him in his retirement the good wishes of every single section of the community. I think an even greater compliment is this that my friends on my right, who are inclined to be somewhat outspoken in their comments and whose vocabulary is generally richer than mine, have never had in all these years a harsh word to say about Sir Frank Noyce, and I do not think that my friend can expect a greater compliment than that. Sir, I support the Bill as it stands and oppose the amendments.

Mr. N. V. Gadgil (Bombay Central Division: Non-Muhammadan Rural): Sir, I rise to support the amendment moved by my friend, Mr. Joshi, and also the amendment moved by Prof. Ranga. Let me say at the very outset that I am not at all surprised at the views expressed by the capitalist from Bombay. His argument was that this amending Bill has been brought with a view to remedy a drafting defect. Sir, this measure was first introduced as a Bill in March 1935. Then there was a Select Committee appointed on it. The Report of the Select Committee was presented to the House in September 1935, and in 1936 this Bill was under discussion for many long days, and I am surprised to hear my friend, Sir Homi Mody, say that this was merely a drafting defect and that it escaped his argus eyed watchfulness when the original Bill was under discussion in Delhi last time. The cat is fairly out of the bag when he refers to strikes. During the last eight or nine months, those who are in touch with events in the industrial world, know full well that many strikes have taken place, and it is merely to prevent a repetition of such stay-in strikes that this Bill has been introduced and not merely to cure a

drafting defect,—you are by this measure really adding a substantial portion to the already existing Bill which became an Act in 1936 and which was brought into operation only a week ago. If it had been found, after giving a fair trial to the Act, that there were certain defects which could not be cured, one could have understood the anxiety of the Government to bring in an Amending Bill. Just at the time when the original Bill was being discussed in the House although the proviso to section 9 was rejected in the Select Committee, it was again introduced in the Delhi Session, obviously at the inspiration of capitalists from Bombay and I am fully justified in saying that there is a suspicion well grounded that this Amending Bill is also inspired by the capitalists from Bombay and from other places. Now, if it is really a defect, and if the Government are honestly thinking of removing that defect, I only say that the method adopted by them should be just, fair and equitable to all parties concerned. What is the present position of the law, Sir? If an employee, when he is outside the place or places of work, remains absent, deductions can be made from his wages, but he has a safeguard as contemplated in the proviso to section 9, and that sub-section says that if he has reasonable cause for absence, then those deductions cannot be made. Therefore, in fairness and in equity, if you have that safeguard for a worker who is outside the place of work and has a reasonable cause for absence, similarly why not provide that safeguard if the worker is inside the place or places of work and has reasonable cause to refuse to work. That is exactly the purpose of my friend Professor Ranga's amendment, and this phraseology is not a new thing at all. It already finds a place in the proviso to section 9 which clearly lays down that if ten or more employees or persons absent themselves without due notice and reasonable cause, etc. Therefore, fairness and fairplay demand that if a worker can remain absent with reasonable cause outside the place of work, he must be given the same right, and this is really a test by which the Government will be judged. If the Government accepts the amendment of Prof. Ranga, then I can say that they are really anxious to remedy a defect in the law without in any way violating the existing rights which have been created by the last piece of legislation. Therefore, I support the amendment of Prof. Ranga. Sir, we do not want to encourage stay-in strikes without any justification. But strike is a recognised method, it is almost legally sanctioned, and if stay-in strikes for sufficient cause or reasonable cause is a just proposition, it is just in all circumstances. I support the amendment of Prof. Ranga.

Sir Cowasji Jehangir (Bombay City: Non-Muhammadan Urban): This is a Bill, Sir, which, it appears to me, if not passed by this House, would do considerable injustice to employers of labour, and it would be doing something which is exceptional to this country. We know that stay-in strikes do occur in different parts of the world, and that some trade union leaders believe it is a legitimate weapon to use against employers. I am not contesting that point of view at all,—we may disagree,—but it is a point of view that has been expressed and will naturally be expressed in this country, just as my friend, Mr. Giri, just said that Government did not encourage trade union methods. What he meant, I presume, was they did not make it easy for men to strike, and through that instrument force employers of labour to give in to what they consider their just dues. But may I ask my Honourable friends, Messrs. Giri and Joshi, whether in any part of the world the employees can go in for a stay-in strike and also claim wages?

Mr. N. M. Joshi: Who is asking? I am not asking.

Sir Cowasji Jehangir: But you protest against this Bill which makes it impossible for the workmen to get his wages if he goes in for a stay-in strike. You demand that he should be allowed to go in for a stay-in strike and the employer should be made to pay his wages. What does the Bill do? The Bill prevents an employee from going in for a stay-in strike and also legally demanding his wages. That is the Bill; it does not go any further. If my Honourable friends, Messrs. Joshi and Giri, will admit that it is wrong in principle to have legislation which will enable a workman to go in for a stay-in strike and at the same time legally claim his wages, I have gained one point. As a matter of fact, as things stand today, there is such legislation on the Statute-book. The workman can go in for a stay-in strike and can legally claim his wages. Therefore, some amendment is necessary, and this Bill is brought in for that purpose. Then, my Honourable friend, Mr. Joshi, having admitted, let me say, for the sake of argument, the justice of what I have said, wants to add a few words more, such as, "without any cause" or "without reasonable cause". Mr. Joshi in explaining that amendment gave an instance of proper material not being given to the workman with which to work. I will give an illustration of what my Honourable friend means from an industry with which I am acquainted. Suppose cotton in a textile mill is of a quality which will not work, in which there is any amount of breakage. This has been known to be a cause of strike in the past. Strikes have occurred because cotton supplied to the workman has not been of sufficiently good quality. What will happen if Mr. Joshi's amendment is carried? Suppose it is a fact that the cotton is not of good quality. The workman will find it is a sufficient cause for striking. It has been a cause in the past and it will be a cause in the future; it will be a sufficient cause for striking. Then he will squat down and refuse to leave the mill, and having had a sufficient cause, a reasonable cause for striking, he will not go out of the mill as he has done up till now and strike outside and run the chance of losing his wages. But he will squat in the mill, sit down there and at the same time claim his wages because he has been given a sufficient cause to strike. It may be argued that that cause can only last the whole day; it cannot continue for the next day. I maintain with this amendment as suggested, if there is a really sufficiently good cause, such as poor cotton, it will enable the workers to stay in the mills and adopt that method of strike and continue to claim their wages. That is my objection to the amendment.

Mr. N. M. Joshi: May I ask the Honourable Member to remember this, that the employer has the wages in his hands? If the employer thinks that the cause is not sufficient, he can force the employee to go to Court. The Court will decide whether the cause was sufficient or not, and if the Court is satisfied that the cause was sufficient, then only will the employer pay his wages and not otherwise.

Sir Cowasji Jehangir: But I may remind my Honourable friend that I took some pains to explain that we do not wish the employees to have the privilege of striking and drawing wages at the same time, of stay-in-striking and drawing wages at the same time. Now, suppose there is a legitimate cause for complaint. It is not an unknown thing, suppose the cotton supplied is not of good quality and a strike takes place and the workmen then take advantage of that by staying in for a week and claiming wages at the same time. Sufficient cause remains; it can be definitely

