

THE
LEGISLATIVE ASSEMBLY DEBATES

(Official Report)

Volume VII, 1937

(30th September to 7th October, 1937)

SIXTH SESSION
OF THE
FIFTH LEGISLATIVE ASSEMBLY,
1937

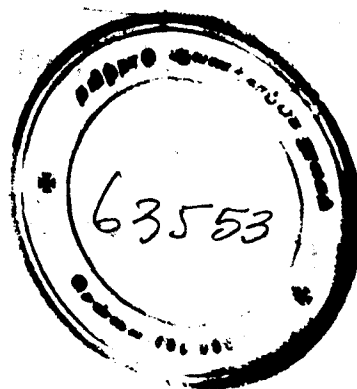


PUBLISHED BY THE MANAGER OF PUBLICATIONS, DELHI.
PRINTED BY THE MANAGER, GOVERNMENT OF INDIA PRESS, SIMLA.
1938.

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Legislative Assembly.

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MR. M. S. ANEY, M.L.A.

MR. M. GHIASUDDIN, M.L.A.

MR. MATHURADAS, VISSANJI, M.L.A.

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- (iv) page 1643, line 5 of the answer to parts (b), (c) and (d) of starred question No. 522, for "has been issued" read "have been issued".
- (v) page 1644, line 7, for "Committee" read "Committees".
- (10) Vol. V, No. 11, dated the 16th September, 1937, page 1853, the last three lines of the page, i.e., the remarks made by Mr. President, should be transposed after the point of order raised by Mr. R. F. Mudie, and before the speech of Maulvi Muhammad Abdul Ghani.
- (11) Vol. V, No. 12, dated the 17th September, 1937, page 1931, line 6 from the bottom, for "deto" read "dete".
- (12) Vol. VI, No. 2, dated the 20th September, 1937, page 2013, in the subject-heading to starred question No. 615, for "Izztanagar" read "Izzatnagar".
- (13) Vol. VI, No. 3, dated the 21st September, 1937, page 2188, line 11, insert "Ayyangar" after "Mr. M. Ananthasayanam".
- (14) Vol. VI, No. 4, dated the 22nd September, 1937,—
- (i) page 2223, line 5 of column 2 of the Statement, insert a comma after "Ambala civil division".
- (ii) page 2239, line 4 from the bottom, for "the children" read "and children".
- (15) Vol. VI, No. 6, dated the 24th September, 1937, page 2363, in the subject-heading to starred question No. 771, for "Seates" read "Seats".
- (16) Vol. VI, No. 7, dated the 27th September, 1937, page 2489, line 16, for "King George" read "King George's".
- (17) Vol. VI, No. 9, dated the 29th September, 1937,—
- (i) page 2650, in the footnote, for "pages 2661-62" read "pages 2660-62".
- (ii) page 2667, in the italicised heading to the information laid on the table in reply to starred question No. 407, for "Hai" read "Haji".
- (iii) page 2669, in the tabular statement in connection with the information laid on the table in reply to parts (b), (c) and (d) of starred question No. 817 insert an asterisk after "Quantity of meat" in column 2.
- (18) Vol. VII, No. 1, dated the 30th September, 1937,—
- (i) page 2721, line 2 of the answer to part (b) of starred question No. 918, for "in" read "on".
- (ii) page 2741, line 6, insert "such" after the words "holding of any".
- (19) Vol. VII, No. 3, dated the 2nd October, 1937, page 2929, in the small-caps heading to the information laid on the table in reply to parts (d) and (e) of starred question No. 728, for "Overseers" read "Overseer".
- (20) Vol. VII, No. 4, dated the 5th October, 1937, page 3038, in the second column of the tabular statement, under 1935-36, against "Total Expenditure" for "11,571" read "11,751".
- (21) Vol. VII, No. 5, dated the 6th October, 1937, page 3130, line 15, for "nava" read "naval".
- (22) Vol. VII, No. 6, dated the 7th October, 1937, page 3175, in the footnote, for "reply" read "replies".

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CORRIGENDA.

In the Legislative Assembly
Debate, Simla Session, 1937,—

(1) Vol. IV, No. 1, dated the 23rd
August, 1937,—

(i) page 14, in the subject-
heading to starred ques-
tion No. 8, for "Stak-
ing" read "Stacking".

(ii) page 20, in the subject-
heading to starred ques-
tion No. 13, for
"Assembly" read "As-
sembly".

(iii) page 401, line 17, for
"indulged" read "in-
dulged".

(iv) page 401, line 23, insert
"Mr." before "Jinnah".

(2) Vol. IV, No. 2, dated the 24th
August, 1937,—

(i) page 426, after line 4, for
"158*" read "†58*".

(ii) page 429, line 6 from the
bottom, insert the words
"throughout the army"
after the words "wide
scale".

(3) Vol. IV, No. 4, dated the 26th
August, 1937, page 611, line 4, for
"is is quite clear" read "it is quite
clear".

(4) Vol. IV, No. 5, dated the 27th
August, 1937,—

(i) page 659, line 25, insert
"Mr." before "C. M. G.
Ogilvie".

(ii) page 659, line 6 from the
bottom, for "have keen
kept" read "have been
kept".

(iii) page 668, line 1 of the
answer to starred ques-
tion No. 156, insert a
bracket before "i)".

(5) Vol. IV, No. 8, dated the 1st
September, 1937,—

(i) page 928, line 8, insert
", 1936-37" after "Ser-
vices in India".

(ii) page 933, in the subject-
heading to starred ques-
tion No. 248, for
"aboard" read "ab-
road".

(iii) page 937, in the subject-
heading to starred ques-
tion No. 253, for "India
Police" read "Indian
Police".

(6) Vol. V, No. 5, dated the 8th
September, 1937, page 1312, delete
the mark "†" (dagger) from starred
question No. 381.

(7) Vol. V, No. 6, dated the 9th
September, 1937,—

(i) page 1378, line 1, insert the
words "also serving"
after the word "are".

(ii) page 1381, line 6, insert
"to" after "and".

(8) Vol. V, No. 7, dated the 10th
September, 1937, page 1494, line 7,
for "schol" read "school".

(9) Vol. V, No. 9, dated the 14th
September, 1937,—

(i) page 1615, in the subject-
heading to starred ques-
tion No. 495, for "Fyl-
ing" read "Flying".

(ii) page 1641, line 24, insert
"Sir" after "The Hon-
ourable".

(iii) page 1641, in line 1 of the
answer to starred ques-
tion No. 520, after "Mr.
C. M. G. Ogilvie:" insert
"(a)" and in line 4,
after "men" insert
", British and Indian".

LEGISLATIVE ASSEMBLY.

Thursday, 30th September, 1937.

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

STARRED QUESTIONS AND ANSWERS.

(a) ORAL ANSWERS.

INDIAN TROOPS SERVING OUTSIDE BRITISH INDIA

918. *Mr. M. Ananthasayanam Ayyangar : (a) Will the Defence Secretary please state how many Indian troops are at present serving outside British India ?

(b) How much money including (i) pensionary charges, (ii) capitulation charges, and (iii) marriage allowances is the British Government paying for the services of such troops ?

(c) How much money is the Indian Government receiving from England in respect of the training and pensionary charges of the Indian troops who have served outside India in the past ?

Mr. C. M. G. Ogilvie : (a) 3,262 including 937 in Burma.

(b) Indian troops are lent for service under His Majesty's Government in the following terms :

All charges in connection with the despatch of the unit and all charges of the unit proper from the date of embarkation of the unit till the date of disembarkation of the unit in India are borne by the Imperial Government. The total amount received from the Imperial Government depends upon the length of service under that Government.

(c) The proportionate charges of the training unit concerned are met by His Majesty's Government. The annual contribution paid by His Majesty's Government on account of pensionary charges amounts to about Rs. 33 lakhs.

Mr. T. S. Avinashilingam Chettiar : May I know how many troops there are in Burma ?

Mr. C. M. G. Ogilvie : 937.

Mr. M. Asaf Ali : May I know where the rest of the troops are stationed at present ?

(2721)

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Mr. C. M. G. Ogilvie : The First Kumaon Rifles are in Hong Kong, the Fifth Rajputana Rifles are in Hong Kong, one battalion of the Second Punjab Regiment is in Taiping and there are elements of the R. I. A. S. C. at Kowloon and an Indian Hospital Corps at Kowloon and Taiping.

Mr. M. Asaf Ali : With reference to part (b), will the Honourable the Defence Secretary be kind enough to state separately how much is received in respect of pensionary charges, how much in respect of capitation charges and how much in respect of marriage allowances from Great Britain?

Mr. C. M. G. Ogilvie : I am afraid I am unable to do that. The units are paid for in various ways. The capitation rate, for example, includes all the effective charges and all non-effective charges also in respect of Indian troops, but other charges,—for example, the cost of transportation of the unit, and colonial allowances to officers—are borne direct by His Majesty's Government and not included in the capitation rate.

Mr. M. Asaf Ali : The question is how much money, including the pensionary charges, the capitation charges and the marriage allowances is the British Government paying for the services of such troops? I want to know the actual amount.

Mr. C. M. G. Ogilvie : The actual amount I have not been able to calculate at present; it varies from time to time in accordance with the number of troops despatched.

Mr. M. Asaf Ali : May I know whether these calculations are ever made at all?

Mr. C. M. G. Ogilvie : They can be.

Mr. M. Asaf Ali : Are they not in the defence estimates?

Mr. President (The Honourable Sir Abdur Rahim) : I suppose the Honourable Member may supply the information later on.

Mr. T. S. Avinashilingam Chettiar : May I know whether Burma is contributing anything towards pensionary charges and other allowances?

Mr. C. M. G. Ogilvie : I must ask for notice.

Mr. K. Santhanam : May I ask how many Indian commissioned officers are serving with troops outside India?

Mr. C. M. G. Ogilvie : If the Honourable Member will refer to the Army List and look up the battalions and other units serving outside India and count up the number of Indian commissioned officers serving, he will get the answer.

Mr. K. Santhanam : I submit that is not a respectful answer.

Mr. President (The Honourable Sir Abdur Rahim) : Order, order. The Honourable Member is perfectly right. All that was asked was about Indian troops. No question was specifically asked as regards Indian commissioned officers serving abroad. Next question.

EXPENDITURE ON TROOPS AND OFFICERS SHOWN IN THE BUDGET ESTIMATE ON DEFENCE SERVICES.

919. **Mr. M. Ananthasayanam Ayyangar :** Will the Defence Secretary please explain why all the expenditure incurred in respect of (i) Indian, (ii) non-Indian and (iii) British troops and officers is not separately shown in the Budget Estimates of Expenditure on Defence Services?

Mr. C. M. G. Ogilvie : Wherever possible the cost of British and Indian troops is shown separately in the Defence Services Budget Estimates; for example pay and allowances. This occurs where a strict division is possible. But this system cannot be followed throughout because there exist many agencies for their maintenance which are common to both and serve both British and Indian troops in ratios which vary from time to time, for example the feeding of troops by the Royal Indian Army Service Corps, their clothing and equipment by the Indian Army Ordnance Corps, and their accommodation by the Military Engineer Services. To attempt a separation on such variable items would lead to an intolerable complication of accounts.

Mr. M. Asaf Ali : I have in my hand at present the Defence Estimates. May I refer the Defence Secretary to page 4 of the Defence Estimates and ask him whether he can now state how much of the Rs. 38,62,00,000 odd is debitable to the expenses incurred on account of British troops in India?

Mr. C. M. G. Ogilvie : I cannot do it exactly—no.

Mr. M. Asaf Ali : I understood the Defence Secretary to say that wherever possible these are separately shown. I just want to know where they are separately shown? Can he refer me to any page of the Defence Estimates where they are separately shown?

Mr. C. M. G. Ogilvie : They are shown in the major items of pay and allowances.

Mr. M. Asaf Ali : I have gone through these Defence Estimates very carefully and am unable to find them. Sir, an evasive answer will not do.

Mr. C. M. G. Ogilvie : I must protest against the expression "evasive answer". I have not given the Honourable Member an evasive answer.

Mr. President (The Honourable Sir Abdur Rahim) : I did not hear the last answer.

Mr. C. M. G. Ogilvie : I said I must protest against the term "evasive answer", and that I had not given an evasive answer but that I was trying to give him the best answer in my power.

Mr. President (The Honourable Sir Abdur Rahim) : The Honourable Member should not have used the expression "evasive answer".

Mr. M. Asaf Ali : Whatever answer the Honourable Member has supplied appears to me to be incomplete and therefore I would like the Honourable Member to be a little more explicit on the subject and tell me where I can find these separate items in the Defence Estimates.

Mr. C. M. G. Ogilvie : If the Honourable Member will refer to page 25, I think he will find the cost of all types of units accurately worked out.

Mr. Abdul Qaiyum : Why is the expenditure on non-Indian non-British troops not separately shown ?

Mr. C. M. G. Ogilvie : I have answered that question.

Mr. Abdul Qaiyum : That has not been answered ! He did not refer at all to the non-Indian non-British troops. The Honourable Member was dealing only with the British element while I mean the foreign mercenaries. I want to know the expenditure incurred on Gurkhas.

Mr. C. M. G. Ogilvie : As regards Gurkha troops, I think if the Honourable Member will refer to page 25 of the printed Budget, he will find stated there the cost of an Indian infantry battalion and all charges connected therewith. The cost of a Gurkha battalion is, as far I know, exactly the same as that of an Indian infantry battalion.

Mr. Abdul Qaiyum : May I ask why these non-Indian foreign troops are employed when there are so many unemployed Indians ?

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

Mr. M. Asaf Ali : Sir, I want to draw your attention to the fact that the Honourable the Defence Secretary referred me to page 25 of the Defence Estimates. I have looked at that page and I want to draw his attention to the fact that it does not give the figures which I had asked for.

Mr. President (The Honourable Sir Abdur Rahim) : You mean to say that the pay and allowances are not given there.

Mr. M. Asaf Ali : This is not the total amount incurred. It simply says that it is the approximate annual cost of typical units.

Mr. C. M. G. Ogilvie : The total amount can be obtained by multiplying the cost of each typical unit by the number of units of that type.

Mr. M. Asaf Ali : How many units are there ?

Mr. President (The Honourable Sir Abdur Rahim) : I will not allow further questions.

Mr. M. Asaf Ali : I would, Sir, like to draw your attention to this fact that the other day we had a discussion on this subject and the Honourable the Finance Member stated certain figures which were disputed. It was in respect of that point that these questions were really asked and it is also in respect of the coming Budget. Unless we have all these facts and figures, we cannot dispute what they say. I maintain that 20 crores can be saved and the Finance Member said that only 10 crores can be saved. I want to know the figures.

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

TRANSFERS OF BRITISH OFFICERS FROM NON-INDIANISED TO INDIANISED UNITS.

920. **Mr. S. Satyamurti :** Will the Defence Secretary be pleased to state :

- (a) whether it is a fact that in the 3rd Cavalry Regiment which has been "Indianised" there are only nine Indian commissioned officers, all of them Lieutenants as against fourteen British commissioned officers only two of whom are Lieutenants and the rest are Captains or hold higher ranks, and the reason why ;
- (b) whether recently two British officers from non-Indianised units were transferred to this regiment and this retards the promotion of the Indian officers ;
- (c) whether in the 7th Light Cavalry Regiment which has also been Indianised there are five Indian Captains one of whom is due to become a Major in 1938 ;
- (d) whether recently two British officers senior to this Indian officer have been transferred from the 8th and 9th Cavalry Regiments both non-Indian units, to this regiment, thus blocking the promotions of the Indian officer ;
- (e) whether in the 16th Light Cavalry Regiment which has also been Indianised two British Majors have recently been transferred to this regiment, from other non-Indianised units, and, if so, why ; and
- (f) the reasons why transfers of British officers are made from non-Indianised to Indianised units just a year or two before a vacancy for squadron commanders or second in command's post occurs in Indianised units ?

Mr. C. M. G. Ogilvie : (a) Yes. None of the Indian Commissioned Officers and King's Commissioned Indian Officers have yet completed the requisite service for promotion to the rank of Captain.

(b) One British Officer has recently been transferred to the 3rd Cavalry and one has been temporarily seconded to it.

Such transfers do not retard the promotion of the Indian Officers which is regulated according to length of service.

(c) Yes.

(d) Yes. These officers do not block the promotion of the Indian Officers as their promotion is made according to length of service.

(e) No.

(f) British officers are introduced from outside an Indianising cavalry regiment for duty as 2nd-in-Command or Squadron Commanders only when officers of sufficient seniority are not available within the regiment.

Mr. S. Satyamurti : With reference to the answer to clauses (b) and (d) of the question, may I ask for some more elucidation ? My Honourable friend, the Defence Secretary, stated that the fact that these British

officers are transferred there does not stand in the way of promotion of these people, because promotion depends on the length of service. May I ask whether, in spite of the fact that these British officers are there, the promotion of Indian officers will automatically go on?

Mr. C. M. G. Ogilvie : The officers there are put there because they have sufficient length of service to hold those appointments, that is to say, in this case they were very much senior to the officers in the regiment. They will not stay there for ever and presumably by the time that the officers in the regiment have reached the stage when promotion can be granted to them, they will not be prejudiced in any way by these temporary arrangements.

Mr. S. Satyamurti : May I ask whether the meaning of that answer is that at the time when these Indian officers become eligible for that promotion, these officers will either be transferred or their retention in the regiment will not be counted as a factor against the promotion being given to the Indian officers?

Mr. C. M. G. Ogilvie : These transfers are worked out systematically and one of the principles upon which they are made is that the chances of officers already serving in the regiment will not be prejudiced when the time comes.