proved that there was cause for a strike, that the workman did not have that quality of cotton which would have enabled him to turn out a day's proper work. Then, under the amendment he can continue to have a stay-in strike and can continue to draw his wages. The employer may not be able to get new cotton at once, it may take him a few days, and during that time the workmen will stay in the mills and draw their wages. How does the workman strike today? If the cotton is not good enough and he cannot work with it, he complains and very often that complaint is neglected. The employer says, "Go on working with this cotton", till the workman gets so irritated that he strikes. He goes out of the mills and strikes and says "Unless you give me a better quality of cotton I am not going to work", and this process goes on. But the workmen have no right to claim wages during the days they have struck. If this amendment is carried, you will give them a right of having a stay-in strike and claiming their wages also at the same time. Naturally, if the cause for which they strike is not a good one, if it can be proved that bad cotton is a mere excuse, then I admit perhaps the Court may decide that there was no sufficient reason and the workmen should not get their wages. But I am conceding to Mr. Joshi that the cause of the strike is a good one. In that case I contend that if the cause is a good one you will enable them to have a stay-in strike and draw their wages, while today under the ordinary law of every other country they would have to go outside the mills, or if they had a stay-in strike for any cause they could not draw their wages. That is my point. I trust I have made myself clear. That is the only point. If there is some limit to the period, I would be prepared to accept it, but I am not prepared to accept a stay-in strike for a good cause for more than a day. If he goes out and strikes he does not get his wages. If he stays in and strikes he gets his wages. Why that distinction? (*An Honourable Member:* "He works.") He does not work. If he works he gets wages. Why a distinction between the two I ask. If he has a good cause to strike and goes out, under the law as it stands, he gets no wages. If he has a good cause and he strikes and stays in, you compel the employer to give his wages under the present Act, and under the amendments moved today. Where is it so in any other part of the world may I ask? Why should you have an amendment which will enable the employee to demand his wages, even if he has had a good cause for strike, because he chooses to stay in and strike? I think I have made my point clear. I have not the slightest objection to safeguarding the interests of the employee. By all means do so, but do not make a difference between a stay-in strike and an outside strike with regard to wages, which you will do with the amendment suggested by my Honourable friend, Mr. Joshi or my Honourable friend, Prof. Ranga. That is what I wish to bring to the notice of the House, and I submit that it will be safer if no amendment is accepted at all. Then the law will be the same as regards stay-in strikes and outside strikes. As soon as he strikes, there is nothing to prevent him sitting down on the floor of a factory and saying 'I will not work and I will not go out'. No human agency can prevent it. Honourable Members know how difficult it has been found in other parts of the world to cope with these stay-in strikes. This Bill does not prevent an employee from going in for a stay-in strike. It only prevents him from claiming wages. Nothing can stop a man sitting down and refusing to go but you can prevent him claiming legal wages while he is going in for such a strike. I think I have made my point perfectly clear, as far as I possibly could. I do not want to repeat myself over and over again. I have already repeated myself

[Sir Cowasji Jehangir.]

half a dozen times but I do want to drive this point home that by this amendment you are making a distinction between stay-in strikes and outside strikes by giving a loophole to the employee to claim wages for a stay-in strike, while he would have no claim for an outside strike. I oppose the amendments.

Mr. Bhulabhai J. Desai (Bombay Northern Division: Non-Muhammadan Rural): Mr. President, I had no desire to intervene in this debate, because I thought that reading the *Explanation* with the amendment which was suggested, the amendment would have been acceptable to any person not reading more into the language of this section than it can possibly convey either to a layman or even to a sun-dried lawyer. The words of the *Explanation* are "For the purposes of this section, an employed person shall be deemed to be absent from the place where he is required to work if, although present in such place, he refuses to carry out his work". The words sought to be added are "without reasonable cause". What is said is that though the employee is physically present on the premises and unable to work for a good reason, he should still be deemed to be absent.

Sir Cowasji Jehangir: For how long?

Mr. Bhulabhai J. Desai: As long as the sufficient cause continues. I will deal with what my friend, Sir Cowasji, says, because I had no desire that there should be on the Statute-book a measure which does not mean what we all intend to convey. I submit with great respect that Prof. Ranga, Sir Hormusji Mody and Sir Cowasji have approached the language of this section under, if I may respectfully tell them, a misapprehension. This section neither takes away a stay-in strike, nor prohibits a stay-in strike. Both of them are, therefore, afraid of a ghost which does not exist.

Sir Cowasji Jehangir: May I interrupt? I admit that this clause cannot prevent a stay-in strike. All it does is to take away from the employee the legal right of being able to claim wages while going in for a stay-in strike.

Mr. Bhulabhai J. Desai: It does neither. It does not prohibit a stay-in strike; nor does it allow a stay-in strike and the claiming of wages under it. The section without the words "without reasonable cause" would not admit of either construction. As I said, both sides have approached this from an entirely erroneous point of view. It may be that there was something at the back of the mind of the draftsman arising out of the condition which has arisen in France, particularly with reference to stay-in strikes, but if that is what they intended, there is and may be another way of expressing it, and I quite agree that if after the words "without reasonable cause" words were added to this effect:

"Provided that continuing to remain on the premises for the purpose of a stay-in strike shall not be deemed to be a sufficient cause."

that ought to satisfy everybody, because what we do wish to convey is this, that without the cause being the stay-in strike or the object being a stay-in strike, a man may still be on the premises and unable to work for a sufficient cause, and you cannot make him absent while being willing to work and unable to work, but he has still to remain on the premises.

Sir Cowasji Jehangir: Will you repeat your words again?

Mr. Bhulabhai J. Desai: I am simply throwing it out as a suggestion. I am not moving it as amendment. With great respect, I feel that even without the words I have suggested, unless you approach it with something which does not exist, it is not there at all in the section. Prof. Ranga need not be afraid that it is going to take away the right of the stay-in strike. Nor need the employers be afraid that a labourer would remain on the premises for the purpose of a stay-in strike and claim wages, if the words "without sufficient cause" are added. Both are utter misapprehensions. Now, let us take the illustration which Sir Cowasji himself gave. Suppose the employer failed to provide him with good enough cotton. That is the illustration which he gave. He allows, I don't know why, but he allows that that is a good ground for strike.

Sir Cowasji Jehangir: That has taken place in the past.

Mr. Bhulabhai J. Desai: I am familiar with the conditions in Bombay, if not elsewhere. It is not what the Honourable Member imagines to be a strike, except attendant upon that particular clause. It is not the type of stay-in strikes of which he seems to be under some dread. If a man strikes on the ground that he is not provided with the wherewithal to work, you may apply the word "strike", but it is not a strike in the same sense for the purpose of the redress of a general grievance. He wishes not to do work as a protest. It is quite a different thing. The word "strike" that he imagines arises out of the failure of the employer to supply the wherewithal is, according to him, and, according to everybody, a proper strike, if you must use the word, that is to say, a proper cessation from work, but that cessation from work would cease to be without sufficient cause if, utilising that opportunity on the next day, he refuses to work just for the purpose of strike. Therefore, with great respect, I would say that the House would be doing injury to a labourer by giving a definition of absence which certainly covers a wider ground than any sensible man, any honest employer would intend, because no honest employer would desire that merely because a man has gone to the premises and was unable to work by reason of something in himself or by reason of an inability created by the employer, in both those cases he should still be deemed to be absent. That is a grave injustice which this House ought not to encourage.

The Honourable Sir Frank Noyce: I have again to thank some Honourable Members of this House for their kind references to myself and again to express regret that one Honourable Member who made such a reference, took back the greater part of it in the latter part of his speech. I am referring to my Honourable friend, Prof. Ranga, who expressed surprise that even I should bring forward a Bill of this character and suggested that it represents my parting gift to employers. I had hoped that by this time Prof. Ranga knew me better than that. Mr. Gadgil also appeared to think that we had been guilty of something in the nature of a subterfuge. He thought that we were asking the House to rectify what we say is merely a defect in drafting. If I understood him correctly, he suggested that, although we were avowing that we were merely rectifying a drafting defect, we were introducing a substantial question of principle. Sir, we are more honest than that. We do not claim that we are merely rectifying a drafting defect; we are rectifying an important lacuna in the Act. It would have been easy and indeed gratifying if I could have accepted either Mr. Joshi's amendment or Prof. Ranga's amendment and, by so doing, have left this House in a minor halo as far as they were

[Sir Frank Noyce.]

concerned. I regret I am unable to do that. I do not think it is necessary to deal at any great length with Mr. Joshi's amendment, as he himself admitted that the drafting of it left something to be desired. If his amendment were accepted, an employed person would be deemed to be absent from the place where he was required to work if, although present in such a place, he refused to carry out his work without any cause. Everything has a cause: you cannot do anything without a cause,—the cause might be merely bad temper or because the employed person's breakfast had disagreed with him or something of that kind. It is therefore, I trust, obvious to the House that this amendment would lead us nowhere. Mr. Joshi argued that the workman might be asked to carry out a different kind of work,—longer, or harder, than he had agreed to do. I do not think there is much in that argument. I would refer him to the actual wording of the *Explanation*: "refuses to carry out his work", I submit to the House that "his work" can only mean the work he has contracted to do: and if a workman is asked to do work outside his contract, he cannot have a deduction made for refusal to do it. I come now to Prof. Ranga's amendment, which I agree is much more reasonable; but there again I regret I am unable to accept it. What would be the effect of that amendment? I think that has already been pointed out by my Honourable friend, Sir Cowasji Jehangir. Supposing that there is a stay-in strike, and the workers have reason for striking, are they to be paid because it was a stay-in strike? In other words, are they to be put in a better position if they stayed in than if they stayed out? I submit that that would be most undesirable.

Mr. N. M. Joshi: May I ask whether the Honourable Member really intends that if an employer changes the conditions of service without notice, he has a right to deduct wages? That is what it comes to?

The Honourable Sir Frank Noyce: My Honourable friend asks me to go back to the main principles of the original Bill and I am not prepared to do that.

Mr. N. M. Joshi: But you ought to.

The Honourable Sir Frank Noyce: The effect of this amendment would be to put stay-in strikers in a better position than stay-out strikers, and they would naturally choose a stay-in strike in preference to a stay-out strike. I submit that that would have most undesirable consequences. It is perfectly obvious to the House that a stay-in strike may result in sabotage and is quite likely to result in damage to the means of production on which workers rely for their livelihood. It is just because a stay-in strike has assumed such importance during the last few months in other parts of the world and we have seen its undesirable consequences there that we wish to prevent similar consequences happening here. There is another important point which I think should not be overlooked, and that is that the result of the acceptance of this amendment would be that the employer would be compelled to dismiss the workmen, as he is entitled to do, and I submit this would result in bitterness and would probably prolong the strike. My contention, therefore, is that this amendment, although at first sight it may appear entirely in the interests of the employers, is also in the interest of labour itself and it is for that reason that I oppose both the amendment of Mr. Joshi and that of Prof. Ranga.

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

"That in clause 2 of the Bill, in the proposed *Explanation* to section 9, the words 'without any cause' be added at the end."

The motion was negatived.

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

"That in clause 2 of the Bill, in the proposed *Explanation* to section 9, the words 'without any cause' be added at the end."

The Assembly divided:

AYES—42.

Aaron, Mr. Samuel.
Aney, Mr. M. S.
Asaf Ali, Mr. M.
Ayyangar, Mr. M. Ananthasayanam.
Banerjee, Dr. P. N.
Bhagavan Das, Dr.
Chakha, Mr. Kuladhar.
Chattopadhyaya, Mr. Amerendra Nath.
Das, Mr. Pasanta Kumar.
Datta, Mr. Akhil Chandra.
Desai, Mr. Bhulabhai J.
Deshmukh, Dr. G. V.
Gadgil, Mr. N. V.
Giri, Mr. V. V.
Govind Das, Seth.
Hosmani, Mr. S. K.
Jedhe, Mr. K. M.
Jogendra Singh, Sindar.
Joshi, Mr. N. M.
Khan Sahib, Dr.
Lahiri Chaudhury, Mr. D. K.

Maitra, Pandit Lakshmi Kanta.
Malaviya, Pandit Krishna Kant.
Mudaliar, Mr. C. N. Muthuranga.
Muhammad Ahmad Kazmi, Qazi.
Pant, Pandit Govind Ballabh.
Parma Nand, Bhai.
Raghobir Narayan Singh, Choudhri.
Ranga, Prof. N. G.
Saksena, Mr. Mohan Lal.
Sant Singh, Sardar.
Santhanam, Mr. K.
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. Surya Kumar.
Sri Prakasa, Mr.
Varma, Mr. B. B.

NOES—52.

Abdul Hamid, Khan Bahadur Sir.
Abdullah, Mr. H. M.
Aikman, Mr. A.
Bacteria, Babu Baijnath.
Bajpai, Sir Girja Shankar.
Bansidhar, Rai Sahib.
Bhagechand Soni, Rai Bahadur Seth.
Bhide, Mr. V. S.
Buss, Mr. L. C.
Chanda, Mr. A. K.
Chapman-Mortimer, Mr. T.
Dalal, Dr. R. D.
Essak Sait, Mr. H. A. Sathar H.
Ghiasuddin, Mr. M.
Ghuznavi, Sir Abdul Halim.
Gidney, Lieut.-Colonel Sir Henry.
Griffiths, Mr. P. J.
Grigg, The Honourable Sir James.
Hudson, Sir Leslie.
Ismail Khan, Haji Chaudhury Muhammad.
James, Mr. F. E.
Jawahar Singh, Sardar Bahadur Sardar Sir.
Jehangir, Sir Cowasji.
Lalit Chand, Thakur.
Laljee, Mr. Husenbhai Abdullabhai.
Lloyd, Mr. A. H.
Mackeown, Mr. J. A.

Mehra, Mr. S. L.
Menon, Mr. K. R.
Metcalfe, Sir Aubrey.
Mody, Sir H. P.
Mukherjee, Rai Bahadur Sir Satya Charan.
Nagarkar, Mr. C. P.
Naydu, Diwan Bahadur B. V. Sri Hari Rao.
Noyce, The Honourable Sir Frank.
Rajah, Raja Sir Vasudeva.
Rao, Sir Raghavendra.
Roughton, Mr. N. J.
Row, Mr. K. Sanjiva.
Roy, Mr. S. N.
Sale, Mr. J. F.
Scott, Mr. J. Ramsay.
Shaukat Ali, Maulana.
Siddique Ali Khan, Khan Sahib Nawab.
Spence, Mr. G. H.
Thorne, Mr. J. A.
Tottenham, Mr. G. R. F.
Witherington, Mr. C. H.
Yakub, Sir Muhammad.
Yamin Khan, Sir Muhammad.
Zafarullah Khan, the Honourable Sir Muhammad.
Ziauddin Ahmad, Dr.

The motion was negatived.

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

"That clause 2 stand part of the Bill."

Mr. N. M. Joshi: Sir, I want to speak on this clause.

Dr. Ziauddin Ahmad (United Provinces Southern Divisions: Muhammadan Rural): Sir, I rise on a point of order

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member (Mr. N. M. Joshi) has already spoken on the amendment.

Mr. N. M. Joshi: But my right to speak on the clause as a whole still remains.

Mr. President: The Chair thinks the Honourable Member did oppose the clause as it stood while speaking on his amendment, and, if so, the Chair cannot allow him to speak for the second time.

Mr. N. M. Joshi: I first exercised my right to move an amendment. If my amendment had been carried, there was no reason why I should oppose the whole clause. But as my amendment is defeated, I have now the right to oppose the whole clause, and I must explain why I am opposing it.

Mr. President (The Honourable Sir Abdur Rahim): Very well. The Honourable Member cannot go over the same ground.

Mr. N. M. Joshi: I shall not go over the same ground. Sir, my reason for opposing this clause is this. In the first place, I feel that this is a very important matter and it requires very careful consideration. Unfortunately, during the discussion of this clause prejudice has been sought to be created by bringing in staying-in strike. If Honourable Members will carefully read this clause, they will find that it is not restricted to the staying-in strikes. Its application is hundred times wider than the staying-in strikes. I would like to read section 9 to which this is an amendment. This is what section 9 says:

"Deductions may be made under clause (b) of sub-clause (2) of section 7 only on account of the absence of an employed person from the place or places where, by the terms of his employment, he is required to work and such absence being for the whole or any part of the period during which he is so required to work."

By this clause the employer is enabled to deduct wages of his employees even if he is absent for a day and even when one man is absent. The question of strike necessarily does not come in. One man may go to his work and refuse to do the work because his conditions are changed and the employer will not be bound to pay him although the employer had changed the conditions without notice. This is the effect of this Bill. If Honourable Members think that the application of this amendment is restricted to stay-in strikes, they have not taken care to understand this clause. Mr. President, strike is dealt with in this clause by a separate proviso. That proviso is this:

"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 is required under the terms of their contracts of employment) and without reasonable cause, such deduction from any such person may include such amount not exceeding his wages for eight days as may by any such terms be due to the employer in lieu of due notice."

Strike without notice has been duly penalised by enabling the employer to deduct even for one day's wage, eight days wages. There is a penalty laid down for a strike without notice.

The Honourable Sir Frank Noyce: Only if the people are absent.

Mr. N. M. Joshi: Now, you are defining that if a man refuses to do work, you need not pay him. If he remains present and had a sufficient cause and the employer does not give notice of the change in the conditions, why should he not be paid? That is exactly what you are doing. You are enabling an employer to change the conditions of service. The Government by this measure are enabling an employer to take the wages of a man who refuses to do work even in the case of change of conditions of service without notice. You are going 100 times beyond what you are intending to do. Sir, I oppose this clause.