Mr. S. Satyamurti : May I know the reason why these British officers are posted to these fairly high offices in Indian units?

Mr. C. M. G. Ogilvie : Because there are no Indian officers as yet of sufficient seniority to fill these posts.

Mr. Abdul Qaiyum : May I ask whether in the question of promotion no other considerations besides the length of service are taken into account?

Mr. C. M. G. Ogilvie : For the filling of certain senior posts selection is combined with seniority.

Mr. Abdul Qaiyum : Is not the racial aspect also taken into consideration?

Mr. C. M. G. Ogilvie : No, Sir.

Mr. S. Satyamurti : With reference to clause (f) of the question, may I know if the answer of my Honourable friend is that these postings are made only because there are no Indians who are sufficiently senior to take those places, and they are not made just a year or two before a vacancy for higher commands arises?

Mr. C. M. G. Ogilvie : Most certainly not. They are made for the simple reason which I have given, namely, that there are no Indian officers of sufficient seniority to be considered for these posts and for no other reasons of any kind whatever.

ACTIVITIES OF THE *Fauji Akhbar*.

921. ***Mr. S. Satyamurti :** Will the Defence Secretary be pleased to state :

- (a) whether the Defence Department runs a newspaper called *Fauji Akhbar* or 'Army Newspaper';

- (b) the policy of this paper in regard to Indian affairs;
- (c) whether this paper is by Government order sent to all arms of the service, which have to pay annual subscriptions;
- (d) whether this paper carries on propaganda for the Government of India;
- (e) the policy of this paper regarding nationalism and particularly the ideals and work of the Indian National Congress; and
- (f) whether Government propose to stop the propagandist activities of this paper and confine it merely to army affairs, army instructions, orders, and to eschew all politics, and, if not, why not?

Mr. C. M. G. Ogilvie : (a) Yes.

(b) To give accurate information on topics of the day and, as the 'leading journal of rural reconstruction' to support measures for the welfare of the agricultural classes.

(c) No. Government do not exert any pressure for the sale of this paper.

(d) No. The paper is run in the interests of the defence services.

(e) The rule that the Defence Services are not permitted to concern themselves with party politics is fundamental and the paper in question conforms to this rule.

(f) Does not arise.

Mr. S. Satyamurti : May I know who edits this paper?

Mr. C. M. G. Ogilvie : The paper is edited in the Army Headquarters by a serving soldier.

Mr. S. Satyamurti : May I ask what are the qualifications of this serving soldier for editing a newspaper, 'the leading journal of rural reconstruction'?

Mr. C. M. G. Ogilvie : I should think that the best method for the Honourable Member to arrive at a conclusion on this subject was to study the *Fauji Akhbar*.

Mr. S. Satyamurti : Sir, I am asking for some information, namely, what are the qualifications of a serving soldier to edit the leading journal of rural reconstruction, and I am asked to read the newspaper. This is not right. There should be some answer to the question asked.

Mr. President (The Honourable Sir Abdur Rahim) : Can the Honourable Member answer that question.

Mr. C. M. G. Ogilvie : I am afraid, Sir, I cannot answer it in a better way than I have done. The officer concerned is naturally not a professional journalist but he does produce, I think, a very good paper indeed.

Mr. S. Satyamurti : Has he any academic or journalistic qualifications? Is he an Indian or a non-Indian? Does he know India?

Mr. C. M. G. Ogilvie : He is not an Indian, but he has served in India for many years.

Mr. S. Satyamurti : Does this paper have leading articles ?

Mr. C. M. G. Ogilvie : I think so.

Mr. S. Satyamurti : May I know what is the policy of the paper in its leading articles ?

Mr. C. M. G. Ogilvie : I have stated that its policy is to give accurate information on the topics of the day.

Mr. S. Satyamurti : Apart from the information given in these leading articles, may I know what is the general policy of this paper, that is to say, whether it is intended merely to advertise the activities of the Government of India, and to criticise the Indian National Congress and all its activities ?

Mr. C. M. G. Ogilvie : It is not intended to advertise the activities of the Government of India nor is it intended to criticise the activities of the Congress Party. It has no party politics of any kind and it is run not in the interests of the Government of India but in the interests of the defence services.

Mr. Abdul Qaiyum : Is it a fact that this paper is carrying on propaganda in favour of the present system of Government ?

Mr. C. M. G. Ogilvie : As the paper is run for the defence forces of Government, it cannot be expected to be opposed to the present system of Government, but whether or not it ever dwells on the subject much, I do not know. I personally think it does not.

Mr. Abdul Qaiyum : Is it proper for an army paper to indulge in this type of propaganda ? Is it not necessary that the army should keep absolutely out of politics ?

Mr. C. M. G. Ogilvie : It is necessary that the Army should keep themselves absolutely out of politics. That I have clearly stated is what this paper stands for.

Mr. K. Santhanam : How many copies of this paper are being circulated ?

Mr. C. M. G. Ogilvie : I want notice.

Pandit Lakshmi Kanta Maitra : May I know what is the cost incurred by the Army Department in conducting this paper ?

Mr. C. M. G. Ogilvie : I want notice.

Mr. Badri Dutt Pande : Is it a fact that the rank and file, including even the Indian officers, are forbidden from subscribing to any paper except this ?

Mr. C. M. G. Ogilvie : No.

Pandit Lakshmi Kanta Maitra : When was this paper brought into existence ?

Mr. C. M. G. Ogilvie : I want notice.

Mr. Mohan Lal Saksena : Will the Honourable Member supply a copy of this paper to the reading room of the Legislative Assembly ?

Mr. C. M. G. Ogilvie : I shall gladly do so.

Mr. S. Satyamurti : What is meant by 'this is the organ of the defence services of India' ? May I know what are the principles or policies which the defence services must propagate through an organ of their own ?

Mr. President (The Honourable Sir Abdur Rahim) : You cannot discuss that in a supplementary question.

Mr. S. Satyamurti : My Honourable friend said that this newspaper was the organ of the defence services. I am asking why the defence services want an organ of their own. What are the principles which they want to propagate ?

[At this stage, Mr. Badri Dutt Pande, Mr. Mohan Lal Saksena and Mr. Santhanam—all rose at the same time to put supplementary questions.]

Mr. President (The Honourable Sir Abdur Rahim) : If several Honourable Members rise at the same time to put supplementary questions, I will be obliged to stop an Honourable Member from putting a supplementary question unless his name is called. If this sort of confusion prevails, it cannot be tolerated.

Mr. S. Satyamurti : In answer to a supplementary question, the Honourable Member said that this paper was the organ of the defence services. Now, I want some elucidation of that answer. What are the principles or doctrines or policy of the defence services, apart from those of the Government of India, which they want to propagate through this organ ?

Mr. C. M. G. Ogilvie : In the first place, I did not say that this paper was the organ of the defence services of India. I said that the paper was run in the interests of the defence services.

Mr. S. Satyamurti : I want to correct my Honourable friend on a statement of fact. The Honourable Member did say it was an organ of the defence services.

Mr. C. M. G. Ogilvie : I have answered a great many supplementary questions on this subject. As far as I remember, I never used the term "organ". I said this paper was run in the interests of the defence services and its policy is, as I have stated already, to supply information on current events on a strictly non-party basis.

Mr. S. Satyamurti : What are the special interests of the defence services, apart from those of the Government of India, which this journal propagates ?

Mr. C. M. G. Ogilvie : It will take a very long time to go into everything which is in the interest of defence services.

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

INSULT TO NATIONAL FLAG BY BRITISH SOLDIERS

922. *Mr. S. Satyamurti : Will the Defence Secretary be pleased to state :

- whether his attention has been drawn to the report of an incident entitled "Tommy insults National Flag" in the *Hindustan Times* of the 8th September, 1937 ;
- whether Government have instituted any enquiries in the matter and what the result of the enquiry is ;
- if they have not so far instituted any enquiry, whether Government propose to institute any enquiry into this matter and report the result to this House and, if not, why not ; and
- whether in view of such incidents Government are prepared to take steps to see that instructions are issued to all British soldiers in the country to honour the national flag, especially as it is the flag now of seven Provincial Governments of this country and if not, why not ?

Mr. C. M. G. Ogilvie : (a) to (d). I refer the Honourable Member to the reply I gave on the 22nd September to Mr. M. A. Ayyangar's starred question No. 738 on the same subject.

Mr. S. Satyamurti : With reference to part (d), may I know whether Government will issue instructions to all British soldiers in this country to honour the national flag, especially as it is the flag of seven Provincial Governments ?

Mr. C. M. G. Ogilvie : I submit it does not arise either out of this question or out of the facts disclosed by my answer to question No. 738.

Mr. S. Satyamurti : I am asking for information....

Mr. President (The Honourable Sir Abdur Rahim) : It is a question of policy which cannot be discussed now on a supplementary question.

Mr. S. Satyamurti : I am asking for information. I am not discussing the policy.

Mr. President (The Honourable Sir Abdur Rahim) : It is a question of policy whether a certain flag ought to be respected or not ?

Mr. S. Satyamurti : The question is this : Have instructions been issued to all British soldiers to honour the national flag ? I am asking information whether such instructions have been issued.

Mr. President (The Honourable Sir Abdur Rahim) : The Government Member says it is a question of policy and therefore it cannot be discussed now.

Mr. S. Satyamurti : I can get information on my question. I cannot discuss questions of policy, I admit. I am asking for information whether the Government are going to issue such instructions as suggested in my question.

Mr. President (The Honourable Sir Abdur Rahim) : I do not want any argument.

Mr. S. Satyamurti : I only want information.

Mr. President (The Honourable Sir Abdur Rahim) : The Honourable Member can answer it if he can.

Mr. C. M. G. Ogilvie : The answer is, the Honourable Member will see if he refers to the question I have just quoted which was previously answered, that no action of the kind having been committed by any British soldier, the question of issuing instructions does not arise.

HUNGER-STRIKE BY PRISONERS IN THE ANDAMANS.

923. *Mr. S. Satyamurti : Will the Home Secretary be pleased to state :

- the latest position with regard to the hunger-strike of the prisoners in the Cellular Jail in the Andamans—that is to say whether any of them is still on hunger-strike and if so the state of their health ;
- the latest position with regard to the repatriation of these prisoners in the Andamans, province by province ;
- how many and which Provincial Governments have so far asked the Government of India to repatriate their prisoners, and how many have been so far repatriated or are proposed to be repatriated to their respective provinces ;
- whether the Bengal Government have now definitely asked the Government of India for the repatriation of these prisoners and if so whether they have been or are being repatriated and how many of them have been repatriated, and when the others will be repatriated to Bengal ;
- whether the Government of India have come to any conclusion on the release of these prisoners, or have left it entirely to the respective Provincial Governments ; and
- when they are all expected to be released, in view of their definite statements, that they have no longer any faith in violence and believe only in non-violence as the best method for attaining the freedom of this country ?

Mr. J. A. Thorne : (a) No prisoner is now on hunger-strike in the Cellular Jail.

(b) to (d). I would refer the Honourable Member to the reply which I gave on the 20th September to his short notice question and to the supplementary questions. I believe that 72 prisoners—34 of whom were convicted in Bengal, seven in Madras, 16 in Bihar, six in the Punjab, six in Assam, two in Delhi and one in Ajmer-Merwara, have so far been repatriated from the Cellular Jail, Port Blair.

(e) and (f). The question of release is not one in which the Government of India have any right to interfere, except in the case of prisoners convicted in the centrally administered areas. There is no intention of remitting the sentences of the latter. I must point out that the Honourable Member is mistaken as to the attitude of the prisoners. They have not said either that they have no longer any faith in violence or that they believe only in non-violence.

Mr. S. Satyamurti : With reference to part (d)—I remember the answer which the Honourable Member gave in reply to my short notice question the other day—may I know whether the position remains exactly as it was then, or whether since then, the Bengal Government have approached the Government of India for the repatriation of more of the prisoners or all the prisoners from Bengal in the Andamans ?

Mr. J. A. Thorne : I have no information as to the attitude of the Bengal Government except that which has appeared in the News Agency telegram this morning, with which I suppose my Honourable friend is acquainted

Mr. S. Satyamurti : Is the Honourable Member referring to the News Agency telegram to the effect that the Bengal Government have decided to ask for the repatriation of all their prisoners from the Andamans ?

Mr. J. A. Thorne : The actual text of the News Agency telegram is as follows :

“ To discuss the question of repatriation of Bengal terrorist prisoners in Andamans, a conference of party leaders of both Houses of provincial legislature was held this morning in the Secretariat, Sir Nazimuddin, Home Minister, presiding, the result of the discussion will be placed before the Government for final decision. It is understood the problem of accommodation will be solved, when in about four months time Dum Dum jail will be ready, this being one of the problems involved in the present proposal. In the meantime it is understood another batch of these prisoners will be brought to Bengal in November.”

Mr. S. Satyamurti : May I take it that the position of the Government of India is that, in respect of those prisoners whose Provincial Governments are asking for their repatriation, they will be repatriated ?

Mr. J. A. Thorne : The only Provincial Government that is now concerned is Bengal.

Mr. S. Satyamurti : May I take it with reference to Bengal, that the position of the Government of India is that these prisoners will be repatriated the moment the Bengal Government ask them to be repatriated ?

Mr. J. A. Thorne : Yes.

Mr. S. Satyamurti : With reference to the reply to part (f) of my question, may I know whether my Honourable friend in drafting this reply had in his mind the statement of Mahatma Gandhi based on the telegram which passed between Mahatma Gandhi and these prisoners which were sent to the Home Department ?

Mr. J. A. Thorne : I cannot remember the precise terms of the statement made by Mr. Gandhi, but the answer is based on the messages sent by Mr. Gandhi to the prisoners and their reply.

Mr. S. Satyamurti : May I know whether my Honourable friend's attention has been drawn to the actual words of the message of the prisoners from the Andamans to Mahatma Gandhi in which they said—

I do not say that the exact actual words are reproduced here—words very much to the same effect as the words contained in part (f) of my question.

Mr. J. A. Thorne : It is on that point that I differ from my Honourable friend. The actual words were quite different from those which are contained in his question.

Mr. Mohan Lal Saksena : Will the Government of India address the Bengal Government and find out their decision regarding repatriation and make a statement in this House before it adjourns for the session ?

Mr. J. A. Thorne : That will be done, Sir, if we do not in the course of the next day or two receive from the Government of Bengal some communication on the subject.

THE SITUATION IN THE NORTH-WEST FRONTIER PROVINCE.

924. **Mr. S. Satyamurti :** Will the Secretary for External Affairs be pleased to state :

- the latest situation in the North-West Frontier Province especially in Waziristan ;
- whether the terms which have been offered by the Government of India have been accepted by the tribes, and if so by how many, and by whom ;
- whether the hostilities are now going on, and if so the number engaged, British and Indian, in such hostilities ;
- the amount of money spent on these operations since the beginning of this financial year ;
- the precise objective for which the hostilities are now being continued ;
- whether the Congress Government on the North-West Frontier Province has been consulted with regard to the continuation of the hostilities and the terms of peace offered ; and
- if not, whether Government propose to consult them and if not, why not ?

Lieut. Colonel A. E. B. Parsons : (a), (c) and (e). The situation in Waziristan is that active operations on a large scale have ceased and the troops are engaged in dealing with small gangs and in building roads. The regular fighting strength is British troops 4,700, Indian troops 34,900. This includes the strength of the normal garrison of Waziristan. The situation elsewhere is normal.

(b) The terms have so far been announced to the Mahsud and Wazir Tori Khel Jirgas who have accepted them.

(d) The attention of the Honourable Member is invited to the reply given by the Defence Secretary on 1st September, 1937, to part (e) of starred question No. 238. I regret it is still impossible to give an answer.

Mr. S. Satyamurti : Have Government now made arrangements for daily or prompt information being obtained by the Government of India with regard to the position of Indians in the theatres of war?

Lieut. Colonel A. E. B. Parsons : Government have made no arrangements for daily reports, and from my perusal of the English papers the information about Indians is as full as that about any other form of British subjects.

Mr. S. Satyamurti : Will the Government of India consider taking any steps to get information directly themselves as the Government of India, with respect to their nationals in the theatres of war?

Lieut. Colonel A. E. B. Parsons : If the Honourable Member will tell me what information he requires, I can give him the answer.

Mr. S. Satyamurti : I refer to information about their present position, the measures taken to protect their interests adequately, and whether any of them have suffered or are suffering as a result of the military operations there.

Lieut. Colonel A. E. B. Parsons : I have already given the information in one of the answers to which I have referred, as to the damage done to personnel; and I have stated in that answer that it is quite impossible in the present circumstances to discover how much damage has been done to property.

Mr. M. Asaf Ali : Are Government in a position to give any information as regards the number of Indian nationals who are still within the danger zone?

Lieut. Colonel A. E. B. Parsons : The figures could again be obtained by a simple method of arithmetic from the answers I have already given.

Mr. Mohan Lal Saksena : Of those persons who have returned, may I know if any one has been arrested?

Lieut. Colonel A. E. B. Parsons : By whom? By the Japanese?

Mr. Mohan Lal Saksena : By the Government of Bengal?

Lieut. Colonel A. E. B. Parsons : What for?

Mr. Mohan Lal Saksena : I do not know.

Lieut. Colonel A. E. B. Parsons : Nor do I.

Pandit Lakshmi Kanta Maitra : Can the Honourable Member give us an idea as to the number of refugees who have come?

Lieut. Colonel A. E. B. Parsons : Yes, Sir. I think I saw the number given in the newspapers as 800, but our figures are rather less,—about 600.

RELEASE OF MR. AMIR HAIDER KHAN DETAINED UNDER REGULATIONS III OF 1818.

927. **Mr. Mohan Lal Saksena :** (a) Will the Home Secretary be pleased to state whether it is a fact that Amir Haider Khan (of the Punjab) has been incarcerated under Regulation III of 1818 in the Madras Presidency? If so, for how long and under whose orders?

(b) What allowance, if any, is being paid to him and his dependents?

(c) When was his case last reviewed?

(d) Was the opinion of Madras Government taken into account while reviewing the case?

(e) Is it not a fact that the Madras Government is in favour of his release?

(f) Are Government prepared to consider the desirability of releasing him forthwith?

Mr. J. A. Thorne : (a) Amir Haider Khan was originally detained in September, 1934, under Madras Regulation II of 1819 under the orders of the Madras Government. In October, 1936, he was transferred to the Punjab and there detained under Regulation III of 1818 under the orders of the Central Government. Since the 1st April last he has been detained under the orders of the Punjab Government.

(b) I have no information.

(c) and (d). His case was last reviewed by the Central Government in December, 1936. The Punjab Government but not the Madras Government were consulted.

(e) and (f). Neither the Madras Government nor the Central Government are now concerned with the detention of the prisoner.

Mr. Mohan Lal Saksena : May I know whether the Punjab Government passed orders of detention before the expiry of the order of detention passed by the Central Government?

Mr. J. A. Thorne : I think the change on the 1st April was automatic. The subject then passed entirely out of the scope of the Central Government and passed entirely within the scope of the Provincial Government.

Mr. Sham Lal : Is the Punjab Government competent to release him?

Mr. J. A. Thorne : Yes, Sir.

Prof. N. G. Ranga : Where is he detained now?

Mr. J. A. Thorne : So far as I know, he is detained in the Muzaffargarh jail.

CROSSWORD COMPETITIONS IN INDIA.

928. **Mr. Mohan Lal Saksena :** (a) Will the Home Secretary be pleased to state whether the attention of Government has been drawn to Professor Brij Narain's article on crosswords published in the *Tribune* of Lahore, particularly the following paragraph:

"It is evident that crossword competitions in India have degenerated into pure swindles. Immediate State action is necessary to safeguard the interests of the public against crossword cheats. There is a strong case for a public enquiry into crossword competitions which are run as an open or disguised lottery."

(b) What action, if any, do Government propose to take in the matter?

Mr. J. A. Thorne : (a) I have read the article.

(b) The Government are not convinced that any action on the part of the Central Government is called for.

PROHIBITION OF GOVERNMENT SERVANTS FROM DOING INSURANCE BUSINESS.

929. *Mr. Mohan Lal Saksena : (a) Will the Home Secretary be pleased to state whether it is a fact that Government have taken action under the Government Servants' Conduct Rules to regulate contributions which compete with the contributions of professional journalists? If so, will Government state what instructions have been issued in the matter?

(b) Are Government prepared to consider the desirability of taking similar action to put an end to competition in the business of insurance?

Mr. R. F. Mudie : (a) and (b). Government have drawn the attention of all concerned to rule 13 of the Government Servants' Conduct Rules, 1935, applicable to services under the control of the Secretary of State and the corresponding rule 15 of the rules applicable to other services, which provides that a Government servant may not, without the previous sanction of the Local Government, engage in any trade or undertake any employment or work, other than his public duties.

Mr. S. Satyamurti : Are Government aware of the allegation that several Government servants use their position, with respect to those who serve under them, to unduly influence them on behalf of certain insurers?

Mr. R. F. Mudie : Government are aware of the allegation just made.

Mr. S. Satyamurti : And have they looked into the allegation?

Mr. R. F. Mudie : They have not yet had time to do so.

ARMY ORGANISATION AND RE-EQUIPMENT.

930. *Mr. T. S. Avinashilingam Chettiar : Will the Defence Secretary state :

- with reference to the army organisation and re-equipment mentioned in His Excellency the Viceroy's speech to the Legislature on the 13th September, 1937, whether there is any proposal to mechanise the Indian army ;
- what the probable cost of mechanisation will be ;
- whether they have approached His Majesty's Government for contribution towards meeting this cost ;
- whether they have received any replies from His Majesty's Government ; and
- if so, what is the reply ?

Mr. C. M. G. Ogilvie : (a) to (e). I have nothing to add to the statement made in His Excellency the Viceroy's address to the Central Legislature on the 13th September, 1937, and to my answers to supplementary questions to starred question No. 703 asked on the 22nd September.

Mr. T. S. Avinashilingam Chettiar : May I know when they expect a reply from His Majesty's Government?

Mr. C. M. G. Ogilvie : I cannot give any accurate idea.

Mr. T. S. Avinashilingam Chettiar : May I know whether this mechanisation of the Indian Army will not be proceeded with unless they get a contribution from His Majesty's Government?

Mr. C. M. G. Ogilvie : I can give no further information than that which is already in possession of the Honourable House.

Mr. M. Asaf Ali : Is it not a fact that a certain amount of mechanisation has already been undertaken and it is going on apace?

Mr. C. M. G. Ogilvie : Yes : as far as mechanical transport is concerned and certain other items. This question, I think, referred to new schemes of mechanisation of troops.

Mr. M. Asaf Ali : With reference to clause (a), something has been said about re-equipment : may I know whether the last re-equipment programme has been completed?

Mr. C. M. G. Ogilvie : No : it has not.

Mr. S. Satyamurti : May I know whether the Honourable the Defence Secretary's attention has been drawn to the answer of His Excellency the Commander-in-Chief in another place in which he stated that he expected an answer from His Majesty's Government to this request within two months?

Mr. C. M. G. Ogilvie : No : I have not seen it.

HOLDING OF MEETINGS AND FLYING OF THE NATIONAL FLAG IN CANTONMENT AREAS.

931. *Mr. Badri Dutt Pande : Will the Defence Secretary be pleased to state :

- whether the Defence Department have instructed the local cantonment authorities to disallow election, political and constitutional meetings within the cantonment areas ;
- if so, why ; if not, whether he will give a statement elucidating the policy of the Defence Department in this connection ;
- if it is a fact that the Defence Department has instructed local cantonment authorities to prohibit the flying of the national flags within the cantonment areas ; if so, why ; if not, what is the attitude of Government in this respect ; and
- if the answers to parts (a) and (c) be in the negative, whether he is prepared to consider the desirability of issuing specific instructions to the cantonment officers, asking them not to interfere with the holding of constitutional (election and political) meetings and flying of the National flags within the cantonment areas ?

Mr. C. M. G. Ogilvie : (a) No.

(b) and (d). The matter is under consideration.

(f) and (g). No. The Provincial Government are not concerned with the administration of the tribal areas.

Mr. S. Satyamurti : Sir, with reference to the answer to clause (d), they undertook to give us the figures before the end of this Session, and now they say they cannot be given yet. I ask your direction on this matter, Sir, so that before we adjourn, we may get an approximate idea of the cost of these operations.

Mr. President (The Honourable Sir Abdur Rahim) : I do not know whether the Honourable Member in charge of External Affairs is unable to give the figures or they have not been prepared yet ?

Lieut. Colonel A. E. B. Parsons : I do not think this Department can, but I will inquire again from the Finance Department and the Defence Department if they are able to give the figures before the end of the Session.

Mr. S. Satyamurti : Sir, I ask your direction on this matter. In view of the undertaking given by the Defence Secretary that the figures will be given before the end of the Session.....

Mr. President (The Honourable Sir Abdur Rahim) : He is trying to get the figures, but it is impossible for him to say whether they will be ready before a certain date or not.

Mr. S. Satyamurti : Is it impossible ?

Mr. President (The Honourable Sir Abdur Rahim) : I do not know what the figures are, but what he says is that it is certainly impossible to say whether they will be ready before a certain date or not.

Mr. Bhulabhai J. Desai : Sir, may I suggest this ? It is quite a reasonable thing to any business man, if this thing is being taken up on any business principle of accounting, let a line be drawn at the end of the last month as at that point we can get the expenditure. I quite agree that it is difficult if you go on from day to day and it is easy therefore to evade it by saying that it cannot be done. But in all companies and in all commercial concerns including Government, accounts are published as on a particular date ; and what I now ask is whether they will be prepared, before the Assembly adjourns, to give this House at all events an estimated idea, if not very accurate to the last figure, as at the end of the last month.

Mr. C. M. G. Ogilvie : Sir, I am in a position to say that on 5th October I hope to receive the estimated figure. It may not be complete but it will probably be a fairly accurate figure.

Mr. Abdul Qaiyum : What is the normal strength of the garrison in Waziristan ?

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

ALLEGED PROPAGANDA AGAINST ANY DEMAND FOR THE REDUCTION OF DEFENCE SERVICES.

925. ***Mr. Mohan Lal Saksena :** (a) With reference to his answer to question No. 501 answered on the 14th September, 1937, will the Defence Secretary be pleased to state whether it is a fact that on the 5th August, 1937, at Pallamcottah in Madras Presidency, Major Hancock delivered a

speech ending with the following question "would they therefore think seriously before they acquiesced in any demand for the reduction of defence services" as reported in the *Hindu* of the 7th August, 1937 ?

(b) Do Government propose to issue necessary instructions to put an end to this kind of propaganda by Government servants ?

Mr. C. M. G. Ogilvie : (a) Government have now obtained a copy of *Hindu* of the 7th August, 1937. The report of the speech quoted by the Honourable Member does not seem to appear in it.

(b) I refer the Honourable Member to the replies I gave on the 14th September, 1937, to Mr. S. Satyamurti's starred question No. 501 on the same subject and the supplementary questions arising therefrom.

Mr. M. Asaf Ali : May I know whether Major Hancock is subject to the Government Servants' Conduct Rules ?

Mr. C. M. G. Ogilvie : Yes, Sir.

Mr. M. Asaf Ali : Are Government servants free to indulge in propagandist talks and deliver lectures of the kind Major Hancock has been delivering ?

Mr. C. M. G. Ogilvie : I refer the Honourable Member to my answers to the questions I replied to on the 14th September last.

Mr. M. Asaf Ali : I shall be very glad to hear them now.

Mr. President (The Honourable Sir Abdur Rahim) : Those answers cannot be repeated now.

PROTECTION OF THE LIFE AND PROPERTY OF INDIANS IN SHANGHAI.

926. ***Mr. Mohan Lal Saksena :** (a) Will the Foreign Secretary be pleased to state how many Indians were residing or carrying on business at Shanghai and the neighbouring area before the breaking out of the present Sino-Japanese war ?

(b) What steps have been taken by the British Government or the Government of India for the protection of their life and property ?

(c) Has there been any loss of life or property of Indian nationals in Shanghai because of the Sino-Japanese conflict ?

(d) How many Indians have returned to India since the out-break of the hostilities ? If so have Government taken any steps to come into touch with them and to find out what arrangements have been made for the protection of their property in China ?

Lieut. Colonel A. E. B. Parsons : The Honourable Member's attention is invited to the replies given by me on the 9th and the 22nd September, 1937, to starred questions Nos. 424 and 735 by Messrs. T. S. Avinashilingam Chettiar and M. Ananthasayanam Ayyangar, respectively.

The only further information that I have to give to the House is that the Government of India have requested the Bengal Government to receive the Indian subjects who were recently evacuated from the fighting area in Shanghai, feed them and, where necessary, give them advances for their journeys home.

(c) I presume the Honourable Member is referring to the flag of the Congress party and not to the Union Jack. The Defence Department have issued no such instructions.

Mr. Badri Dutt Pande : Are we to understand that there will be no ban on constitutional meetings and Congress flags being flown at such meetings ?

Mr. C. M. G. Ogilvie : It entirely depends on the place, the time and the nature of the meeting, and the meaning given to the word "constitutional".

Mr. S. Satyamurti : With regard to election meetings particularly, may I know whether, since such meetings are statutorily contemplated by the Government of India Act, the Defence Department have any policy in the matter, and whether they have issued any *interim* instructions to allow or not to allow election meetings ?

Mr. C. M. G. Ogilvie : I have already fully answered that question.

Mr. S. Satyamurti : My Honourable friend's answer is that the policy is under consideration. My question is—what is the present attitude of the Defence Department with regard to election meetings in cantonment areas ?

Mr. C. M. G. Ogilvie : I have already said that the matter is under consideration and I can give no more information than that.

Mr. S. Satyamurti : Are Government considering whether election meetings should or should not be allowed ?

Mr. C. M. G. Ogilvie : Government are considering the whole question of cantonments and cantonment areas *vis a vis* meetings of all kinds.

Mr. S. Satyamurti : May I know what is the *interim* direction given with regard to election meetings which may have to be held till the Government make up their mind one way or other ?

Mr. C. M. G. Ogilvie : That, I submit, is hypothetical.

Mr. M. Asaf Ali : Is it not a fact that there is such a thing as the cantonment authority, and to this body members will be elected in the ordinary way ? Will meetings in connection with these elections be allowed in cantonment areas or not ?

Mr. C. M. G. Ogilvie : Certainly they will.

PROHIBITION OF CONGRESS ELECTION MEETINGS AND FLYING OF NATIONAL FLAGS IN THE LANSLOWNE CANTONMENT.

932. ***Mr. Badri Dutt Pande :** With reference to the promise contained in his answer to question No. 495, dated the 14th September, 1937, will the Defence Secretary be pleased to make a full statement regarding the situation at Lansdowne wherein constitutional election meetings were not allowed to be held by the military authorities and also explain the circumstances under which eight shops were declared out of bounds for flying the national flag ; and if the orders have been withdrawn since ?

Mr. C. M. G. Ogilvie : The facts are that permission to hold a Congress meeting was refused. No request to hold any other political meeting was sought by any political section. The reason why the permission to hold a Congress meeting was refused was that at the time and in the circumstances prevailing, the local military authorities considered that the holding of any meeting in the Lansdowne Cantonment might be prejudicial to the discipline of the troops there stationed. Permission to hold meetings on the 1st August last was not refused because it was never sought.

The flying of Congress flags was not prohibited on this or any other date and as far as is known to Government these flags are still being flown.

Eight shops have been declared out of bounds by the Commanding Officer of one of the Battalions stationed at Lansdowne because he considered that the resort of men under his command to those shops might be prejudicial to their discipline and efficiency ; and the whole of the Bazar by the Officer Commanding another Battalion for the same reasons. These orders have not so far been withdrawn.

Mr. T. S. Avinashilingam Chettiar : May I know how it would prejudice the soldiers in his charge to purchase things in a particular shop ?

Mr. C. M. G. Ogilvie : I imagine that goods for sale are not the only things to be found in those shops.

Mr. T. S. Avinashilingam Chettiar : What are the other things to be found there ?

Mr. C. M. G. Ogilvie : Shopkeepers.

Mr. T. S. Avinashilingam Chettiar : Do they imagine that the shopkeepers were doing propaganda for anything which is not good for the soldiers ?

(No reply.)

Mr. Badri Dutt Pande : Is it not a fact that it was not a Congress meeting, but it was an election meeting and that it was I who applied to the officer commanding ? Is that fact known to the Defence Secretary ?

Mr. C. M. G. Ogilvie : The fact that the Honourable Member was the gentleman who applied is known to me, as he himself stated it some days ago.

Mr. Mohan Lal Saksena : Is the Honourable Member also aware that he was a candidate to the Upper House ?

Mr. C. M. G. Ogilvie : Yes.

Mr. Mohan Lal Saksena : Was it not in connection with that election that this meeting was going to be held ?

Mr. C. M. G. Ogilvie : Presumably, yes.

Mr. Mohan Lal Saksena : Then why was the permission refused ?

(g) Are Government prepared to consider the advisability of allowing Mr. Khan to correspond with his friends and also transfer him to some healthier place in the Madras Province ?

(h) If not, are Government prepared to give him an opportunity of proving his innocence in a court of law ?

Mr. J. A. Thorne : (a) Yes—except that while in Madras the prisoner was detained under Madras Regulation II of 1819.

(b) to (f). Government have no information.

(g) and (h). The continued detention of this prisoner and the conditions of his detention are matters which concern only the Punjab Government.

Qazi Muhammad Ahmad Kasmi : Was he found guilty of any undesirable practices in the Punjab and was that the reason why the Punjab Government proceeded against him ?

(No reply.)

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

Mr. Abdul Qaiyum : Sir, I do not propose to put question No. 936, but I will ask No. 937.

METALLED ROADS, SCHOOLS, ETC., IN WAZIRISTAN AND REPORT ON CONDITION OF TRIBES IN THE NORTH-WEST FRONTIER PROVINCE.

937. ***Mr. Abdul Qaiyum :** (a) Will the Foreign Secretary kindly state how many miles of metalled roads have been constructed ever since the present Waziristan campaign began in that territory ?

(b) How many schools have been set up in Waziristan ever since the Government took over or entered that country ?

(c) What steps have been taken or are proposed to be taken to improve the economic conditions of the tribes in Waziristan ?

(d) Do Government propose to consider the desirability of publishing an annual statement about the economic condition of the tribes in the North-West Frontier Province, specially indicating any material improvements effected in their condition ?

Lieut.-Colonel A. E. B. Parsons : (a) Approximately sixty miles of shingle roads have already been constructed. A total length of 106½ miles of roads has been sanctioned.

(b) In South Waziristan there are two lower middle and seven primary schools. In North Waziristan there are one middle and nine primary schools. In Bhitanni country there is one primary school at Jandola.

(c) Government are constantly examining methods of improving the economic condition of the Waziristan tribes and have been able to give assistance in agricultural and irrigation projects. Their examination, however, leads them to conclude that little can be done in the development of the country and that economic relief can best be given by extending the opportunities for Government and other service.