Mr. B. Das (Orissa Division: Non-Muhammadan): Sir, I did not record my vote when the voting took place on the last amendment and thereby showed my sympathy in both ways: that while I am not in agreement with Prof. Ranga's amendment,—I have a good deal of sympathy with the intentions which that amendment wanted to convey—on the other hand as one who is interested in the welfare of the employers as well as the workers, I have full sympathy with what fell from my Honourable friends, Sir Cowasji Jehangir and Sir H. P. Mody, that there is an apprehension on the part of employers that the workers and trade unions may bring in the stay-in strike and take recourse to it as has been practised in America at the present time.

[At this stage, Mr. Joshi was seen crossing between the speaker and the Chair.]

Mr. President (The Honourable Sir Abdur Rahim): Order, order. The Honourable Member should not cross between the speaker and the Chair.

Mr. B. Das: I know what fell from the Leader of my Party on Prof. Ranga's amendment. I have heard both sides. I gather that it will satisfy my Honourable friends, Sir H. P. Mody and Sir Cowasji Jehangir, if there is a specific mention that a workman continuing to remain in a building is not recognised as stay-in-strike. Sir, I do hope that the Honourable the Leader of the House will not force the Bill to be passed without considering the suggestions which my Leader has made a few minutes ago, and I suggest that if you adjourn the House now, then the Leader of the House can discuss during the Lunch hour with the Leaders of Parties a suitable formula which will remove the doubts which the employers have and at the same time satisfy the conscience of trade union leaders like Prof. Ranga, Mr. Giri and Mr. Joshi. I feel, Sir, that my Honourable friend, Prof. Ranga, had been a little unreasonable and demands too much. If they do want to possess the right of stay-in-strikes, they can bring it about and they can ask the Government to legislate for it, provided that the Labour Commission have gone into it. But as far as I know the Labour Commission did not go into the question of stay-in-strikes and there has been no recommendation on that point. Otherwise, my Honourable friend, Sir Frank Noyce, the great friend of labour that he is, would have brought in a Bill justifying stay-in-strikes in India. That is not done. The Labour Commission was not faced with such an eventuality. As regards what fell from my Honourable friend, Mr. Joshi, about section 9

[Mr. B Das.]

of the Payment of Wages Act, I do feel that his apprehensions want re-consideration whether the employer can deduct seven days wages for stay-in-strikes. I would not like that interpretation to be put in because if a man sits under the machinery and he is only absent for a day, I cannot see my way how the employer would take seven days wages from that man. Under the circumstances I do request you, Sir, to adjourn the House and I do hope that the Leader of the House will talk it over with the Party Leaders during the recess and bring forward a reasonable amendment that will satisfy both sides, the employers and the labourers.

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.

The Honourable Sir Frank Noyce: Sir, it may save the time of the House if I say that I have met those interested in this matter during the luncheon interval and that we have come to a measure of agreement which I trust will have the support of the House and which I think will meet the main point raised by my Honourable friend, the Leader of the Opposition.

Mr. Bhulabhai J. Desai: Sir, I beg leave to move the following amendment:

"That in clause 2 of the Bill, after the word 'refuses' the following be inserted:

"in pursuance of a stay-in strike or for any other cause which is not reasonable in the circumstances'."

The Honourable Sir Frank Noyce: Sir, I should have preferred the words "trade dispute", but if my Honourable friend wants "stay-in strike", I am not going to raise any further objection.

Mr. President (The Honourable Sir Abdur Rahim): The Chair is allowing this amendment to be moved at this stage although no notice of it has been given, because it is understood that it has found support from all who are interested in this Bill. If that is so the Chair will accept it, otherwise not.

Sir H. P. Mody: We are agreeable.

Mr. N. M. Joshi: Sir, may I say one word on this? I do not desire to take objection to the amendment being admitted by you, but I feel that it is difficult

Mr. Bhulabhai J. Desai: If there is any objection I will withdraw it.

Mr. President (The Honourable Sir Abdur Rahim): The Chair allowed this amendment to be moved now only on the understanding that all sections of the House agreed to it.

Mr. N. M. Joshi: You may force me to do anything, but I should like the House to be reasonable. It is only half a minute ago that I got this paper in my hand. You refuse to allow me to speak one word and you say that if I speak one word, the amendment will be dropped.

Mr. President (The Honourable Sir Abdur Rahim): That is not the point. The point is that if the Honourable Member objects to it, the Chair will not allow it, because there has not been sufficient notice.

Mr. N. M. Joshi: I am not objecting to the amendment being admitted and discussed.

Mr. President (The Honourable Sir Abdur Rahim): But if the Honourable Member says that he was taken by surprise and did not have sufficient time

Mr. N. M. Joshi: I said I am taken by surprise and for this reason that you should permit me to explain what I feel about the amendment. I am not objecting to the amendment being taken up at all but it makes a bit difficult for me if you say that either I must accept this amendment or it drops. I admit that this amendment to a great extent changes the original *Explanation*. What I feel after seeing the amendment is this that within the few minutes which I have now before me or a minute or two which I have to consider this amendment, I find it difficult to understand the full implication of this amendment.

Mr. President (The Honourable Sir Abdur Rahim): Then, as the Honourable Member is not objecting to the amendment being moved, the Chair will put the amendment.

Amendment moved:

"That in clause 2 of the Bill, after the word 'refuses' the following be inserted: 'in pursuance of a stay-in strike or for any other cause which is not reasonable in the circumstances'."

Mr. N. M. Joshi: Sir, the amendment no doubt is an improvement on the original *Explanation*, but I find it difficult to visualise the effect of this amendment as a whole. Therefore, if you will permit me and if Government and the House will agree I would suggest that the debate on this amendment be postponed. There is absolutely no hurry about the passing of this Bill and the postponement will give us some time to consider it.

Mr. President (The Honourable Sir Abdur Rahim): It really comes to this that the Honourable Member has not had sufficient time to consider it. The Chair has allowed it to be moved already as the Honourable Member said that he did not object to it on that ground. Now, he is again raising that objection. The Chair waived the Standing Order, and the debate on this Bill is not going to be adjourned.

Mr. N. M. Joshi: Very well, Sir.

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

"That in clause 2 of the Bill, after the word 'refuses' the following be inserted: 'in pursuance of a stay-in strike or for any other cause which is not reasonable in the circumstances'."

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.

Clause 1 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."

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

"That the Bill, as amended, be passed."

Mr. M. S. Aney: Sir, I only rise to congratulate the House as well as the Honourable Sir Frank Noyce on having got this little piece of legislation passed, which a few moments ago seemed to be in a rather precarious condition. On account of the little storm that raged over certain words here and there and a good deal of misunderstanding about the exact implication of the clause, it was thought that probably the Bill may not be passed in this Session but may go on to the next Session. However, the Honourable Member succeeded in getting this little legislation passed, and I believe the spirit in which he has accepted the amendment that was suggested typifies the spirit in which he has worked in this House for all the time that we have seen him during the last five years. It was a spirit of compromise, a spirit of trying to hold the balance even to the best of his powers between all conflicting interests. That has been the keynote of his work during all this time. Another thing to which I wish specially to make reference is this: that we unfortunately had the misfortune of differing from him on almost all questions excepting a few questions affecting minor matters. But we were sure of one thing that although we may not have been fortunate in getting his assent to whatever we said we never failed to get courtesy and polite treatment at his hands (applause) for any point of view that we wanted to urge. Whether we had to deal with any matter on the floor of this House or outside, we always found him a thoroughly courteous and polite gentleman. That quality unfortunately is not so abundant on that side as we would wish it to be, and that, therefore, makes it all the more important that we will remember our association with the Honourable Sir Frank Noyce as a colleague in this House for a long time to come. I am sure, he will carry also with him the good wishes of us all and I hope he will enjoy the rest which he so richly deserves after a hard and arduous career. (Loud Applause.) With these words, I support the third reading which he has moved.

Mr. Bhulabhai J. Desai: Sir, I may also be allowed to say a few words before this Bill is passed. During the two years and a half that I have been in this House, I have every reason not merely to associate myself with what my Honourable friend, Mr. Aney, has said, but I have greater and personal reasons for joining in the words, not merely of praise, but of appreciation which my friend has used. If I may be permitted to say so, I had one other friend, an Englishman, about whom we always used to say at the Bombay bar, that it was impossible to accuse him of malice, and I think it is difficult to say of a man more than that in the discharge of one's duty or in one's personal relationship; and I wish to repeat that on this occasion, not merely as a phrase, but because it is so extremely appropriate. (Loud Applause.)