(d) Information regarding the improvements in the economic condition of the tribes on the North-West Frontier Province is published in the Annual Border Administration Report of the North-West Frontier Province which is on sale to the public. Copies are placed in the Library of the House.

ADMINISTRATION OF GILGIT.

938. ***Mr. Abdul Qaiyum :** Will the Foreign Secretary be pleased to state :

(a) whether Government have taken over the civil administration of the Gilgit tract ?

(b) whether any fresh troops have moved up to Gilgit with this change in administration ; if so, what is their number ;

(c) whether this change in Gilgit has resulted in any additional expenditure ; if so, how much this increase is in the annual expenditure ;

(d) whether Government contemplate building a new road to Gilgit ; if so, when the work is likely to start ; and

(e) whether it is intended to improve the communication between Gilgit and the Chinese Turkestan ?

Lieut.-Colonel A. E. B. Parsons : (a) Yes.

(b) and (c). No.

(d) No.

(e) The matter is under consideration.

Mr. Abdul Qaiyum : With reference to clause (b), is it not a fact that fresh troops have been moved up since the civil administration of the Gilgit tract has been taken over ?

Lieut.-Colonel A. E. B. Parsons : May I refer the Honourable Member to the answer I have just given to (b) and (c),—No.

Mr. T. S. Avinashilingam Chettiar : May I know when these roads are built from what funds is the money found ?

Lieut.-Colonel A. E. B. Parsons : What roads ?

Mr. T. S. Avinashilingam Chettiar : With reference to clause (d), Sir, may I know from what funds these roads are built ?

Mr. C. M. G. Ogilvie : Because, as I have stated in my answer, it was thought that such a meeting in the circumstances then prevailing would not be a meeting of a sort that could be held with impunity in a Cantonment station.

Mr. Badri Dutt Pande : Then why was Mr. Mukandlal, who was my rival, allowed to hold a meeting there ?

Mr. C. M. G. Ogilvie : The answer has been given that no permission was given for holding any other meeting.

Mr. S. Satyamurti : My friend suggested, with regard to the prohibition of this meeting, that the local military authorities thought that the holding of the meeting would be prejudicial to the discipline of the troops stationed therein ; may I know how the authorities came to the conclusion that the holding of a congress election meeting would prejudicially affect the discipline of the troops ?

Mr. C. M. G. Ogilvie : The reason is this. The permission was asked for on the 29th January and it was refused. From what actually happened at a meeting held outside the cantonment boundary on the following day it must, I think, be clear that the decision was a right one. The chief speaker was the Honourable Member who has put this question, and I am informed that his speech included praise of the soldiers of the 2nd 18th Royal Garhwal soldiers, one of the regiments now stationed at Lansdowne, who refused to obey orders in the Peshawar incident, and also that it included proposals for the erection of a gate of honour to a ringleader of the meeting.

REVISION OF THE SALARIES OF THE INDIAN CIVIL SERVICES AND THE INDIAN POLICE SERVICE.

933. ***Mr. C. N. Muthuranga Mudaliar :** (a) Will the Honourable the Home Member please state with reference to previous questions on the subject at what stage the question of revision of the salaries of the Indian Civil Service and the Indian Police Service is at present ?

(b) When do Government expect to pass final orders in the matter ?

(c) Will the Assembly be given an opportunity to record its opinion on the matter ?

Mr. R. F. Mudie : (a) The question has been deferred till the occasion arises to review the future recruitment and conditions of service of the Indian Civil Service and the Indian Police.

(b) It is for the Secretary of State and not the Government of India to pass orders in this matter.

(c) No : for the reason given in (b) above.

Mr. C. N. Muthuranga Mudaliar : Have the Government of India asked the Secretary of State to expedite this matter ?

Mr. R. F. Mudie : No, Sir.

Mr. T. S. Avinashilingam Chettiar : May I know if this matter has been pending for a fairly long time, and that in the other services, provincial and others, the pay has been reduced already ? Is the Honourable Member aware of it ?

Mr. R. F. Mudie : I am not aware of it.

Mr. T. S. Avinashilingam Chettiar : You are not aware of it ?

CURTAINMENT OF EXODUS TO SIMLA.

934. ***Mr. C. N. Muthuranga Mudaliar :** (a) Will the Honourable the Home Member please state if there is any proposal to keep down in Delhi in the next summer (1938) any office or portion of an office which till now has been moving to Simla ?

(b) Is it a fact that there have been a number of cases of small-pox, typhoid and other such diseases during the current season in Simla as well as in the past few years owing to over-crowding in Simla ?

(c) Are Government prepared to consider the advisability of restricting the annual exodus to the proportion of a camp office consisting of the Secretaries and a few clerks not more than three from each department ?

(d) Do Government propose to consider the advisability of holding the next Simla Session (September, 1938) in New Delhi ?

(e) Are Government aware of the great inconvenience and hardship to Honourable Members of this House owing to want of accommodation ?

Mr. R. F. Mudie : I would refer the Honourable Member to the reply given by Sir Frank Noyce to the Honourable Member's starred question No. 601 in this House on the 9th March, 1937. No decision inconsistent with that reply has since been taken.

CERTAIN FACILITIES TO MR. AMIR HAIDER KHAN DETAINED UNDER REGULATION III OF 1818.

935. ***Mr. Shani Lal :** (a) Will the Honourable the Home Member be pleased to state whether Mr. Amir Haider Khan was arrested at Madras three years ago, was detained without trial under Regulation III of 1818 at Rajamandri Jail and is now in Muzaffargarh sub-jail ?

(b) Is he allowed to correspond with his friends ?

(c) Is it a fact that a letter addressed by Babu Shri Niwas Rao, Secretary, Madras Congress Socialist Party to Mr. Khan, was withheld and not delivered to Mr. Khan ?

(d) What is the state of health of Mr. Khan ?

(e) Is not Muzaffargarh very hot and the temperature sometime 120 degrees ?

(f) Is it a fact that Mr. Khan's original weight was 135 pounds, that it came down to 120 pounds in Rajamundri and has gone down further to 111 pounds in Muzaffargarh sub-jail ?

[Sir Saiyid Sultan Ahmad.]

Then, my friend put to me supplementaries yesterday—"with reference to the answer to clause (j) of the question and the information that he gave that Government have given no pledges whatever, I will not pursue the matter now as it is not brought up at question time,—I am asking whether Government have definitely refused now to commit themselves to take the verdict of the House before they come to any agreement with Great Britain;—and my answer was—Government have not come to any conclusion whether they will consult or abstain from consulting the Assembly.

Mr. President (The Honourable Sir Abdur Rahim) : The motion says : "The refusal of the Government to give an undertaking that they will abide by the verdict of or even consult the Assembly before coming to any decision...."

The Honourable Sir Saiyid Sultan Ahmad : I was further asked :

"Since we are drawing to the close of the session, I am asking in the terms of the question whether Government definitely refuse to give an undertaking to this House that, before they come to any conclusion they will consult and take the verdict of the House?"

My answer was :

"I am afraid I must repeat my answer—I can give no further information. Government have not come to any conclusion whether they will consult or abstain from consulting the Assembly."

Last year about this very time....

Mr. President (The Honourable Sir Abdur Rahim) : The Honourable Member should not enter into a discussion of the merits.

The Honourable Sir Saiyid Sultan Ahmad : No. Last year, Seth Govind Das put a question to the then Commerce Member—No. 701—with respect to these negotiations. The question was :

"Whether, and if so, when this House will discuss the merits of the negotiations conducted by Government and whether any opportunity will be afforded to this House for the scrutiny of the principles involved, before committing the country, whether provisionally or finally, to the terms of trade relationship?"

The answer was :

"The Government of India are under no constitutional obligation to place before the House for discussion the terms of a trade agreement before it is concluded."

Then question No. 15 put to me on the 23rd August of this year was this :

"Will the Honourable the Commerce Member be pleased to state whether the proposals of the Government of India will be placed before the Assembly for an expression of its opinion before any commitments are undertaken by the Government of India : and if so, when?"

My answer was :

"The Honourable Member's attention is invited to the reply given to part (f) of Seth Govind Das's starred question No. 701 on the 29th September, 1936."

Then, I was further pursued by Mr. Avinashilingam Chettiar who asked :

"May I know whether it will be placed before the House before it is ratified?"

My answer was, "No."

MOTION FOR ADJOURNMENT.

Then a further question was put to me, and I said :

"It depends entirely on whether there is an agreement or not. We will wait and see. We cannot come to any conclusion at present. The Government of India are not in a position to come to any decision about it. The negotiations are going on and we must see whether there is an agreement or not. Then and then alone can we come to some decision."

Further, in answer to another supplementary question I said :

"I have answered the question by saying that it is the responsibility of the Government of India, and they will come to certain conclusion. It may be before or after and they do not like to commit themselves at all at present. It is their responsibility and they will discharge that responsibility when the agreement is arrived at or even when there is no agreement."

Then you put to me a question :

"But will they consult the House before the decision is arrived at?"

My answer was :

"Not necessarily, Sir."

Since that date, there was a Resolution tabled on the 10th September, 1937, to this effect. The Resolution was tabled by Mr. Sham Lal. The Resolution ran :

"This Assembly recommends to the Governor General in Council that they should conclude no further Indo-British Trade Agreement or any trade agreement of a similar nature without consulting and ascertaining the verdict of the Assembly."

This was allowed to lapse.

Some Honourable Members : No, no. It was not reached.

The Honourable Sir Saiyid Sultan Ahmad : Sir, I submit that this matter was the subject matter of questions and supplementaries twice over, and the answers given at that time were the same as those which I gave yesterday, namely, that Government have come to no decision about it and Government will not commit themselves at present. On the 29th September, 1936, the then Commerce Member distinctly stated on the floor of this House that it was the responsibility of the Government and Government alone, and I stated on the 23rd August this year in answer to questions and supplementaries that Government have come to no conclusion, that they will wait and see and that they do not propose to come to any conclusion at all. Then, this Resolution was tabled for discussion, but whether it was reached or not is immaterial. My first submission is that this motion is barred, because the matter had already been before the House for full one year, or at any rate, since the 23rd August of this year....

Mr. President (The Honourable Sir Abdur Rahim) : You mean it is not urgent?

The Honourable Sir Saiyid Sultan Ahmad : Yes, that it is not urgent. There is no question of a recent event at all. It was the subject matter of questions and answers previously. For the last one year, we have taken up that attitude, and I repeated that yesterday.

Mr. S. Satyamurti (Madras City : Non-Muhammadan Urban) : I do not now go into the question whether Government have given any pledges in this matter or not. When this motion is allowed and discussed, that point will be dealt with. But now the question is simply one of urgency. In regard to questions and answers yesterday, my

Lieut. Colonel A. E. B. Parsons : The answer is—If they are made, they will be paid for out of central revenues.

Mr. T. S. Avinashilingam Chettiar : I want to know whether they are contributed out of defence expenditure?

Lieut. Colonel A. E. B. Parsons : There is no money contributed at present.

Mr. T. S. Avinashilingam Chettiar : Whenever a road is made, from what funds is the money found?

Lieut. Colonel A. E. B. Parsons : That is hypothetical.

(b) WRITTEN ANSWERS.

PERCENTAGE OF MUSLIMS IN THE MILITARY ENGINEERING SERVICES IN THE NORTH-WEST FRONTIER PROVINCE.

939. ***Maulana Zafar Ali Khan :** (a) Will the Honourable the Home Member please state whether any ratio has been fixed for the Muslims in the Military Engineering Service; if so, what percentage has been so fixed?

(b) Is there any all India representation fixed for Muslims in the Military Engineering Service or does it vary from Province to Province?

(c) Has any percentage been fixed for Muslims in the North-West Frontier Province?

Mr. C. M. G. Ogilvie : (a) Yes. A minimum of 25 per cent. has been fixed for Muslims in the Military Engineer Services.

(b) The communal representation for Muslims in the Military Engineer Services is fixed on an all-India basis.

(c) No.

INADEQUATE REPRESENTATION OF MUSLIMS IN THE MILITARY ENGINEERING SERVICE IN THE NORTH-WEST FRONTIER PROVINCE.

940. ***Maulana Zafar Ali Khan :** (a) Will the Honourable the Home Member please state what is the total number of persons employed by the Military Engineering Service in various grades in the North-West Frontier Province and how many of these are Muslims?

(b) Why is the Muslim representation so utterly inadequate in a Province where they constitute 95 per cent. of the population?

(c) What steps do Government propose to take to redress this wrong?

Mr. C. M. G. Ogilvie : (a) The Military Engineer Services establishments are not fixed by Provinces but by Commands. From the latest returns the number of persons employed in the Military Engineer Services in Northern Command is 453 of which 135 are Muslims.

(b) Muslim representation in the Military Engineering Service is 25 per cent. on an all-India basis and not on a Provincial basis. In Northern Command the number of Muslims actually employed is 59 per cent. of the establishment.

(c) Does not arise.

FORMATION OF A UNIVERSITY TRAINING CORPS FOR THE ANNAMALAI UNIVERSITY.

941. ***Mr. C. N. Muthuranga Mudaliar :** (a) With reference to the answer to starred question No. 695, asked on the 19th March, 1937, will the Defence Secretary be pleased to state whether the officer in charge of Headquarters, Southern Command, has resubmitted the application of the Annamalai University for permission to form a University Training Corps?

(b) What orders have been passed thereon by the Government of India?

(c) If the application has not yet been returned by the officer in charge of Headquarters, Southern Command, do Government propose to remind him to expedite its return and pass orders on the same?

Mr. C. M. G. Ogilvie : (a) No.

(b) Does not arise.

(c) I refer the Honourable Member to the reply given by my predecessor to parts (a) and (b) of Mr. S. Satyamurti's starred question No. 570 of the 8th March, 1937.

MOTION FOR ADJOURNMENT.

TRADE AGREEMENT WITH GREAT BRITAIN.

Mr. President (The Honourable Sir Abdur Rahim) : I have received notice of an adjournment motion from Mr. Satyamurti to this effect—that the House do now adjourn to consider a definite matter of urgent public importance, namely, the refusal of the Government to give an undertaking that they will abide by the verdict of or even consult the Assembly before coming to any decisions on a Trade Agreement with Great Britain, as a result of the present Indo-British talks to replace the Ottawa Agreement.

Is there any objection?

The Honourable Sir Saiyid Sultan Ahmad (Member for Commerce and Railways) : Yes, Sir. I submit, it is not a matter of urgent public importance. A question was put to me yesterday to this effect—No. 880 (j), whether, before concluding any agreement with Great Britain on this and other allied matters, Government will fulfil their pledges to the House and take the verdict of the House and act accordingly, if not, why not. The answer I gave was—(j). The Honourable Member is referred to the replies given by me to part (e) of his own starred question No. 15 and its supplementaries in this Session. Government have given no pledges whatsoever.

[Mr. S. Satyamurti.]

Honourable friend did not read the further questions and answers, which I seek your leave to read. My Honourable friend said in answer to my question : " whether Government definitely refuse to give an undertaking to this House that, before they come to any conclusion, they will consult, and take the verdict of the House,—my Honourable friend said : " I am afraid I must repeat my answer—I can give no further information. Government have not come to any conclusion whether they will consult or abstain from consulting the Assembly." Then, I asked :

" May I know, in view of the fact that the Session is concluding in a week or so, and we shall not meet again till the last week in January or thereabouts, whether Government propose to await the decision of this question till the Assembly meets ? "

It was only yesterday and the Government definitely refused to give an undertaking to consult the Assembly either now, or when it meets later. The point is this. With reference to the earlier question and answer to which my Honourable friend referred, where his predecessor gave an answer, and also with reference to the question of the 23rd August this year, the position of the Government was indefinite.

Mr. President (The Honourable Sir Abdur Rahim) : No. Their position was that they are not bound to consult the Assembly.

Mr. S. Satyamurti : But on the specific question as to whether they are going to consult the Assembly.....

Mr. President (The Honourable Sir Abdur Rahim) : But the question whether Government are bound to consult the Assembly is still more important. They said that they were not bound to consult. If your case is that they ought to consult the House, then the motion would have been in order at once.

Mr. S. Satyamurti : That is not the point I am raising. If they are constitutionally bound there is no need for an adjournment motion ; they can do nothing, without consulting the House. If our constitution demands and requires that they should consult us, there is no need for any non-official Member taking the initiative in the matter. It then becomes their responsibility to come to us and take our verdict.

Mr. President (The Honourable Sir Abdur Rahim) : It depends on whether they want to consult the House or not.

Mr. S. Satyamurti : I perfectly agree. The Government took the view till yesterday, and even yesterday, that they have not yet made up their minds whether to consult or not.

Mr. President (The Honourable Sir Abdur Rahim) : That is more a concession than anything else.

Mr. S. Satyamurti : I am very grateful for the concession, but that is neither here nor there, if I may say so respectfully. The question I am seeking to raise is this. I want the House to have an opportunity of telling the Government, if it so desires, that in its opinion Government ought to consult the House before coming to any decision on this question.

Mr. President (The Honourable Sir Abdur Rahim) : That ought to have been done long ago.

Mr. S. Satyamurti : May I submit that the answer of last year was more or less academic ! It was only this year that actual negotiations started, and after that, the Honourable the Commerce Member, in answer to your question from the Chair on the 23rd August, 1937, said, " Not necessarily ". What he says now is : " We may or we may not consult ". Moreover, he had said in answer to an earlier question that the negotiations may or may not be over ; but I was hoping that before the Session ended, there will be a possibility of the Government making a statement before the House on the conclusion of these negotiations. These negotiations, admittedly, Mr. President, have been much more protracted than they were expected to be. We asked questions. We were told that the Indian Trade Delegates are leaving, and that there was a deadlock with regard to jute or textiles. We knew nothing about it.

Mr. President (The Honourable Sir Abdur Rahim) : The Honourable Member ought to have come up much earlier.

Mr. S. Satyamurti : I was hoping till yesterday that Government would make a statement and it is only yesterday, I admit it was an unreasonable hope, that in view of the fact that our Delegates have been in England since April or May last.....

Mr. President (The Honourable Sir Abdur Rahim) : The question is whether they ought to consult the House or not and they refused to commit themselves.

Mr. S. Satyamurti : They never definitely refused to consult us. The position became urgent only yesterday, when the Government made a statement that they had not made up their mind whether to consult this House or not. The negotiations are not over, and the Session is rapidly coming to a close, and the urgency of the matter arises in this way. The negotiations will be over after we adjourn and the Government may conclude an agreement before we meet in January. That is the real danger of the situation. We were hoping till yesterday that an opportunity would be given to the House to pronounce its opinion on these negotiations. Owing to factors, in regard to which we have no knowledge, they have been protracted longer than we expected, and between now and January the whole thing will be over. I submit the House is entitled to an opportunity of having its say.....

Mr. President (The Honourable Sir Abdur Rahim) : I have got to apply the rules.

Mr. S. Satyamurti : The urgency arose yesterday, when the Government told us that they did not expect that the negotiations will conclude before the end of the Session.....

Mr. President (The Honourable Sir Abdur Rahim) : I follow your argument.

Mr. S. Satyamurti : and I only want them to consult us before coming to a decision.

Mr. President (The Honourable Sir Abdur Rahim) : I must rule this motion out of order. Although the subject is one of great importance, the attitude taken up by the Government is not a new one and, as far back as 25th September, 1936, they told the House that they themselves had the entire responsibility as to whether they will consult the House

[Mr. President.]

or not and that they were not bound to consult the House. All that happened yesterday was that the Government spokesman said that the Government had not come to any conclusion one way or the other. Even on the 23rd August, Government had made their own position perfectly clear. The motion is not, therefore, urgent within the meaning of the rules, and I rule it out of order.

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, at its meeting held on the 28th September, 1937, agreed without any amendment to the following Bills which were passed by the Legislative Assembly at its meetings held on the 25th and 26th August, 1937, namely :

1. A Bill to extend the Petroleum Act, 1934, to Berar ;
2. A Bill to provide for the continuance in force of certain rules and regulations ; and
3. A Bill to empower the Federal Court to make rules for regulating the service of processes issued by the Court.

THE INSURANCE BILL.

Mr. President (The Honourable Sir Abdur Rahim) : The House will now resume consideration of the Insurance Bill. The amendment under discussion is No. 852 on the main list. Dr. Banerjea.

Dr. P. N. Banerjea (Calcutta Suburbs : Non-Muhammadian Urban) : I finished my speech yesterday.

Mr. Bhulabhai J. Desai (Bombay Northern Division : Non-Muhammadian Rural) : This amendment stood over yesterday in order to see whether a mutual agreement could be arrived at with regard to the working capital of Mutual Insurance Companies and Co-operative Insurance Societies. I understand that Mr. Sen has given notice of amendments which I believe will commend themselves to the House. In view of that, I hope Dr. Banerjea will withdraw his amendment in favour of Mr. Sen's amendment.

The Honourable Sir Nripendra Sircar (Law Member) : The House was good enough to allow this matter to be adjourned with a view to seeing if there could be an arrangement between the different sections of the House holding different views. We had a consultation today. There were present Mr. S. C. Sen, representing the views of the Government, the Congress Party and Mr. Maitra representing Dr. Banerjea's Group.

Mr. President (The Honourable Sir Abdur Rahim) : Has this been circulated to all the Members ?

The Honourable Sir Nripendra Sircar : The agreement was reached only at 12 o'clock today, and I understand that, if the House would only know what the terms are, they may not insist on circulation.

Mr. President (The Honourable Sir Abdur Rahim) : I must insist that it should be circulated. I don't know if Government have got enough copies.

The Honourable Sir Nripendra Sircar : No, Sir. We have got only six copies. We cannot circulate it before ; we hope to be ready at half past two. But this will mean that all these three sections have got to remain pending because they are all connected, and we have come to an arrangement which covers 86, 88 and 89. They really dispose of the whole of that chapter which ends with 92 and begins at 86.

Mr. President (The Honourable Sir Abdur Rahim) : Very well. They will be taken up later. In the meantime, they must be circulated.

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

" That clause 90 stand part of the Bill."

The motion was adopted.

Clause 90 was added to the Bill.

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

" That clause 91 stand part of the Bill."

Mr. N. V. Gadgil (Bombay Central Division : Non-Muhammadian Rural) : Sir, I move :

" That in clause 91 of the Bill, after the words ' Mutual Insurance Company ' the words ' and Co-operative Insurance Society ' be inserted."

Sir, I move.

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

" That in clause 91 of the Bill, after the words ' Mutual Insurance Company ' the words ' and Co-operative Insurance Society ' be inserted."

The Honourable Sir Nripendra Sircar : We accept that, Sir.

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

" That in clause 91 of the Bill, after the words ' Mutual Insurance Company ' the words ' and Co-operative Insurance Society ' be inserted."

The motion was adopted.

Mr. Thirumala Rao (East Godavari and West Godavari *cum* Kistna : Non-Muhammadian Rural) : Sir, I move :

" That in the proviso to clause 91 of the Bill, for the words ' similar publication shall be made in two newspapers of that province ' the following be substituted :

' publication of balance sheet, revenue account and notice of the meetings shall be made in a newspaper or newspapers published in the principal languages of that province and circulated therein '."

Sir, there are about eight or nine principal vernaculars, and it is expected that by this amendment reasonable publicity will be secured for the balance-sheet and other important items that policy-holders are expected to know. Sir, I move.

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

"That in the proviso to clause 91 of the Bill, for the words 'similar publication shall be made in two newspapers of that province' the following be substituted :

'publication of balance sheet, revenue account and notice of the meetings shall be made in a newspaper or newspapers published in the principal languages of that province and circulated therein'."

Mr. T. Chapman-Mortimer (Bengal : European) : Sir, I regret to have to oppose this amendment. On the face of it it sounds quite a reasonable proposal that the balance-sheet and revenue account should be published in the principal languages of the province as well as in English. But, Sir, I understand there are very serious difficulties, especially for one or two of the larger societies that will be affected. There is also the obvious difficulty of knowing which languages in a province are the principal languages. In Madras for example there are a number of principal languages. If it were to read "one of the principal languages of British India", there might be some point in it, but as it is this is an imposition on the company which is unnecessary and would act unfairly in certain circumstances.

Mr. M. Ananthasayanam Ayyangar (Madras ceded Districts and Chittoor : Non-Muhammadan Rural) : Sir, we have tried to make this provision much more easy to Mutual Societies and Mutual Co-operative Societies than the provision which is made in the present Bill, for the present provision is that the balance-sheet, the revenue accounts and a lot of other documents filed, should be published in one English newspaper and also in a principal vernacular paper circulating in the province. Now, by this amendment, we have removed the necessity of publishing it in an English newspaper because the majority of the policy-holders know one or other of the local languages and their publication in an English newspaper is not necessary. In its place we have said that it must be in one or more principal languages of the province. There may be 220 languages in this country but the principal languages are only eight or nine. In Madras there are Tamil, Telugu and Malayalam and Kanarese is common to both the Madras Presidency and to Bombay. In Bombay the other two vernacular languages are Gujarati and Marathi and Hindi is also there. With Urdu in addition we cover the whole of India and there is Bengali in the East of India. With these nine languages we complete the rest of India.

An Honourable Member : What about Assam ?

Mr. M. Ananthasayanam Ayyangar : Assam is also Bengali-speaking, and Bengali is known both to Oriyas and indigenous Assamese. If there are only a few policy-holders in the province, he need not publish it in a newspaper ; this is not obligatory, it is only optional. Therefore, this is intended to enable Mutual Societies which have a number of policy-holders all over the country to curtail their expenditure. It would be quite unnecessary to publish the various documents to which nobody would pay any attention. This is more economical. We have, in a later clause, insisted upon the publication of the balance-sheet and the revenue accounts but not the other documents. Therefore, in the interests of Mutual Co-operative Societies, I commend this to the acceptance of the House.

Mr. M. S. Anay (Berar : Non-Muhammadan) : Will you omit the revenue account ?

Mr. M. Ananthasayanam Ayyangar : The balance-sheet and revenue accounts must be included.

The Honourable Sir Nripendra Sircar : Sir, I have no objection to accept the amendment.

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

"That in the proviso to clause 91 of the Bill, for the words 'similar publication shall be made in two newspapers of that province' the following be substituted :

'publication of balance sheet, revenue account and notice of the meetings shall be made in a newspaper or newspapers published in the principal languages of that province and circulated therein'."

The motion was adopted.

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

"That clause 91, as amended, stand part of the Bill."

The motion was adopted.

Clause 91, as amended, was added to the Bill.

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

"That clause 92 stand part of the Bill."

The Honourable Sir Nripendra Sircar : Sir, there is a consequential amendment to be made in this clause. I move :

"That after the word 'Company', in the first line, the following be added :

'and Co-operative Insurance Society'."

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

"That after the word 'Company', in the first line, the following be added :

'and Co-operative Insurance Society'."

The motion was adopted.

Mr. M. Ananthasayanam Ayyangar : Sir, a further consequential amendment is also necessary. I move :

"That after the figures '1913', in line 5, add the words :

'or to the Registrar of Co-operative Societies of the province in which the Co-operative Insurance Society is registered'."

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

"That after the figures '1913', in line 5, add the words :

'or to the Registrar of Co-operative Societies of the province in which the Co-operative Insurance Society is registered'."

The motion was adopted.

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

"That clause 92, as amended, stand part of the Bill."

The motion was adopted.

Clause 92, as amended, was added to the Bill.

Sir Cowasji Jehangir (Bombay City : Non-Muhammadan Urban) : Sir, before you go to clause 93, would you not like to take up clauses 1 to 9 and deal with the amendments left over ?

The Honourable Sir Nripendra Sircar : I have no objection. If my Honourable friend will suggest suitable words to be added, he can move it as an amendment.

Mr. M. Ananthasayanam Ayyangar : I will draft an amendment.

Mr. T. Chapman-Mortimer : Sir, while we are waiting for the Honourable Member to draft his amendment, I should like to draw attention to a point here which may give rise to obscurity in the case of non-Indian insurers. I suggest that in the amendment the words "in British India" should be inserted after the words "place of business", in order to clarify the position.

Mr. M. Ananthasayanam Ayyangar : Sir, I move :

"That in the amendment (No. 41) moved by Mr. Sen (in supplementary list No. 1), in line 4, after the word 'insurer' the words 'or any person who is liable under section 36 (2)' be inserted."

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

"That in the amendment (No. 41) moved by Mr. Sen (in supplementary list No. 1), in line 4, after the word 'insurer' the words 'or any person who is liable under section 36 (2)' be inserted."

The motion was adopted.

Mr. T. Chapman-Mortimer : Sir, I beg to move :

"That in the proposed clause 97A, after the words 'principal place of business' the words 'in British India' be inserted."

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

"That in the proposed clause 97A, after the words 'principal place of business' the words 'in British India' be inserted."

The motion was adopted.

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

"That the proposed clause 97A, as amended, stand part of the Bill."

The motion was adopted.

New clause 97-A, as amended, was added to the Bill.

Clauses 98 and 99 were added to the Bill.

Mr. S. C. Sen : Sir, I beg to move :

"That after clause 99 of the Bill, the following new clause be inserted :

'99A. An appeal shall lie to the Court having jurisdiction from any of the Appeals. following orders, namely :

- (a) an order under section 3 refusing to register or cancelling the registration of an insurer ;
- (b) an order under section 4 directing the insurer to change his name ;
- (c) an order under section 37 cancelling the license issued to an agent ;
- (d) an order under section 65 refusing to register an amendment of rules ;
- (e) an order under section 77 directing an enquiry by an auditor or actuary ; or
- (f) an order made in the course of the winding up or insolvency of an insurer or a provident society."

This is a comprehensive clause for giving a right of appeal against the various important orders from which we consider that an appeal should lie. Sir, I move.

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

"That after clause 99 of the Bill, the following new clause be inserted :

'99A. An appeal shall lie to the Court having jurisdiction from any of the Appeals. following orders, namely :

- (a) an order under section 3 refusing to register or cancelling the registration of an insurer ;
- (b) an order under section 4 directing the insurer to change his name ;
- (c) an order under section 37 cancelling the license issued to an agent ;
- (d) an order under section 65 refusing to register an amendment of rules ;
- (e) an order under section 77 directing an enquiry by an auditor or actuary ; or
- (f) an order made in the course of the winding up or insolvency of an insurer or a provident society."

Mr. Bhulabhai J. Desai : Sir, I merely wish to know whether this is an omission : in some place it should be provided that the Court having jurisdiction either under this section or the Act is the Court where the principal place of business of the insurer is situated in British India or words to that effect : because I do not recollect any provision where the Court having jurisdiction has been defined.

The Honourable Sir Nripendra Sircar : Will not that be guided by the Civil Procedure Code as to the principal place of business ?

Qazi Muhammad Ahmad Kazmi (Meerut Division : Non-Muhammadan Rural) : The defendant will be the Superintendent.

The Honourable Sir Nripendra Sircar : The Superintendent will not be the defendant.

Mr. Bhulabhai J. Desai : In cancellation : otherwise, I do not know who will be the defendant.

The Honourable Sir Nripendra Sircar : Is any special provision wanted ?

Mr. Bhulabhai J. Desai : I think so. With great respect, the point is this : unless this Act defines how the jurisdiction is to be determined, there is no other provision : I know there is a general provision in the Civil Procedure Code that all proceedings under any Act shall be governed by it. But I have found one or two decisions in which it is said that it does not refer to the jurisdiction section : it merely refers to proceedings. In every Act that I know of, wherever any penalty or procedure is provided, the provision has to be made what Court has jurisdiction in the matter.

Mr. S. C. Sen : May I suggest, Sir, that by way of explanation we shall add, that for the purposes of this section the Court, having jurisdiction under this section, shall be the Court at which the principal place of business of the insurer is situated.

The Honourable Sir Nripendra Sircar : It was ordered by the Chair yesterday that, only after this Chapter has been finished, will the amendments to those clauses which were left over be taken up.

Mr. President (The Honourable Sir Abdur Rahim) : It was the general agreement that we should finish this chapter and then go back to the clauses left over. The question is :

"That clause 93 stand part of the Bill."

Mr. T. Chapman-Mortimer : Sir, I beg to move :

"That at the beginning of sub-clause (1) of clause 93 of the Bill, the words 'except as otherwise provided in this Act' be inserted."

Sir, this is necessary in view of the fact that the punishment by fines differs in different sections of the Act. I would draw the attention of Honourable Members to the penal provisions, for example in clauses 94 and 95 and also in other clauses. Sir, I move.

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

"That at the beginning of sub-clause (1) of clause 93 of the Bill, the words 'except as otherwise provided in this Act' be inserted."

The Honourable Sir Nripendra Sircar : I accept the amendment.

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

"That at the beginning of sub-clause (1) of clause 93 of the Bill, the words 'except as otherwise provided in this Act' be inserted."

The motion was adopted.

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

"That clause 93, as amended, stand part of the Bill."

The motion was adopted.

Clause 93, as amended, was added to the Bill.

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

"That clause 94 stand part of the Bill."

Sir H. P. Mody (Bombay Millowners' Association : Indian Commerce) : Sir, I beg to move :

"That to clause 94 of the Bill, the following proviso be added :

'Provided that nothing in this section shall apply to the business of reinsurance between the head office of an insurer in British India and the head office of an insurer not having an office in British India'."

Sir, it not infrequently happens that insurance companies find difficulty in placing reinsurance business with companies registered in British India. It is necessary, therefore, that the words of section 94 should not be held to include reinsurance business, because otherwise, the normal transaction of business would become impossible. It is with that idea of making clear that insurance business does not mean re-insurance business that I am seeking to add this proviso to clause 94. Sir, I move.

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

"That to clause 94 of the Bill, the following proviso be added :

'Provided that nothing in this section shall apply to the business of reinsurance between the head office of an insurer in British India and the head office of an insurer not having an office in British India'."

Mr. S. C. Sen (Government of India : Nominated Official) : We accept the amendment.

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

"That to clause 94 of the Bill, the following proviso be added :

'Provided that nothing in this section shall apply to the business of reinsurance between the head office of an insurer in British India and the head office of an insurer not having an office in British India'."

The motion was adopted.

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

"That clause 94, as amended, stand part of the Bill."

The motion was adopted.

Clause 94, as amended, was added to the Bill.

Clauses 95, 96 and 97 were added to the Bill.

Mr. S. C. Sen : Sir, I beg to move :

"That after clause 97 of the Bill, the following new clause be inserted :

'97A. Save and except where it is instituted by the Superintendent of Insurance, no proceedings under this Act against an insurer or any director, manager or other officer of an insurer shall be instituted by any person unless he has previous thereto obtained the sanction of the Advocate General of the province where the principal place of business of such insurer is situate to the institution of such proceedings'."

Sir, under the present Act we have given facilities for the institution of proceedings in many sections and in order to provide a safeguard that insurers are not needlessly harassed, we have provided this safeguard, viz., that the previous sanction of the Advocate General should be taken except in the case where the Superintendent of Insurance wants to institute proceedings. Sir, I move.