I also wish to say one more word and that is this: that while we are losing Sir Frank Noyce, we, so far as my small Party is concerned, are also losing a man interested in labour in the person of Mr. Giri. He carries with him our good wishes and I still wish, if it were possible, that he remained in this House to continue the good work which he has always done, not merely to strengthen our hands when labour questions are involved, but also generally with his sweet reasonableness getting the best he could out of any labour measure that came before this House.

Sir Muhammad Yakub (Rohilkund and Kumaon Divisions: Muhammadan, Rural): Mr. President, this is the last legislative measure which will come on the Statute-book through the exertions of Sir Frank Noyce. I have not taken much interest in questions relating to labour, but I can say this much that during the last five years, when I had the privilege of knowing Sir Frank Noyce, his kindness and courtesy, inside and outside the House, could not but strike everybody who came into contact with him; and if Sir Frank Noyce can get a testimonial from the Leader of the Opposition and from my friend on my left, Mr. Aney, I think there can be no higher praise or testimonial which could be given to him. Now that he is leaving us for good, I wish also to place my small bouquet of encomium in his button hole and wish him a long and happy life in his retirement, which he so richly deserves. With these words, I associate myself with the passing of this Bill. (Cheers.)

Mr. President (The Honourable Sir Abdur Rahim): Before putting the question, I feel that I cannot let this opportunity pass without adding a word of my own by way of personal appreciation of the manner in which Sir Frank Noyce, who is soon about to leave us, has discharged his duties in this House. (Cheers.) As occupant of the Chair, I have nothing to do with the policy either of the Treasury Benches or of the Opposition or of any other Group in the Assembly; but I am very much interested in seeing that the proceedings of this House are conducted in an orderly and smooth manner. Sir Frank Noyce, as has been said, has discharged his duties in this House in a manner to which no objection could be taken on the ground that he has not been tolerant, that he has not been patient, or that he has not dealt with his antagonists on the floor of this House with absolute courtesy and understanding. (Hear, hear.) I join those who have spoken in expressing Sir Frank Noyce our best wishes in his retirement and hope that he will enjoy long years of contentment and happiness. (Loud Applause.)

The Honourable Sir Frank Noyce: Sir, I must frankly confess that I was not prepared for this. I cannot adequately express my gratitude to those who have spoken—the Leaders of the two Congress Parties, Sir Muhammad Yakub and yourself, Sir—for the kind things they have said about me and for their good wishes for my future. As this House knows, I have no special claims to oratory, and, as I said the other day, I do not profess to be a politician. Such qualities as I possess are those of an administrator and it is those that I have in all humility endeavoured to place at the service of this House. I never thought five years ago when I used to sit in the place now occupied by my Honourable friend, Sir Girja Shankar Bajpai, that I should move gradually along the benches until I found myself here, and now that it is all over or nearly all over, I am prepared to say that I am glad that I am here. I would not have said that a month or two ago; but I can say it today, because I do think it is a real

[Sir Frank Noyce.]

distinction to end my career as Leader of this Assembly. I would thank all sections of the House—and I think I may say specially my Honourable friends opposite, who naturally do not see eye to eye with me or any of us on these benches on all or indeed many subjects—I would thank all sections of the House for the courtesy and kindness I have invariably received from them; and may I thank you, Sir, more especially for all the kindness you have shown in the last few years? I think I may claim that I have done my best to uphold the traditions of this House, and I feel from what Honourable Members have been kind enough to say that I have not altogether failed. I thank you, Sir, and all here particularly for their kindness. (Loud Applause.)

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

"That the Bill, as amended, be passed."

The motion was adopted.

RESOLUTION RE AMENDMENT OF THE INDIAN LEGISLATIVE RULES.

Mr. G. H. Spence (Secretary, Legislative Department): Sir, I have ascertained that there is a very general desire that this matter should stand over till the Simla Session, and I, therefore, do not move the Resolution* standing in my name.

Sardar Sant Singh (West Punjab: Sikh): Sir, may I, with your permission, say one word. You know, Sir, that I was very anxious that the question of privileges should be a part of the procedure of this House. I do not want to stand in the way of its being postponed to the Simla Session, but I would request to see that this matter is taken up at the earliest possible opportunity in the Simla Session, so that we may be able to dispose of it early and not keep it over till the end of the Session.

*"That this Assembly recommends to the Governor General in Council that the following amendments be made in the Indian Legislative Rules, namely:

(1) To rule 6 the following proviso shall be added, namely:

'Provided that where the President has given his consent to the moving of a motion for the purpose of discussing a question of privilege, the Governor General in Council shall as soon as may be allot for the discussion of such motion so much time on a day or days not allotted for the business of non-official members as may appear to him to be sufficient, and such motion shall be open to discussion within the time so allotted but at no other time.'

(2) After rule 12 the following rule shall be inserted, namely:—

'12A (1) A motion for the purpose of discussing a question of privilege may be moved with the consent of the President.

(2) The President shall not give his consent to the moving of any such motion if it concerns a matter in regard to which a resolution cannot be moved, and the decision of the Governor General on the point whether the motion is or is not within the restrictions imposed by sub-rule (1) of rule 23 shall be final'."

RESOLUTION RE PAYMENT TO THE DEPRECIATION RESERVE FUND FROM THE RAILWAY REVENUES.

Sir Raghavendra Rau (Financial Commissioner, Railways): Sir, in view of the general feeling in this House that the discussion of this question* should be postponed to the Simla Session, I do not propose to make my motion today.

Mr. S. Satyamurti (Madras City: Non-Muhammadan Urban): May I take it, therefore, that the Wedgwood Committee's Report will be made available to us, in time, so that we may take a useful part in the Simla Session?

Sir Raghavendra Rau: I am unable to give any assurance on that point, because I do not know when the Report will be published.

Mr. S. Satyamurti: May I take it that the Report will be made available to Members to enable them to study it before the Simla Session, if it is published before then?

Sir Raghavendra Rau: In all probability, the Committee's Report would be available in a month or two, and I am quite sure the Honourable Member's wishes will be borne in mind before the next motion is made.

REPORT OF THE PUBLIC ACCOUNTS COMMITTEE ON THE ACCOUNTS OF 1933-34.

Mr. President (The Honourable Sir Abdur Rahim): The House will now resume consideration of the following motion moved by the Honourable Sir James Grigg on the 26th September, 1935:

"That the Report of the Public Accounts Committee on the accounts of 1933-34, Parts I and II, be taken into consideration."

Sir Muhammad Yakub (Rohilkund and Kumaon Divisions: Muhammadan Rural): Sir, I have almost finished my speech. I have only to say, in conclusion, that it is not necessary for this House to go into the details of the Report. The function of this House in discussing this Report ought to be confined to the general principles underlying the Report, and, as I have already pointed out, there are three salient points on which the House should concentrate itself. First is the control over expenditure, second is over budgeting, and the third is that the results of the inquiries into embezzlements and things like that should be placed before the Committee as early as possible.

In conclusion, Sir, I feel I must also refer to a point on which stress has been laid by my friend, Mr. Satyamurti, namely, the publication of the evidence. I think, Sir, the publication of the evidence during the past few years has been of great value to the Members of the House, though I feel that during last year the publication of the evidence meant the criticism by my friend Mr. Satyamurti and nothing else. Still I do not propose

*"That this Assembly recommends to the Governor General in Council that railway revenues be declared not liable to repay the Depreciation Reserve Fund maintained for Indian State owned railways the balance outstanding on 1st April, 1937, of loans taken from the fund to meet railway deficits, nor to pay to general revenues any contributions due under the resolution of this Assembly of the 20th September, 1924, from the year 1931-32 to the year 1936-37 inclusive."

[Sir Muhammad Yakub.]

to stand in the way of his being immortalised in this way, and I hope that the House will agree that the evidence should also be published as it was done in previous years.

Mr. K. Sanjiva Row (Government of India: Nominated Official): Sir, Mr. Satyamurti began by enumerating the various functions of the Public Accounts Committee and then read through practically the whole of the Report of the Committee and also portions of the evidence, and asked Government to state what action has been taken on each and every one of the recommendations made by the Committee. Sir, with due deference to him, I may mention that the Public Accounts Committee is appointed by this House to assist it in going through the complicated business of examining the Appropriation Accounts and the Audit Reports of the Auditor General, and the Committee meets for about two to three weeks and submits its Report to this House. I really do not know, Sir, whether this august House should spend the limited time at its disposal in going through every recommendation to find out what action has been taken by the Government. This function is performed by the Public Accounts Committee itself. As soon as the Report of the Public Accounts Committee is published, a statement is prepared showing all the recommendations of the Committee, and it is circulated to all the Members of the Committee every quarter showing what action the Government have taken on the recommendations . . .