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

"That after clause 97 of the Bill, the following new clause be inserted :

'97A. Save and except where it is instituted by the Superintendent of Insurance, no proceedings under this Act against an insurer or any director, manager or other officer of an insurer shall be instituted by any person unless he has previous thereto obtained the sanction of the Advocate General of the province where the principal place of business of such insurer is situate to the institution of such proceedings'."

Mr. M. Ananthasayanam Ayyangar : Sir, under the section regarding prohibition of rebates, the person who receives as also the person who pays rebates are both liable to prosecution. The person who pays comes under this. Why not bring within it also the person who receives rebates ?

Mr. K. Santhanam (Tanjore cum Trichinopoly : Non-Muhammadian Rural) : I have got another doubt which may also be cleared. All the orders, except the last, are orders of the Superintendent of Insurance : I do not know whether the last is the order of the liquidator or of the Court. It must be made clear.

The Honourable Sir Nripendra Sircar : This is an order of the liquidator.

Mr. K. Santhanam : It may be made clear.

The Honourable Sir Nripendra Sircar : No one else can make that order. If the Court makes an order, that is appealable without our help.

Pandit Lakshmi Kanta Maitra (Presidency Division : Non-Muhammadian Rural) : Sir, I am glad, that provision has been made for appeal against certain orders of the Superintendent of Insurance in certain cases. Will this order of the Court be deemed as a decree within the meaning of the Civil Procedure Code, so that there may be further appeal or revision in the High Court above ? Though it is characterised as decision in appeal, to all intents and purposes it is an order of the Court and if that order is treated as a decree within the meaning of the Civil Procedure Code, then there will be right of further appeal and revision. Supposing for example a case is taken in the District Court of Ganjam, where the place of business of the insurer is situated, after the Superintendent of Insurance has made an order : if the District Court passes an order, I want that that order should be appealable to the High Court, by way of second appeal or that there should be revision.

The Honourable Sir Nripendra Sircar : That is not our intention.

Pandit Lakshmi Kanta Maitra : Since you have gone so far to give a remedy to the aggrieved party you can go a step further, I hope ; and allow the aggrieved party to go to the High Court. I want a further concession in the interests of all concerned, it should be made a decree within the meaning of the Civil Procedure Code so that we may have more chances of remedy by second appeal and revision. I hope you will kindly consider this suggestion.

Mr. Surya Kumar Som (Dacca Division : Non-Muhammadian Rural) : May I suggest that in clause (c) of the proposed amendment, the words ' or revising ' should be inserted after the word ' cancelling ' ?

Mr. President (The Honourable Sir Abdur Rahim) : I cannot allow further amendments.

Pandit Lakshmi Kanta Maitra : This is a very important clause, Sir, and it requires some reconsideration.

Mr. President (The Honourable Sir Abdur Rahim) : If the clause is so very important, it ought to have struck the Honourable Members earlier and they ought to have given notice of amendments.

Pandit Lakshmi Kanta Maitra : When you have allowed so many things to stand over, Sir, you can allow this as well. This is a very important matter and requires very careful consideration of all of us.

Mr. President (The Honourable Sir Abdur Rahim) : I cannot allow it to stand over.

The Honourable Sir Nripendra Sircar : Sir, I think it was pointed out by the Honourable the Leader of the Opposition that we ought to make it clear as to what " Court " means here ; and I am moving with your permission—because it is not a controversial matter, we want only to make it clear—an explanation :

" That for the purposes of this section the Court having jurisdiction under this section will be the Court having jurisdiction in the place in British India at which the principal place of the insurer is situated."

Mr. Bhulabhai J. Desai : " For the purposes of this section " may be omitted : I think it is a repetition.

Mr. Abdul Qaiyum (North-West Frontier Province : General) : Sir, I wish to say a few words in connection with this amendment. My submission is this, according to this amendment we are providing for a right of appeal presumably to the principal Court of civil jurisdiction in the district in which the head office of the company is situate. Some of the matters which will form the subject matter of these appeals are very important matters, and there must be some provision for a further right of appeal from the order of that Court, as has been suggested by my Honourable friend, Pandit Lakshmi Kanta Maitra. It would be very unfair to leave the matter in the hands of the principal Court of civil jurisdiction. For instance, the refusal to register a company or cancelling the registration is a very important matter, and I urge that a further proviso be added whereby such orders of the original Court are treated as decrees with a right of appeal and revision to the High Court concerned.

Mr. F. E. James (Madras : European) : I support the suggestion just made by my friend opposite, and if it is not possible to prepare an amendment just at this moment, perhaps the Honourable the Law Member would give an assurance that he would consider the matter with a view to putting in suitable amendments in the other place.

The Honourable Sir Nripendra Sircar : No, no ; let us do it here. It does not require a long adjournment ; it is only eleven minutes past one now, and I shall be quite ready to come back at 1-15 with an amendment to the effect that any orders passed by the Court under this section will be deemed to have the effect of a decree under section 2 of the Civil Procedure Code, or an amendment on some other lines, the idea being that appeals may lie from the judgment of a District Court to a High Court. Possibly in the High Court it may mean a judgment in which case there will be an appeal but to make the point clear,—it requires only three minutes adjournment,—and if you are pleased to give a little time, I shall be able to come back with an amendment. This is a matter of great importance as to whether appeals should further be allowed or not.

Mr. President (The Honourable Sir Abdur Rahim) : I thought this matter was considered in the Select Committee.

Mr. Bhulabhai J. Desai : As regards the explanation, I suggest this—" for the purposes of this section the court having jurisdiction will be the court within whose local jurisdiction the principal place of business of the insurer is situate."

Mr. K. Santhanam : Sir, I want to move also that in the last clause after amendment No. 93 after the word.....

Mr. President (The Honourable Sir Abdur Rahim) : I cannot accept that now.

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

The Assembly re-assembled after Lunch at Half Past Two of the Clock, Mr. President (The Honourable Sir Abdur Rahim) in the Chair.

Mr. S. C. Sen : With reference to the two clauses which stood over before the midday adjournment, I have drafted the alterations, and may I, Sir, read them out and then hand them over to you ?

“ That the proposed new section 99A be re-numbered as 99A (1).

That the following new sub-sections be added, viz. :

(2) The Court having jurisdiction for the purposes of sub-section (1) shall be the principal Court of Civil Jurisdiction within whose local limits the principal place of business of the insurer concerned is situate.

(3) An appeal shall lie from any order made under sub-section (1) to the authority authorised to hear appeals from the decisions of the Court making the same and the decision on such appeal shall be final ’.

I have carried out the idea which was accepted on the floor of the House, namely, that there should be a right of further appeal in the nature of what we have in the Civil Procedure Code against a decision by a first court and that we should have some sort of a definition of the Court which is entitled to hear the appeal. Sir, I move.

Mr. President (The Honourable Sir Abdur Rahim) : I suppose Honourable Members are able to follow the new addition that is sought to be made to the amendment which was moved before the adjournment. The amendment will read like this. Amendment No. 893 will read :

“ That after clause 99 of the Bill, the following new clause be inserted :

‘ 99A. (1) An appeal shall lie to the Court having jurisdiction from any of the following orders, namely :

(a) an order under section 3 refusing to register or cancelling the registration of an insurer ;

(b) an order under section 4 directing the insurer to change his name ;

(c) an order under section 37 cancelling the license issued to an agent ;

(d) an order under section 65 refusing to register an amendment of rules ;

(e) an order under section 77 directing an enquiry by an auditor or actuary ;

or

(f) an order made in the course of the winding up or insolvency of an insurer or a provident society.

(2) The Court having jurisdiction for the purposes of sub-section (1) shall be the principal Court of Civil Jurisdiction within whose local limits the principal place of business of the insurer concerned is situate.

(3) An appeal shall lie from any order made under sub-section (1) to the authority authorised to hear appeals from the decisions of the Court making the same and the decision on such appeal shall be final ’.

The alteration suggested is a definition of the Court which shall have jurisdiction,—I suppose, original jurisdiction ?

Mr. S. C. Sen : Yes.

Mr. President (The Honourable Sir Abdur Rahim) : Then, an appeal is provided.

Mr. S. C. Sen : Yes.

Mr. President (The Honourable Sir Abdur Rahim) : That is all right. That is the amendment now before the House.

Pandit Lakshmi Kanta Maitra : This amendment, as it is now moved, will meet the requirements of the situation.

Other Honourable Members : Yes.

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

“ That after clause 99 of the Bill, the following new clause be inserted :

‘ 99A. (1) An appeal shall lie to the Court having jurisdiction from any of the following orders, namely :

(a) an order under section 3 refusing to register or cancelling the registration of an insurer ;

(b) an order under section 4 directing the insurer to change his name ;

(c) an order under section 37 cancelling the license issued to an agent ;

(d) an order under section 65 refusing to register an amendment of rules ;

(e) an order under section 77 directing an enquiry by an auditor or actuary ;

or

(f) an order made in the course of the winding up or insolvency of an insurer or a provident society.

(2) The Court having jurisdiction for the purposes of sub-section (1) shall be the principal Court of Civil Jurisdiction within whose local limits the principal place of business of the insurer concerned is situate.

(3) An appeal shall lie from any order made under sub-section (1) to the authority authorised to hear appeals from the decisions of the Court making the same and the decision on such appeal shall be final ’.

The motion was adopted.

Mr. S. C. Sen : As these amendments regarding clauses 86, 88 and 89 have been circulated, may I have your leave to move them ?

Mr. President (The Honourable Sir Abdur Rahim) : Yes.

Mr. S. C. Sen : I move :

“ That in sub-clause (b) of clause 86 of the Bill, after the word ‘ co-operative ’ occurring in the first line the word ‘ Life ’ be inserted.”

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

“ That in sub-clause (b) of clause 86 of the Bill, after the word ‘ co-operative ’ occurring in the first line the word ‘ Life ’ be inserted.”

The motion was adopted.

Mr. S. C. Sen : I move :

“ That in sub-clause (b) of clause 86 of the Bill, as amended, after the words ‘ Co-operative Societies ’ where they occur for the second time, the words ‘ which carry on business in life insurance and ’ be inserted.”

This is consequential to the first one which has just been passed.

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

" That in sub-clause (b) of clause 86 of the Bill, as amended, after the words ' Co-operative Societies ' where they occur for the second time, the words ' which carry on business in life insurance and ' be inserted."

Dr. P. N. Banerjee : There must be some misprint somewhere. ' Co-operative Insurance Society ' means an insurer being a society registered under the Co-operative Societies Act.....

Mr. S. C. Sen : May I explain ? Yesterday we have carried an amendment as a result of which after " 1912 " the provision for Acts passed by Provincial Legislatures have been introduced.

Dr. P. N. Banerjee : That is all right.

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

" That in sub-clause (b) of clause 86 of the Bill, as amended, after the words ' Co-operative Societies ' where they occur for the second time, the words ' which carry on business in life insurance and ' be inserted."

The motion was adopted.

Mr. S. C. Sen : I move :

" That in sub-clause (b) of clause 86 of the Bill, after the words ' share capital ' the words ' on which dividend or bonus is payable ' be inserted."

This is to meet the point which was raised under the Co-operative Societies Act, namely, that they may have share capital but no bonus or dividend is payable in respect thereof. Sir, I move.

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

" That in sub-clause (b) of clause 86 of the Bill, after the words ' share capital ' the words ' on which dividend or bonus is payable ' be inserted."

The motion was adopted.

Mr. M. Ananthasayanam Ayyangar : I move :

" That in clause 86 (b) of the Bill, after the word ' only ' the words ' and all ' be inserted."

Mr. S. C. Sen : We accept this amendment.

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

" That in clause 86 (b) of the Bill, after the word ' only ' the words ' and all ' be inserted."

The motion was adopted.

Mr. Thirumala Rao : I beg to move :

" That to clause 86 (b) of the Bill, the following proviso be added :

' Provided that any co-operative life insurance society in existence at the commencement of this Act shall be allowed a period of one year to re-organise itself in accordance with the provisions of this Act '."

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

" That to clause 86 (b) of the Bill, the following proviso be added :

' Provided that any co-operative life insurance society in existence at the commencement of this Act shall be allowed a period of one year to re-organise itself in accordance with the provisions of this Act '."

The Honourable Sir Nripendra Sircar : What is the reorganisation ?

Mr. Thirumala Rao : There is some share capital in the present societies. For instance, in Madras, there is a Madras Provincial Bank which has thousands of rupees towards share capital in the co-operative insurance society. Some time must be given for these societies to refund the share capital if it is a large amount. In order to help these societies to come into line with the present Act, some time must be given to them to make the necessary adjustments.

Dr. P. N. Banerjee : I support this amendment. The co-operative societies have borrowed moneys by issuing debentures which under the present Bill will have to be paid back to the debenture-holders. That will take some time. This means re-organisation. I hope the Government will accept this amendment. Otherwise the co-operative societies will be put to very great difficulties.

The Honourable Sir Nripendra Sircar : Does this amendment mean that they shall be allowed one year for complying with the provisions of this Act.

Mr. Thirumala Rao : That is the idea.

The Honourable Sir Nripendra Sircar : Then I suggest that the words ' for complying ' be substituted for ' to re-organize itself in accordance '.

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

" That to clause 86 (b) of the Bill, the following proviso be added :

' Provided that any co-operative life insurance society in existence at the commencement of this Act shall be allowed a period of one year for complying with the provisions of this Act '."

The motion was adopted.

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

" That clause 86, as amended, stand part of the Bill."

The motion was adopted.

Clause 86, as amended, was added to the Bill.

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

" That clause 88, as amended, stand part of the Bill."

Mr. S. C. Sen (Government of India : Nominated Official) : Sir, I move :

" That in clause 88 of the Bill, for the word ' twenty-five ', occurring in the sixth line, the word ' fifteen ' be substituted."

[Mr. S. C. Sen.]

The result of this amendment is that the provision for working capital in the case of mutual and co-operative societies is reduced from twenty-five thousand to fifteen thousand. Sir, I move.

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

"That in clause 88 of the Bill, for the word 'twenty-five', occurring in the sixth line, the word 'fifteen' be substituted."

Mr. M. S. Aney (Berar : Non-Muhammadian) : There is already a motion to this effect moved by Dr. Banerjea.

The Honourable Sir Nripendra Sircar : Dr. Banerjea can withdraw his motion.

Dr. P. N. Banerjea : Why should I withdraw, unless the Government want it to go on record that this is a Government amendment? I have moved and made a speech.

The Honourable Sir Nripendra Sircar : That was not intended.

Mr. President (The Honourable Sir Abdur Rahim) : Then, Mr. Sen's amendment is barred. I shall put Dr. Banerjea's amendment No. 852. The question is :

"That in clause 88 of the Bill, for the words 'twenty-five thousand rupees' the words 'fifteen thousand rupees' be substituted."

The motion was adopted.

Mr. Sri Prakasa (Allahabad and Jhansi Divisions : Non-Muhammadian Rural) : I move :

"That in clause 88 of the Bill, for the words 'deposits to be made under' the words 'deposit to be made before or at the time of application for registration in accordance with sub-section (2) of section 89 of' be substituted."

This only makes the matter clear. This refers to the initial deposit to be made at the time of registration. Similar words were amended in a similar manner in section 5 of the Bill when we were referring to insurers in general. This is only a formal sort of amendment to make the meaning clear. I hope the House will accept it.

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

"That in clause 88 of the Bill, for the words 'deposits to be made under' the words 'deposit to be made before or at the time of application for registration in accordance with sub-section (2) of section 89 of' be substituted."

Mr. S. C. Sen : We accept it.

Mr. Bhulabhai J. Desai : I should like to draw your attention to the fact that in clauses 87 and 88, wherever the words "Co-operative Insurance Society" occur, the word "life" has to be added after the word "co-operative".

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

"That in clause 88 of the Bill, for the words 'deposits to be made under' the words 'deposit to be made before or at the time of application for registration in accordance with sub-section (2) of section 89 of' be substituted."

The motion was adopted.

Mr. M. Ananthasayanam Ayyangar : Sir, I move, as a consequential amendment :

"That in clause 88, in line three, after the word 'co-operative' add the word 'life'."

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

"That in clause 88, in line three, after the word 'co-operative' add the word 'life'."

The motion was adopted.

Mr. M. Ananthasayanam Ayyangar : Sir, I move as a consequential amendment :

"That in clause 88, after the words 'Co-operative Societies Act, 1912', the following words be added :

'Or under an Act of a provincial legislature governing the registration of co-operative societies'."

This was added by an amendment yesterday, and this has to be carried out as a consequential amendment in this clause 88. Sir, I move.

Mr. President (The Honourable Sir Abdur Rahim) : The word "co-operative" occurs only once?

Mr. M. Ananthasayanam Ayyangar : Yes.

Mr. President (The Honourable Sir Abdur Rahim) : Very well.

The question is :

"That in clause 88, after the words 'Co-operative Societies Act, 1912', the following words be added :

'Or under an Act of a provincial legislature governing the registration of co-operative societies'."

The motion was adopted.

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

"That clause 88, as amended, stand part of the Bill."

The motion was adopted.

Clause 88, as amended, was added to the Bill.

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

"That clause 89 stand part of the Bill."

Mr. S. C. Sen : Sir, I move :

"That in sub-clause (2) of clause 89 of the Bill, for the word 'fifty-thousand' occurring in the fourth and eighth lines the word 'twenty-five thousand' be substituted."

Sir, the net result of this amendment is that the initial deposit in the case of Co-operative Societies and Mutual Insurance Companies is reduced from Rs. 50,000 to Rs. 25,000. I move.

Mr. President (The Honourable Sir Abdur Rahim) : Is that a consequential amendment?