Mr. M. S. Aney (Berar Representative): May I ask one question, Sir? Will Government be pleased to supply the other Members also with a copy of the statement?

Mr. K. Sanjiva Row: I shall come to it presently. The statement for the last quarter which contains the recommendations of the previous Public Accounts Committee is incorporated in the next Report of the Committee, so that Honourable Members will find in Appendix I to the Report of 1934-35, the recommendations of 1933-34 and the action taken by Government thereon. It is, therefore, unnecessary for me to enumerate the action taken by Government on each and every one of the recommendations. I do not for one moment suggest that this House should not discuss any of the important recommendations of the Committee to which effect has not been given by the Government. The time available could be more usefully spent if the Members concentrated on important questions of policy and principles . . .

Mr. S. Satyamurti (Madras City: Non-Muhammadian Urban): For example?

Mr. K. Sanjiva Row: For example, the general control of expenditure and then,—I am just coming to that.

Mr. S. Satyamurti: You will never succeed.

Mr. K. Sanjiva Row: I do not, therefore, propose to deal with these details at present, and I shall confine myself to the more general questions raised by Mr. Satyamurti.

Mr. S. Satyamurti: I should like some direction on this matter, Sir. This Public Accounts Committee is appointed by this House. From 1928, we make some recommendations; they are still pending, and so, is not the House entitled to know what action Government have taken on those recommendations which we made?

Mr. President (The Honourable Sir Abdur Rahim): The Chair understands that the next Report will show what action has been taken by Government on the recommendations.

Mr. S. Satyamurti: My friend is pointing out that I was wrong, but I want this House to note the great delay that takes place for taking action. This Committee goes on making recommendations year after year, and they are being printed for 10 and 15 years without any apology whatever. This House is entitled to know why there is this unconscionable delay for taking action on the recommendations the Committee makes.

Mr. K. Sanjiva Row: Is not the Honourable Member, when making that statement, assuming that the other Members do not read the Report of the Public Accounts Committee at all, and that they are not taking any interest in the proceedings, and that it is his business . . .

Mr. S. Satyamurti: We can write everything at home.

Mr. K. Sanjiva Row: After making this general statement, Sir, I propose to deal with some of the general points raised by the Honourable Members opposite. As I have already said, Mr. Satyamurti began by enumerating the various functions of the Public Accounts Committee, and from the remarks which he made on each of those functions, I gathered the impression that there was some misunderstanding as to the exact scope of the work of the Committee. I shall, therefore, first deal with this aspect of the matter. Sir, as laid down in Rule 52(1) of the Indian Legislative Rules, it is the duty of the Committee to satisfy itself that the money voted by the Assembly has been spent within the scope of the demand granted by the Assembly. I should like to deal in a few words with the implications of the phrase "within the scope of the demand", as that is the main function of the Committee. The first and the foremost implication is that the expenditure under any grant should not exceed the total amount voted by the Assembly. It is, therefore, laid down that the Public Accounts Committee should report to this House all excesses over grants, and Government brings forward motions before this House for excess grants in all cases in which there are excesses. The second implication of the phrase "within the scope of the demand" is that the expenditure brought to account against a particular grant must be of such a character as to warrant its record against that grant. This implication, Sir, is not of much importance in India, because the executive Government has nothing to do with the record of expenditure against a particular grant. The Auditor General is the final authority for classification, and it is he who records the expenditure against a particular grant. The third implication of the phrase "within the scope of the demand" is really of very great importance, and Mr. Satyamurti dealt with it at some length. The Legislature is asked by the executive to vote a sum of money as a grant for a particular purpose. It is true that this demand is split up into various sub-heads and is placed before the Legislature in considerable detail. Mr. Satyamurti suggested,—these were his words:

"The purpose and meaning of this is that the demands asked for and voted by the House should be spent for the purpose mentioned in these demands under the various sub-heads."

[Mr. K. Sanjiva Row.]

With due deference to my Honourable friend, I may point out that this is not correct, and I do not think it is correct to say that the Honourable the Finance Member agreed with Mr. Satyamurti's view. I shall first explain what the position is in the United Kingdom. There:

"...Although the estimates do actually set out the sub-heads of the votes in detail, the sanction of Parliament is given to the votes on the whole, and the details given under them are for the information of Parliament. ...Indeed, it is doubtful whether the entry of the details in the estimates has any legal effect whatever on the appropriation. They are rather intended to define generally the purposes to which the aggregate vote is applicable, not to place a limit of amount applicable only to the separate sub-divisions of the vote. 'Estimates,' said Lord Welby, 'are in all cases framed to cover the sums expected to be paid.' They are not binding in details. The principle, that Parliament intends to limit the appropriation of the grants to the separate items of each sub-head of the estimates on which the grants are based, has never yet been laid down and would probably be found to entirely fail in practice."

As regards India, I would draw the attention of the House to section 67-A (6) of the Government of India Act, 1919. It will be seen that under this section the House can reduce the amount referred to in any demand by reduction of the whole demand. They cannot cut out any particular item in the demand, which seems to support the view that, as in England, the Legislature here grants a lump sum for a particular service.

Dr. Ziauddin Ahmad (United Provinces Southern Divisions: Muhammadan Rural): Can we reduce the demand to zero?

Sir Girja Shankar Bajpai (Secretary, Department of Education, Health and Lands): You have done it.

Mr. K. Sanjiva Row: Reappropriation between the sub-heads within a grant is a matter for the Executive. I may also say that all important reappropriations require the sanction of the Finance Department. It is only in minor cases that power has been delegated to other departments of the Government of India to sanction reappropriations. The only limit on the powers of the executive to sanction reappropriation is that laid down in Legislative Rule No. 50; that is, the executive when they want to incur expenditure on a new service, even though they can find money from within the amount voted by the Assembly, have to go to the Assembly in the form of a token vote. Subject to this restriction the executive has full powers of reappropriation. If the Legislature wants to curtail the powers of reappropriation, the only remedy is to increase the number of grants so that reappropriations may not be possible. I do admit that it is very bad budgeting if a department makes it a regular practice to provide a sum in the budget under one sub-head and incur expenditure under another. This has been admitted by us and the recommendation of the Public Accounts Committee which my Honourable friend read out the other day was agreed to by us.

My Honourable friend, Mr. Satyamurti, then went on to sub-rule (2) of Rule 52, which says that it is the duty of the Committee to bring to the notice of the Assembly every reappropriation from one grant to another. Mr. Satyamurti said that there were no such cases and that this rule might, in fact, be omitted. I am sorry that I do not agree with him. I think that this is a very important part of the functions of the Public

Accounts Committee. The House votes a certain sum for a particular service. If a reappropriation is sanctioned from a grant voted for one service to another grant voted for another service, the executive will be committing a double irregularity. For example, by reappropriating from a certain grant to another grant they will be misappropriating money which has been voted by the Legislature for grant A, for the service of grant B, and secondly, they will increase for grant B the amount voted by the Assembly for that purpose. I therefore think that it is one of the very important functions of the Committee to bring to the notice of the House all reappropriations sanctioned—by mistake I must admit—from one grant to another because the executive have no power to sanction such reappropriations. It is also not correct to say that there have not been any such cases. There have been some cases; for instance, in the Report of 1933-34 itself you will see, Sir, that four or five cases have been reported and explanations given for the mistakes.

Mr. Satyamurti then wanted to know the nature of the special expenditure which the Finance Department brings to the notice of the Committee under Rule 52 (2). Under Rule 14 of the Auditor General's Rule, he is required in certain circumstances to withdraw an objection to expenditure on the understanding that the Finance Department will report the matter to the Public Accounts Committee. It is true that there have been no such cases till now. There is also another kind of case in which the expenditure is brought to the notice of the Public Accounts Committee by the Finance Department, and that is, when there is a difference of opinion between the Government and the Auditor General as to whether a particular new item of expenditure is a new service requiring a token vote of the Assembly. There have been several cases of this kind in the past, though during the last two years there have been none. Those are all the general questions raised by Honourable Members opposite.

I shall now deal with some of the important details raised by one or two Honourable Members. I think Mr. Satyamurti as well as Mr. B. Das wanted to know what has happened about the London Stores Department. Unfortunately, owing to the illness of Sir James Pitkeathly and his diversion to two other special enquiries, he has not been able to submit a report.

Mr. S. Satyamurti: Only three years! It does not matter.