Mr. S. C. Sen : It is a substantive amendment, Sir. It is in the List which, according to your directions, has been circulated.

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

“ That in sub-clause (8) of clause 89 of the Bill, for the word ‘ fifty-thousand ’ occurring in the fourth and eighth lines the word ‘ twenty-five thousand ’ be substituted.”

The motion was adopted.

Mr. M. Ananthasayanam Ayyangar : Sir, I move as a consequential amendment :

“ That in clause 89, in the second line, after the word ‘ co-operative ’, the word ‘ life ’ be inserted.”

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

“ That in clause 89, in the second line, after the word ‘ co-operative ’, the word ‘ life ’ be inserted.”

The motion was adopted.

Mr. Sri Prakasa : Sir, I move :

“ That in sub-clause (1) of clause 89 of the Bill, for the word ‘ officers ’, occurring in the fourth line, the word ‘ offices ’ be substituted.”

Sir, either it is a printer's mistake or the officers are to be trusted too much. I am not willing to trust the officers, Sir ; it is just as well that the money should be handed over to the offices. (Laughter.) I move.

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

“ That in sub-clause (1) of clause 89 of the Bill, for the word ‘ officers ’, occurring in the fourth line, the word ‘ offices ’ be substituted.”

Mr. S. C. Sen : Sir, it is the printer's mistake and we accept it.

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

“ That in sub-clause (1) of clause 89 of the Bill, for the word ‘ officers ’, occurring in the fourth line, the word ‘ offices ’ be substituted.”

The motion was adopted.

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

“ That clause 89, as amended, stand part of the Bill.”

The motion was adopted.

Clause 89, as amended, was added to the Bill.

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

“ That clause 100 stand part of the Bill.”

Mr. S. Satyamurti (Madras City : Non-Muhammadan Urban) : Sir, I move :

“ That in line six of sub-clause (1) of clause 100 of the Bill, the word ‘ registered ’ be omitted.”

I only want to make the reference complete. This word ‘ registered ’ 3 P.M. was not in the Bill as it was originally intended ; it was put in later on. I merely want the insurer and the insured to be put on the same footing. I do not want that there should be greater obligation on the insured, than there is on the insurer. It is a very simple and business like amendment and I trust the Government and the House will accept it.

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

“ That in line six of sub-clause (1) of clause 100 of the Bill, the word ‘ registered ’ be omitted.”

Mr. S. C. Sen : Sir, we accept this amendment.

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

“ That in line six of sub-clause (1) of clause 100 of the Bill, the word ‘ registered ’ be omitted.”

The motion was adopted.

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

“ That clause 100, as amended, stand part of the Bill.”

The motion was adopted.

Clause 100, as amended, was added to the Bill.

Mr. M. Ananthasayanam Ayyangar : Sir, I beg to move :

“ That after clause 100 of the Bill, the following be inserted :

‘ 100A. Notwithstanding anything to the contrary contained in this Act an insurer carrying on the business of life insurance shall be at liberty to declare an *interim* bonus or bonuses to policy-holders whose policies mature for payment by reason of death or otherwise during the *inter-valuation* period on the recommendation of the investigating actuary made at the last preceding valuation ’.”

This new clause is necessitated by the fact that we have passed an earlier clause making it unlawful to give *interim* bonuses, that is, making it lawful to pay bonuses only after an actuarial valuation which is to take place once in five years or as often as the insurer may think fit. That does not contemplate the payment of *interim* bonuses. If during those five years anybody's claim matures, he is not to wait for five years and has to be paid immediately or the amount has to be deposited in a Court. That provision we have already made and it will be obligatory upon the insurer to make that payment, otherwise he will come under one or the other of the penal provisions. By this clause we are providing that notwithstanding the previous clause, an *interim* bonus may be declared either on the death of the individual or in other contingency by which the policy matures. Sir, I move.

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

"That after clause 100 of the Bill, the following be inserted :

'100A. Notwithstanding anything to the contrary contained in this Act an insurer carrying on the business of life insurance shall be at liberty to declare an *interim* bonus or bonuses to policy-holders whose policies mature for payment by reason of death or otherwise during the interim valuation period on the recommendation of the investigating actuary made at the last preceding valuation '."

Mr. F. E. James : May I ask a question from the Honourable Member ? What relation does his amendment bear to section 100 ? His amendment ought to have come under section 43.

Mr. M. Ananthasayanam Ayyangar : My amendment has an intrinsic connection with the whole of the insurance law.

Mr. S. C. Sen : Sir, we accept the amendment, although it appears to be in a wrong place.

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

"That after clause 100 of the Bill, the following be inserted :

'100A. Notwithstanding anything to the contrary contained in this Act an insurer carrying on the business of life insurance shall be at liberty to declare an *interim* bonus or bonuses to policy-holders whose policies mature for payment by reason of death or otherwise during the interim valuation period on the recommendation of the investigating actuary made at the last preceding valuation '."

The motion was adopted.

Dr. G. V. Deshmukh (Bombay City : Non-Muhammadan Urban) : Sir, I beg to move my amendment with a little verbal alteration which has been agreed to by the Leaders of the different Parties. I move :

"That after clause 100A of the Bill, the following new clause be added :

'100B. In cases where a definite number of premiums is payable, a policy on which all premiums have been paid for three consecutive years shall acquire a guaranteed surrender value and notwithstanding any contract to the contrary shall not lapse by reason of non-payment of further premium but shall notwithstanding such non-payment be kept alive to the extent of its paid up value.

Explanation.—(1) The paid up value above-mentioned will be such a proportionate part of the sum assured as the number of full premiums paid bears to the total number of premiums payable under the policy.

(2) A policy paid up as above will not participate in the profits of the insurer earned after such non-payment.

(3) This section will not apply where the paid up value will be less than rupees one hundred or where the parties after the default has occurred in the payment of premium agree in writing to some other arrangement '."

Sir, I do not want to take up the time of the House. I have consulted the leaders of the different Parties and they are agreeable to this amendment. Therefore, I move it for the acceptance of the House.

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

"That after clause 100A of the Bill, the following new clause be added :

'100B. In cases where a definite number of premiums is payable, a policy on which all premiums have been paid for three consecutive years shall acquire a guaranteed surrender value and notwithstanding any contract to the contrary shall not lapse by reason of non-payment of further premium but shall notwithstanding such non-payment be kept alive to the extent of its paid up value.

Explanation.—(1) The paid up value above-mentioned will be such a proportionate part of the sum assured as the number of full premiums paid bears to the total number of premiums payable under the policy.

(2) A policy paid up as above will not participate in the profits of the insurer earned after such non-payment.

(3) This section will not apply where the paid up value will be less than rupees one hundred or where the parties after the default has occurred in the payment of premium agree in writing to some other arrangement '."

Mr. T. Chapman-Mortimer : Sir, I regret to have to oppose this amendment even with the words inserted in the beginning, namely, "in case where a definite number of premiums is payable". Even then I submit,—and I hope the House will believe me when I say it—that it is unworkable in practice because there are types of policies where in fact you have no surrender value and cannot have a surrender value. I myself happen to have a policy wherein, before the end of ten years, I have to exercise certain options on that policy. But then if it lapses I lose actually everything. That is the condition under which you take that type of policy and such a type of policy would be ruled out by this amendment. It is a life policy on which I have certain options up to a certain limited period. That type of policy is this. Say it is a ten-year policy. At the end of five years, you have got a chance of exercising your option. If you exercise that option, then you have to increase the amount of premium that you pay and you continue to pay the rate of premium that would be payable in any case, on an ordinary endowment policy taken out with that same company at the same age as when you convert it. If, on the other hand, you do not exercise the option and you do not die within ten years, then at the end of the time, the policy is finished. You have got no rights whatsoever. Why should you have any rights at all ? You paid very much lower premium for the benefit of having your life covered during those ten years. Now, Sir, such a policy would be ruled out straightway by this amendment. Then again, what do we find in the explanation ? It says, 'a policy paid up as above will not participate in the profits of the insurer earned after such non-payment'. Supposing you had an endowment policy and as is very general with good companies, they have a provision that if an assured fails to pay either by arrangement or because he could no longer pay, he then receives up a paid up policy of a certain value. It still remains an endowment policy possibly with a share in the profits. Are you going to deny that assured the right of sharing in the profits ?

The Honourable Sir Nripendra Sircar : That is saved by the last paragraph.

Mr. T. Chapman-Mortimer : Only partially. The last para. says :

"This section will not apply where the paid up value will be less than Rs. 100 or where the parties after the default has occurred in the payment of the premium agree in writing to some other arrangement."

Dr. G. V. Deshmukh : Will my Honourable friend withdraw his opposition now ?

Mr. T. Chapman-Mortimer : I will withdraw it only to that extent. From the other points of view, the amendment is just as objectionable as I pointed out before. As I was trying to explain there are types of policies in which you have no rights at all. It is not reasonable that you should expect any rights having paid very much lower premiums. If you do not die the reason why you took out the policy goes. I really think this amendment is unworkable and impracticable amendment. I would, therefore, ask my Honourable friend to withdraw his amendment.

Sir Cowasji Jehangir : Sir, I saw this amendment on the agenda paper and so I was able to give it a little thought and consideration. I do not think my Honourable friend, Mr. Chapman-Mortimer, had sufficient time to study this amendment. It really does not apply to any of the policies which he has in mind. This is an amendment which ensures that a policy holder who has paid three premiums shall not be deprived of all his rights and privileges by the insurer. It does not go any further than that. Suppose an insurer receives three premiums and then the insured fails to pay any further premium, it is only then that this clause comes into operation. In no other case does this clause come into the picture. If he fails to pay the fourth or the fifth premium, then I understand that some insurers deprive him of all his privileges and rights. It is, therefore, necessary to safeguard the interests of the insured, who has paid three premiums and then cannot afford to pay anything more. This amendment provides that such a person shall acquire a guaranteed surrender value. That is the first thing that that man acquires who fails to pay further premiums. He acquires a guaranteed surrender value, and, notwithstanding any contract to the contrary such value shall not lapse. Such guaranteed value shall not lapse by reason of non-payment of further premium. This only applies to cases where there is non-payment of premium. My Honourable friend surely will not come into the category of a person who has not paid his premium. If my Honourable friend will carefully look at this amendment he will find that he is labouring under a misunderstanding. My experience tells me that all respectable companies have this rule, and no responsible and respectable company will deprive the insured who has given three premiums of his surrender value.

Mr. J. C. Lang (Bengal : European) : For policies of short period there is no surrender value. Supposing you take a five-year policy under which the contract is that if you die within five years, the sum assured is payable. That kind of policy is a very cheap policy. There is no surrender value to it, nor any paid up value. If you paid premiums for three years, and then ceased, are you to get three-fifths of that policy as paid up ? This is what might be understood from the amendment. No company will give that for a short period, five-year policy.

Sir Cowasji Jehangir : Sir, I am not as great an authority on insurance as my Honourable friend is, but, so far as I know, in the

case of a limited policy for 20 years or ten years, the Oriental Will, if three premiums have been paid, pay a guaranteed surrender value. All respectable companies do it. That is how I understand the position. I understand that some companies do not pay a guaranteed surrender value. There is no such thing mentioned as a guaranteed surrender value in their policy, and in those cases, unless it is brought to their attention, they simply refuse to pay. But that is a hardship and a hardship that may be remedied on this present occasion. Under the circumstances, so far as I can see, there is no objection to this amendment.

Dr. Ziauddin Ahmad (United Provinces Southern Divisions : Muhammadan Rural) : Sir, Dr. Deshmukh has been pressing for the last fortnight that the policies should have some surrender value and this surrender value should be known to the policy-holders ; it may be either in the English language or in the language of the insurer or the insured. He has been pressing this point both inside the House and outside, at dinner table and at tea table, and I can assure him that he has got considerable support in this House in this idea that the surrender value ought to be fixed and the policy-holder should know what that value is. He brought this motion sometime ago but the lawyers said that that was not properly worded, and this time he has taken very great care and he has bracketed the name of one of the best lawyers in this House in proposing this amendment, so that there can be no doubt that from the legal point of view it cannot be ruled out of order. He has been pressing this for a considerable time in the interest of the life policy-holders who, very often, are ignorant men, and they should certainly know definitely what the surrender value of their policy would be at the end of successive years. That has been brought forward in different ways but, unfortunately, it never received the assent of this House ; but, in this modified and mild form, I hope it will be supported by the House.

Mr. M. S. Aney : Sir, I have tried to understand what my Honourable friend, Mr. Chapman-Mortimer, had to say. He is generally very lucid and there is usually no serious difficulty felt by us in understanding him. But on this occasion, with my best desire to understand him and with the best effort he has made to make himself intelligible to us, I have not been able to understand the real point of the objection raised by him. I think he himself has misunderstood the scope of the amendment before the House or he is labouring under a misconception. The point is very clear, that is, whether this House is going to make a provision for guaranteeing a surrender value in the case of those who have paid three premiums and this surrender value that is guaranteed should not lapse on non-payment of further premium. That is a perfectly equitable principle. I am told and I believe those who are conversant with insurance business know that this is the invariable practice observed by all the respectable companies today ; it is not an innovation. It is only certain companies which are taking advantage of the absence of a provision like this and denying the privilege to which the policy-holder is entitled. In order to prevent the recurrence of this inequitable conduct on the part of insurance companies, it is necessary for us to introduce a provision of this nature. I believe this House will, in equity, endorse the view contained in this amendment and give its solid support to it. Sir, I support the amendment.

The Honourable Sir Nripendra Sircar : Sir, I have been trying to understand the difficulty and I believe I have understood the difficulty, although that can apply to very few cases. I was rather sorry to hear from Mr. Chapman-Mortimer the announcement that his policy had nothing to do with his marriage. (Laughter.) As I understand it, the difficulty is this. I believe some policies are issued, under which risk for a short-time is taken; that is to say, it is a five years' policy. If the man lives for five years, at the end of that period he gets nothing, but if he dies within the five years, he gets the amount insured.

Mr. Sri Prakasa : Not he but his survivors. (Laughter.)

The Honourable Sir Nripendra Sircar : Yes, his survivors. Now, Sir, the point seems to be this that it will be unfair to the insurer in this special class of cases, which must be very few, that when he is bargaining that he will pay nothing in certain conditions, i.e., the man living for five years, that the other man having taken out a policy on these favourable terms should, after three years, refuse payment or is unable to make payments and should in fact get a paid-up policy that he has not bargained for. I, personally, am not acquainted with these policies but I am told by Mr. Lang and Mr. Chapman-Mortimer that there are such policies. It is only in that class of policies that there may be any difficulty. In all other cases I do not see any difficulty of any kind whatsoever, and the question is, whether for this rare class of policies a principle which is acceptable to the House and which seems consonant with reason should be altogether rejected.....

Mr. F. E. James : They are not rare.

The Honourable Sir Nripendra Sircar : But cannot anything be suggested to keep only that class of cases out? If we are given this alternative, that is to say, some injustice to this class of cases or giving up this idea altogether it will be difficult. I ask Mr. Chapman-Mortimer, is there no *via media*?

Mr. Bhulabhai J. Desai : Is there any technical name for this class of policies? Then we can accept it.

Mr. F. E. James : I believe "short-term" is the expression.

Mr. Bhulabhai J. Desai : That does not express it at all.

The Honourable Sir Nripendra Sircar : I believe the idea is a short term policy under which nothing is payable if the man survives after a short period.

Mr. Bhulabhai J. Desai : Then what we can do is to use the expression "short term" in the body of the section and add an Explanation to the effect that short term policy means a policy under which if the man survives at the end of a certain period of time he gets nothing.

Mr. F. E. James : Would the Law Member be prepared to keep this over just for a little time while we devise an amendment along the lines suggested by the Leader of the Opposition?

The Honourable Sir Nripendra Sircar : If the Chair will so permit, I think it may be taken up after one or two other clauses are done. We may get a little time to think of it.

Mr. President (The Honourable Sir Abdur Rahim) : Very well.

The question is :

"That clause 101 stand part of the Bill."

Mr. T. Chapman-Mortimer : Sir, I move :

"That part (e) of sub-clause (2) of clause 101 of the Bill be omitted."

This was a sub-clause inserted by the Select Committee at an earlier stage : I think it was done without having due regard to the difficulties of laying down rules prescribing the manner in which prospectuses and tables referred to in section 36 (1) shall be published. It is inevitable that prospectuses of companies may vary : in fact they will vary, and it is equally inevitable that the tables will vary. But here it is prescribed that under rule the Central Government will lay down the manner in which these prospectuses will be published and the form in which they should be drawn up : that is to say, that the Central Government is going to take upon itself an enormous amount of actuarial work, which seems to me to be out of all proportion to the value which might accrue from any such provision. In addition to that, they will be taking a responsibility which, I suggest, is a responsibility not for the Central Government but for the insurer. Sir, I move.

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

"That part (e) of sub-clause (2) of clause 101 of the Bill be omitted."

Mr. Bhulabhai J. Desai : Sir, I oppose this amendment. My Honourable friend, Mr. Chapman-Mortimer, I am sure, is aware of almost every Act, passed by the Legislature, here as well as in England, where without prejudice to the general power—in fact he gains nothing, because, notwithstanding the deletion, the power under 101 will remain : and the specification is generally with the object that unless it becomes necessary, those particulars, the subject matter of the items, should be borne in mind : he has not pointed out any item in these items enumerated there which goes beyond that. Therefore, if it does not go beyond that, I do not know what he gets by it, whereas it is always convenient—even in companies' articles my friend knows that very well—that when the general power of management is given without prejudice to the generality of power, the managing agent can do the following—that is a form of drafting which is well known and there is no reason to depart from it.