Mr. K. Sanjiva Row: It is hoped that the report will be available soon and that a conclusion will be reached before the Simla Session. Then my Honourable friend, Mr. Satyamurti, wanted to know what has been done about the special meeting in December recommended by the Committee for considering outstanding items. You will see, Sir, that the recommendation reads as follows:

"We recommend that a special meeting of the Committee should be held some time during the Delhi Session, if so desired by the members, to examine the action taken by the departments on the various recommendations and suggestions of the Committee."

So far as I know, there has been no desire expressed by the members to hold a meeting of the Committee in December and if I remember aright, I think I asked Mr. Satyamurti himself in December 1935 whether a meeting was necessary and he agreed that the action taken by Government on

[Mr. K. Sanjiva Row.]

the various recommendations was satisfactory and that no special meeting was necessary. Then he wanted to know whether our general circular on control of expenditure, for which I am sure he can claim a great deal of credit, was or will be circulated to other Members of the House. I am prepared to lay a copy of the circular in the Library of the House, so that it might be available to the other Members. He wanted to know what its effect has been. I may say that so far as supplementary grants were concerned he would have seen that the number of supplementary grants has dropped considerably and as regards the general control of expenditure I think he will have to wait till the next Appropriation Report of the Auditor General. That is all I have to say, Sir.

Mr. President (The Honourable Sir Abdur Rahim): The House stands adjourned *sine die*.

The Assembly then adjourned *sine die*.

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ROMAN CATHOLIC ARCHBISHOPS—

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ROMAN CATHOLIC BISHOP(S)—

See "Bishop(s)".

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See "Chaplain(s)".

ROUGHTON, MR. N. J.—

Indian Finance Bill—

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Question *re*—

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Resolution *re* creation of a separate Road Fund for the purposes of road development. 686-87, 702-03.

ROYAL INDIAN ARMY SERVICE CORPS—

Question *re* undisbursed credit balance of one S. R. Soni of the —. 1855.

RUBBER CONTROL (AMENDMENT) BILL—

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RULE(S)—

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Amendment of — and standing orders in respect of privileges of the Legislative Assembly. 51.

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Disregard of the — for the supply of road dressing materials for military purposes. 910, 2562.

Enforcement of the Hours of Employment — on the Shahdara-Saharapur Light Railway. 431-32.

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RULE(S)—*contd.*Question *re*—*contd.*

Powers given to Agents of State Railways to modify the — for the grant of allowances. 155, 1486.

Removal of certain drivers from service in disregard of subsidiary — framed by the agent, Eastern Bengal Railway. 2241-42.

Revision of the free pass — for the railway staff. 2446-47.

— for discharge of employees on State Railways. 2329.

— for employment of deaf persons in railway sheds or yards. 2448-49.

— for the issue of passes on State Railways. 1187.

— for travel by mail trains by passholders. 61.

— pertaining to the number of letters to be sent in the same envelope. 193, 1481.

— regarding private Saloons on Railways. 218.

— *re* seeking of redress in courts of Law by public servants. 1784.

— *re* the issue of free passes on railways. 1182-85.

— *re* transfer of staff on the Bombay, Baroda and Central India Railway. 2433.

Resolution *re*—

Amendment of the Indian Legislative —. 2662.

Revision of the pension — for inferior services. 775-87.

RULE(S) OF BUSINESS—

Motion for adjournment *re* amendment of the — of the Assembly relating to the privilege of interpellation. 916-21.

RULER(S)—

Question *re*—

Absence of provision in the Government of India Act, 1935, for the appointment of representatives by — in cases of casual vacancies. 88.

Instruments of Accession proposed by the — and Chiefs of Indian States. 88.

RULING(S) BY MR. CHAIRMAN (SIR LESLIE HUDSON)—

Indian Subscription Bill—

It seems to the Chair that it is evident that the subject of this Bill for the better administration of moneys raised by public subscription for charitable and other purposes is definitely laid down as being included in Part II, and, therefore, it belongs to the provincial legislative list. Sir Muhammad Yakub's reference to section 104 would probably have been perfectly in order provided a notification could have been obtained prior to the — being laid on the table of the House. That has not been done, and, therefore, the Chair must rule that it is not within the competence of this House to discuss the —. 2548.

RULING(S) BY MR. PRESIDENT (THE HONOURABLE SIR ABDUR RAHIM)—

Adjournment of Debate—

So long as there is a quorum, it is not within the power of the President to adjourn the House on a ground that there were only two Indian elected Members present in the whole House. No distinction can be made in a matter like this between one Member and another Indian or European, and whether he is elected or nominated, official or non-official. 636.

The Chair will not put a motion for the — unless a *prima facie* case is made out therefor and it is satisfied that there are sufficient and good grounds for thinking that the measure in question cannot be properly considered. The Chair is not aware of any authority for the statement that there is absolute discretion in the Chair whether to accept such a motion or not. 2515.

Bills—

An Honourable Member can only discuss the provisions of a — on a motion to pass and not enter upon any larger question. 1375.

RULING(S) BY MR. PRESIDENT (THE HONOURABLE SIR ABDUR RAHIM)—*contd.*

Bills—*contd.*

An Honourable Member should not read opinions on — at length, because they are in possession of all the Members. He can only refer to them, if necessary. 718.

Cut Motion(s)—

It depends upon the Member who has given notice of the — to say what his object is having in regard the nature and scope of the motion. If his object simply is to discuss a certain question or to draw the attention of Government to a certain matter, the Chair is not aware of anything which can prevent him from doing that. He may not desire to censure the Government, and he may seek only to obtain information and to express his own views. 1394.

Demands for Supplementary Grants—

It is a well-established rule that Honourable Members cannot discuss questions of policy on supplementary grants. 2268.

Division(s)—

Although the Chair, having full discretion under the standing orders as to the method of dividing the House, can ask Members merely to rise in their seats without their names being taken down, it would, however, follow a previous ruling and accept the suggestion for taking down names, but of those Members only who supported the motion. 2527.

Indian Legislative Rules, Motion *re* amendment of—

Although the Rules or any amendment to the Rules have to be framed by the Governor General in Council and not by the Assembly, the Government have only moved the motion for consulting the Assembly as to the desirability of these amendments in accordance with a certain undertaking given on a previous occasion, the discretion to amend Rules without consulting the Assembly remaining as laid down in the Act. It was, however, open to the Assembly not

RULING(S) BY MR. PRESIDENT (THE HONOURABLE SIR ABDUR RAHIM)—*contd.*

Indian Legislative Rules, Motion *re* amendment of—*contd.*

to have anything to do with these Rules. Again, on a perusal of the language of section 67 (1) of the Government of India Act, and even considering the provisions of Standing Orders 17 and 18, the Chair cannot hold that the Governor General in Council is precluded from bringing about the changes *re* procedure relating to questions by amending the Rules. The discussion on the motion is not, therefore, barred. 552-53.

Miscellaneous—

An Honourable Member cannot argue, a second time. 2132.

An Honourable Member cannot have a discussion of what took place in a private conversation. 978.

An Honourable Member cannot intervene with a speech during the speech of another Honourable Member. 1104.

An Honourable Member cannot make any reflection on a Judge of the High Court. 725.

An Honourable Member cannot read at an extensive length from past Legislative Assembly Debates. 2018, 2020.

An Honourable Member should know that if he wants to address the House, he must do so through the Chair. But if he does not want to address the House and wants to carry on conversations, he must do it in the lobby and not in the House. 2228.

Conversations between Honourable Members should not go on when an Honourable Member is speaking. 2142.

Depreciatory remarks against a Judge of the High Court cannot be allowed in the House. 726.

Honourable Members are entitled to come to the Assembly in any dress they like and represent any emblem they like, and they can stick anything on to their dress. But no flags should be placed on the tables in front of Honourable Members. 2553.

RULING(S) BY MR. PRESIDENT (THE HONOURABLE SIR ABDUR RAHIM)—*contd.*

Miscellaneous—*contd.*

Honourable Members should not make any defamatory allegations against an individual, especially when the individual is not present in the House to defend himself. 1825-27.

If an Honourable Member wishes to address any question, he must rise in his seat. 832.

It is for the person who is occupying the Chair at the time to give his ruling on any point that is raised. 1375.

"Lighthearted vote" is not a proper expression and the Honourable Member (The Honourable Sir James Grigg) must withdraw it. 1154-55.

No Honourable Member should cross the line between the speaker and the Chair. 2605.

The Chair cannot allow interruptions. If any point requires elucidation, and if the Honourable Member gives way, then questions can be put. 2205.

There cannot be any sort of challenge in the House. 1380.

Motion(s) for Adjournment—

As Mr. Asaf Ali's — *re* amendment of the Rules of Business of the Assembly relating to the privilege of interpellation seeks to revive discussion on a matter which has already been discussed in this Session and there is really no new matter which requires discussion, it is ruled out of order. 920-21.

When a Resolution is already down for discussion on a subsequent date, no — anticipating that Resolution can be allowed. 159.

Point(s) of Order—

A — raising objection to the discussion of a motion should be raised at the earliest stage. 552-53.

Any — with reference to a motion itself must be taken at the earliest stage. 349.

RULING(S) BY MR. PRESIDENT (THE HONOURABLE SIR ABDUR RAHIM)—*concl.*

Public Accounts Committee, Motion *re* election to the—

The point *re* non-publication, contrary to past practice, of the evidence produced before the Committee would arise when the report of the Committee is placed before the House for consideration, but not on the present motion. 1924-25.

Question(s)—

An Honourable Member cannot argue in putting supplementary —. 883.

Honourable Members cannot refer to the personal opinion of His Excellency the Viceroy. 771.

The Chair does not think there is any express provision in the Standing Orders prohibiting the asking of the same — twice in the same Session. 1562.

Question(s), Supplementary—

An Honourable Member cannot argue while putting a —. 1986.

RUNNING PARCEL CLERKS—

See "Parcel Clerk(s)".

RUNNING ROOM(S)—

Question *re* — arrangement for crew staff on the Eastern Bengal Railway. 154.

RUNNING STAFF—

Question *re* — on Railways. 43.

RUPEE(S)—

Question *re*—

Replacement of the — by dollar. 1175.

Revaluation of —. 203.

Review of India's Exchange Ratio Position and Devaluation of —. 12.

RURAL AREA(S)—

Question *re*—

Additional postal facilities provided for —. 130-31.

Prevalence of malaria in the — of the Delhi Province. 91, 1190-91.

Provision of postal, telegraph and telephone facilities in —. 530-31, 2562.

RURAL DEVELOPMENT GRANT—

Question *re* utilization of the—
531-32.

RURAL POST OFFICE(S)—

See "Post Office(s)".

S**SACHAPIR STREET POST OFFICE—**

See "Post Office(s)".

SAKSENA, MR. MOHAN LAL—

Election of — to the Standing Committee on Emigration. 1192.

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Clause 3. 2129, 2133-34, 2144—53.

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Motion for adjournment *re* banning by the Police Commissioner, Calcutta, of processions, meetings and other demonstrations. 2366—68, 2383-84.

Motion *re* election of members to the Standing Advisory Committee for the Indian Posts and Telegraphs Department. 2453.

Motion to reduce demand for—

Department of Education, Health and Lands *re* treatment of Indians abroad. 1585—89, 1594.

Executive Council *re* policy of repression. 1713, 1722, 1724.

Railway Board *re* taking over the management of the B. and N. W., R. and K. and M. and S. M. Railways under State control. 1000—05, 1013.

Question *re*—

Aborigines in the Andamans. 48.

Absence of an overbridge at the Bhojpur Railway Station. 148.

Absence of interlocking system on the Rohilkund and Kumaon Railway. 148.

Action taken on the Resolution *re* Appointment of a Standing Army Committee. 1628.

Addition to roads since 1st April 1929. 119.

Allowance for books, etc., allowed to detenus. 28.

SAKSENA, MR. MOHAN LAL—*contd.*

Question *re—contd.*

Allowances paid to certain detenus and their families. 23.

Allowance paid to the family of Mr. Bhupendra Kumar Dutt, a detenu. 21.

Amendment of rules and standing orders in respect of privileges of the Legislative Assembly. 51.

Anti-war meetings held in India. 45.

Appointment of a committee to examine the present system of Jail Administration in India. 37-38.

Appointment of an Agent General of the Government of India in Fiji. 2333.

Appointment of an Economic Commission to enquire into conditions obtaining in Fiji. 2334.

Appointment of an Indian in place of Diwan Bahadur Mathura Das, Director of Establishment, Railway Board. 1843-44.

Appointment of canvassers of State Railways. 1915.

Appointment of non-official members of the Legislative Assembly as visitors of the Deoli Detention Camp. 37.

Appointment of the Railway Enquiry Committee. 27.

Books and publications forfeited in the Centrally administered areas. 2631.

Celebration of festivals by Prisoners in the Andamans. 48.

Certain detenus under Regulation III of 1818. 20.

Certain information regarding military manoeuvres. 120—22.

Certain information regarding the strength and personnel of the Indian Army. 1844-45.

Circular No. 11 of 1932 of the Agent, Rohilkund and Kumaon Railway. 145—48.

Closing of certain Railway workshops at Lucknow on Saturdays. 1926 -27, 2250.

SAKSENA, MR. MOHAN LAL—*contd.*

Question *re—contd.*

Competency of the Indian Broadcasting Department to undertake research work. 49-50.

Complaints against Judicial Officers in Ajmer. 1914.

Contract with the Asiatic Steam Navigation Company, Limited for carriage of Cargo, passengers and mails between Calcutta and Port Blair. 2336—39.

Coronation expenses of the last Durbar at Delhi. 2318.

Costs of time tables of various railways. 117-18.

Debarring of Indian Members in the Fiji Civil Service from privilege enjoyed by Europeans. 2334.

Driver combatants in the Artillery Units. 1851.

Education of the children of Anglo-Indian and Indian employees of railways. 80, 337-38.

Effect of devaluation of currencies by France and other countries on India. 50.

Enquiry by experts into the Railway Finances. 39.

Establishment of a Radio Research Board in India. 44, 50.

Excise duty on sugar. 1776.

Expenditure on the army education of soldiers. 1852-53.

Expenditure on the movements of soldiers. 1849.

Expiry of the licence of the Delhi Electric Supply Company. 1843.

Facilities regarding sea bathing and open air exercise to prisoners in the Andamans. 47.

Filling up of the post of Secretary for Indian affairs in Fiji. 2333.

First and Intermediate class waiting rooms on the East Indian Railway. 774.

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Frauds in the supply of coal to the Loco. Department in Bareilly City. 148.

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Health of Mr. Subhash Chandra Bose. 50-51.

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Humiliating treatment meted out to certain detenus by the authorities of the Arthur Road Jail. 22-23.

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Incidence of sickness amongst the soldiers. 1848.

Income from first and intermediate class passengers and intermediate class waiting rooms on the East Indian Railway. 117.

Indian Commissioned Officers in the army passing promotion examinations and reported fit for promotion. 150.

Indians abroad not permitted to return to India. 2319.

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Indo-Japanese and Indo-British Trade Negotiations. 41.

Instructions issued to employees to canvass business on certain State Railways. 1914-15.

Instructions regarding the conduct of elections in the Provinces. 1627-28.

Introduction of compulsory military training in India. 1846-47.

SAKSENA, MR. MOHAN LAL—*contd.*Question re—*contd.*

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 Maintenance of followers in Artillery Units in India. 1849-50.
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 Money raised by the imposition of additional duty on petrol spent on village roads. 119-20.
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 New books for the library in the Cellular Jail, Port Blair. 47.
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 New Pass Rules on Railways. 1247-50.
 Non-official visitors of the Deoli Detention Camp. 37.
 Non-provision of quarters at Aishbagh Junction, Bareilly and Mailani for the members of the Traffic and Loco. Department. 148.
 Non-transfer of judicial officers and others in Ajmer. 1914.
 Opening of a branch of the Traffic Accounts Office at Lucknow for the East Indian Railway. 2317.
 Overhauling of the secondary system of education in India. 46.
 People treated as "non-martial" for recruitment in the Army. 1847.
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 Provision of combined intermediate class waiting rooms on certain stations of the East Indian Railway. 39.
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 Rates of allowances given to the soldiers. 1848.
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 Report submitted by Raizada Hans Raj and Sir Muhammad Yamin Khan on their observations in the Andamans. 46.
 Representation of India at the Imperial Conference in London. 2318.
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 Resignation of Sir Osborne Smith from the Governorship of the Reserve Bank of India. 38.
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 State management of the Bengal and North Western and Rohilkund and Kumaon Railways. 41.
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 State of health of Mr. Manoranjan Gupta, a detenu. 20.
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