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

"That part (e) of sub-clause (2) of clause 101 of the Bill be omitted."

The motion was negatived.

Mr. T. Chapman-Mortimer : Sir, I move :

"That part (g) of sub-clause (2) of clause 101 of the Bill be omitted."

As the House is aware, we laid down certain disqualifications : otherwise according to what My Honourable friend, the Law Member, said—or from what I understood him to say—any person not so disqualified would be qualified to act as an agent : here it is proposed that certain qualifications should be laid down by the Central Government.

[Mr. T. Chapman-Mortimer.]

I suggest that in view of the changes made in clause 37 by the amendment of my Honourable friend, Mr. Chunder, this part (g) is now redundant. Sir, I move.

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

“ That part (g) of sub-clause (2) of clause 101 of the Bill be omitted.”

The Honourable Sir Nripendra Sircar : Sir, I agree that the last portion about qualifications should go out, but the other portion should remain. It really means the procedure as to how an application has got to be made and so on. But I agree that the last words should go out. Amendment No. 899 is quite acceptable. If Mr. Chapman-Mortimer withdraws this one, we can accept No 899 and that will gain the object which Mr. Chapman-Mortimer has in mind.

Mr. T. Chapman-Mortimer : Sir, in the circumstances. I ask for leave to withdraw my amendment.

The amendment was, by leave of the Assembly, withdrawn.

Mr. Sri Prakasa : Sir, I move :

“ That in part (g) of sub-clause (2) of clause 101 of the Bill, the words ‘ and the qualifications to be possessed by such agents ’ be omitted.”

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

“ That in part (g) of sub-clause (2) of clause 101 of the Bill, the words ‘ and the qualifications to be possessed by such agents ’ be omitted.”

The motion was adopted.

Mr. T. Chapman-Mortimer : Sir, I move :

“ That part (m) of sub-clause (2) of clause 101 of the Bill be omitted.”

In view of the amendment passed today, inserting new clause 97—the amendment of my friend, Mr. Sen, providing that any proceedings should only be taken with the approval of the Advocates General of the provinces—I suggest that this sub-clause (2) (m) is redundant and should be omitted. Sir, I move.

(Mr. Abdul Qaiyum rose to object.)

The Honourable Sir Nripendra Sircar : I do not see any necessity for keeping it now, and I would like to know why there is any objection.

Mr. Abdul Qaiyum : Still there is one thing : how is the Superintendent to be moved and how is he to take action ? Before a complaint is actually filed, some sort of rules of procedure will be necessary.

The Honourable Sir Nripendra Sircar : I do not think any rules will be necessary. A man can move the Superintendent. For instance, under the present law in the Civil Procedure Code, the Advocate General has got to give his sanction in certain matters : no rules are laid down : a man writes a letter or puts in a petition. I do not think it is necessary and I would agree to accept the amendment.

Mr. Bhulabhai J. Desai : And besides it is very narrow : it may be confined to rebates : there may be many other complaints.

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

“ That part (m) of sub-clause (2) of clause 101 of the Bill be omitted.”

The motion was adopted.

Sardar Mangal Singh (East Punjab : Sikh) : Sir, I move :

“ That after part (l) of sub-clause (2) of clause 101 of the Bill, the following be inserted :

‘ (m) the conditions under which the securities held by an insurer may be valued on a basis other than their market value prevailing on the date of closing of his accounts ’.”

The Honourable Sir Nripendra Sircar : May I point out to my Honourable friend that in the body of the Act we have given no such power, and, therefore, why should rules be framed ?

Sardar Mangal Singh : We have given wide powers to the Superintendent of Insurance.

The Honourable Sir Nripendra Sircar : But he has no power to do this. I would beg of my friend to consider that this is really *ultra vires* of the section.

Mr. Bhulabhai J. Desai : May I point out this ; it is not intended for the Superintendent. It is within the Act. There have been to our knowledge during the last 15 years three times when such violent fluctuations in Government securities have taken place, and, if at that time, the quinquennial or triennial valuation happens to take place, what will be the position ? The only object of this motion is to say that in such a case the average of the previous three years may be considered.

The Honourable Sir Nripendra Sircar : It may not be the Superintendent. Under what section ?

Mr. M. Ananthasayanam Ayyangar : Sir, section 12 refers to actuarial valuation. We have put off the consideration of that section, but the point is on what day the securities have to be valued. It might be on that day the market has declined and the actual securities cannot have the actual market value on that particular day. Therefore, power has to be given under this clause to somebody. The necessary modifications will be made in section 12, otherwise some of the companies quite unfortunately might appear to be losing if we take only the value of the securities on which the actuarial value is taken into account. Perhaps both the day before or the day after the prices may go up or down, but on the actual day on which the valuation is taken, the assets would appear to have depreciated. To avoid this contingency it is suggested that rules have to be made under this section. This has been copied from the English and other Acts.

The Honourable Sir Nripendra Sircar : May I draw my friend's attention to section 21 where it is said—“ If it appears to the Superintendent of Insurance that an investigation or valuation to which section 12 refers does not properly indicate the condition of the affairs of an insurer by reason of the faulty basis adopted in the valuation, he may, after giving notice to the insurer and giving him an opportunity to be

[Sir Nripendra Sircar.]

heard, cause an investigation and valuation to be made at the expense of the insurer by an actuary appointed by himself." He has got that power.

Mr. Bhulabhai J. Desai : Section 21 cannot come in. I don't want to press it for the moment, but it is a point urged upon us by every Insurance Company, large and small, because they don't want to be caught at a time when the securities have actually depreciated in value. If the Honourable the Leader of the House will read this section he will agree with what I say. I don't want to press it.

Sardar Mangal Singh : Sir, the object of this amendment is to give some relief to those companies which close their accounts at a time when there is a temporary fall in the price of the securities. The House has already passed that 55 per cent. of the assets should be invested in securities. This provision is all the more necessary now than it was before. I know of several cases in which the companies suffered great difficulty on this account, and when they approached the Government Actuary, the Government Actuary was helpless in the matter as there was no provision in the law. Sir, in 1930, the value of the securities considerably fell down, and I know of two or three companies which held their valuation then. They had to spend Rs. 3,000 or Rs. 4,000 to get over the difficulty as they had to hold their valuations again. I want that another part should be added to this Bill to empower Government to make rules so as to enable the Superintendent to help those companies who hold their valuation at a time when the values of the securities are at a low ebb. Sir, I move.

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

"That after part (1) of sub-clause (2) of clause 101 of the Bill, the following be inserted :

'(m) the conditions under which the securities held by an insurer may be valued on a basis other than their market value prevailing on the date of closing of his accounts'."

The Honourable Sir Nripendra Sircar : Sir, I oppose this amendment. I have understood every word of what has fallen from Sardar Mangal Singh and the Honourable the Leader of the Opposition. Supposing this is passed, what kind of rules am I to frame? This is supposed to be very important because sometimes, quite unexpectedly, situations may arise resulting in slumps and so on. But what kind of stereotyped rules can we frame to meet such situations which may vary from time to time and most of which are unexpected? I submit, Sir, that no really useful rules can be framed, and on that ground I oppose the amendment, and also as it will be misleading.

Mr. Bhulabhai J. Desai : It can be easily provided in the rules that if the fluctuation is beyond ten per cent., the average price of the previous three years may be taken. It is possible to frame such rules.

Sir Cowasji Jehangir : Sir, the long and short of this amendment is this. It is desired that certain methods should be invented whereby a fictitious value should be arrived at for the assets of a company. That is exactly what it will come to. Take an example ; an insurance

company has got Government Paper bought at Rs. 90 ; which has fallen to Rs. 50. What my friend wants is that certain rules should be framed whereby it shall not be shown that the Government Paper is of the value of Rs. 50 on a certain date, but something more than Rs. 50, or some average above Rs. 50. Is that fair? Such misfortunes happen to anybody, including companies. At the time of the valuation of the company's assets, its assets may be reduced in value, certainly not by any action of their own. How can you put a fictitious value on those assets on a particular date for any purpose? Why should you do that? Why should you encourage a company to put up fictitious values on its assets in order to show to the public that its assets have not depreciated? I cannot understand the logic of it. It is quite a common thing in business of all kinds, and of insurance companies in particular, that their assets fall or rise in value according to market fluctuations. Why does not my friend suggest at the same time that if the assets of a company have appreciated, the appreciated value should not be shown but some average between say Rs. 50 and Rs. 90. Will that be fair? My friend does not want to show the fall in securities from Rs. 90 but to take advantage of the appreciation if any. That is certainly not fair ; it is merely hoodwinking the public.....

Sardar Mangal Singh : The amendment does not say that.

Sir Cowasji Jehangir : I don't say that the amendment was to hoodwink.....

Sardar Mangal Singh : The amendment does not say that this should only apply when the securities have depreciated. It can apply to securities when they have appreciated. Please read the amendment carefully.

Mr. K. Santhanam : I am very surprised to see a Bombay businessman putting forward such an argument. The maturity value of the security may be the same ; the income value of the security may be the same ; but owing to certain causes the local value, on a particular date, may fall or rise to abnormal lengths. This amendment is to cover abnormal increases or abnormal depreciations. It is intended to meet extraordinary circumstances. In that case the company is not bound to sell off the securities ; it may keep the securities to the date of maturity. It will get its interest all right and, therefore, the position of that company will be quite sound. But on paper it will look as if the whole asset has fallen down in value by 50 or 60 per cent. For instance, a loan itself may mature after 15 years, and it may be selling on a particular date at Rs. 50. But the company is not bound to sell it and there is nothing wrong in authorising somebody to say that, though, apparently owing to abnormal causes, the situation appears to be rather wrong about the company, in actual fact it is quite sound. I think these insurance companies should be protected against such abnormal contingencies. The company has to work for a long period of time, and depressions come in a cycle. Every ten years it has been estimated by economists there is a depression. At the time of depression all securities come down by 50 per cent. Then the boom comes and the securities go up to 150 per cent. And are not the public, the policy holders and shareholders to be protected against such abnormal contingencies? If the provision is not sufficient, as my Honourable friend has suggested,

[Mr. S. Satyamurti.]

Once this Bill becomes law, no insurer can transact any insurance business, except in accordance with the provisions of this Act. Therefore, any one who does so becomes liable to various pains and penalties.

This rule-making power, apart from and not inconsistent with the 4 P.M. definition of insurance business in this Act, leaves to the rule-making authority the entire power to determine what is insurance business for the purposes of this Act. Then turning to clause (f), Honourable Members will find that it covers matters to be prescribed for the purposes of section 42 of the Bill, that is to say, with regard to the election of policy holder directors. This is a new reform which we are making. We are anxious that it should succeed, that is to say, that the rules which regulate the qualifications of policy holders who shall have a vote and the manner of election should be such as to produce genuine representatives of policy holders. I will give an example. Proxies may be allowed in the election of policy holder directors. I know the abuses to which they have given rise and will give rise. A few people will pocket all the proxies and the policy holder directors will be only two or three extra nominees of the dominant shareholders. This shows the importance of the rules contemplated by sub-clause (2) of clause 101. Then, Sir, take (k)—subject to the provisions of this Act the fees payable thereunder and the manner in which they are to be collected. This is an important matter, and as regards the various fees to be levied, it is important that a popular House should have a voice as suggested by me in my amendment. It seems to me that, considering the position today, and the various powers given to the Government, both under sub-clause (1) and sub-clause (2), my amendment is a modest and workable one. I want to meet one possible objection in the minds of Honourable Members of this House, that perhaps the passing of my amendment may give rise to practical difficulties in the working of the Act. I suggest that the fear is groundless, if I may say so respectfully. So far as existing rules are concerned, I invite Honourable Members to look at sub-clause (3) of clause 101; sub-clause (3) provides :

“ All rules made by a Local Government under the provisions of section 24 of the Provident Insurance Societies Act, 1912, and in force at the commencement of this Act shall so far as not inconsistent with the provisions of Part III continue in force and have effect as if duly made under this section until they are replaced by rules made under this section.”

That covers all the cases of rules governing Provident Insurance Societies. So far as other societies are concerned, according to the timetable now laid down by the Government for the progress of this Bill, this Bill, after it leaves this Honourable House, will go to the other House some time in November. It will come back to us in January next year. In the meantime, Government will have ample opportunity to frame all the rules, as soon as the Bill emerges from the other place, on the assumption that the Bill will not undergo any further radical alteration in this House when it comes back, an assumption which I suggest is not contrary to facts, as they will emerge ultimately. Both the Houses are in Session for the Budget Session from about the middle of January to about early in April, and my amendment simply wants that they should be placed on the table of both Houses of the Indian Legislature for at least a month while the Houses of the Legislature are in Session. Supposing the Bill becomes an Act sometime towards the end of January, all the rules which they want

to make under the various subjects mentioned in sub-clause (2) and any other rules, can well be placed on the table of both Houses sometime in the middle of February. Considering the disposition of business in this House and in the other place, Government can easily get the time to move a formal official Resolution asking the approval of this House to these rules, and subject to any modifications which may be passed, those rules will be affirmed by a vote of both Houses. I suggest that that will be a proper procedure in which these rule-making powers, great as they are, may reasonably be expected to be controlled by the Legislature. As regards later rules, they are bound to be small in content and also small in number, and both Houses meet at least twice every year, and I suggest that the requirements of my amendments are not too much and can be easily complied with.

I will only add one more argument. I am sure Honourable Members of this House have read, as I have read, the book by Lord Chief Justice Hewart called the “ *New Despotism* ” in which His Lordship very strongly criticised, and rightly in my judgment, the tendency of modern governments to take more and more authority in their hands, by leaving many matters to be disposed of by the rule-making authority; and, therefore, Parliamentary opinion in other countries is veering round to the view that, while we ought not to discuss and dispose of on the floor of popular legislatures all these detailed rules, there ought to be at least, in the alternative, the control suggested in my amendment, that is to say, the Government may frame rules, place them on the table of both Houses, and then move an affirmative Resolution; and, without giving any unnecessary certificate to this House, I can certainly say that, if those rules are just and reasonable, they will get a very favourable reception in this House. In spite of the strenuous efforts of the Law Member and his able assistant, even we humbler Members on this side have been able to make constructive contributions to this very piece of legislation. If, therefore, we have shown that even on a matter of this first class importance there are Honourable Members of this House who can contribute valuable suggestions, I beg of the Government to embrace this opportunity of placing the rules of a big Statute on the table of the House, and taking the verdict of the House thereon. We are all anxious that this Bill should become law. We are anxious that the law should be worked satisfactorily; we are anxious that Indian insurance should grow in strength and prosperity and Indian insurers and policy holders ought to be protected. In order to achieve this object, I suggest that the co-operation of the Legislature should be obtained, even up to the stage when rules are to be made. There are no practical difficulties at all, and I do suggest that Government should see their way not to oppose this amendment. Whatever the Government may or may not do, I trust that every section of this House, which believes in its own capacity to judge of these matters wisely and sensibly, will vote for this amendment.

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

“ That to sub-clause (2) of clause 101 of the Bill, the following proviso be added :

“ Provided that rules made by the Central Government under sub-section (1) or sub-section (2) of this section shall not come into force until they have been placed on the table of both Houses of the Indian Legislature for at least a month while the Houses of the Legislature are in session and have been approved by resolutions of both Houses.”

Maulana Zafar Ali Khan : I support the amendment. It is a modest and humble amendment, seeing that it comes from my Honourable friend, Mr. Satyamurti, who is out to wreck the constitution. The powers under the section as it stands are unlimited. These powers are possessed by the Imperial British Parliament in its original grandeur. We are told that the British Parliament can do anything, can change the sex even, can change a man into a woman.

An Honourable Member : It is the only thing it cannot do.

Maulana Zafar Ali Khan : Well, it has the power of doing that, and India is an instance in point. (Laughter.) The British Parliament has delegated certain powers to us and here, on the floor of this House, we are assuring the Britishers and we are assuring the official Benches that we are prepared to co-operate with you. So far as this piece of legislation, namely, the Insurance Act is concerned, we are willing to co-operate with you, but we are not going to co-operate with you to the extent of taking away from us our manliness. We will not acquiesce in our being converted into women.

An Honourable Member : Are we all women ?

Maulana Zafar Ali Khan : Some of us are ! (Laughter.) This House is a self-respecting House and I have always bowed down before the Speaker of the House but I only wish that he did not stick to conventions ; we want to break these conventions.

Mr. President (The Honourable Sir Abdur Rahim) : Order, order. The Honourable Member had better not lecture to the Chair as to what to do or what not to do.

Maulana Zafar Ali Khan : I want this House to protect the interests both of the millionaire and of the poor man.

Mr. President (The Honourable Sir Abdur Rahim) : What the Honourable Member is saying has nothing to do with this amendment. He began with a reference to the amendment but now he is diverting to other matters.

Maulana Zafar Ali Khan : Well, Sir, these rules ought to be under the vigilance of this great House. The Governor General is the great power but he owes something to this House and to you, Sir, and when those rules are made by him.....

Mr. President (The Honourable Sir Abdur Rahim) : I do not think it is the Governor General but the Governor General in Council.

Maulana Zafar Ali Khan : Well he and the Law Member alone count, practically speaking. So, Sir, Mr. Satyamurti's amendment, I submit, is a very modest amendment, a very humble amendment, a very reasonable amendment, a sweetly-reasonable amendment and one that should be carried and the Law Member should not say "nay". I support the amendment.

The Honourable Sir Nripendra Sircar : Sir, I simply want to say that as I am pretty nervous now about the duration of this Bill, I do not want to make any speech. The exact points made by Mr. Satyamurti were made during the Company Law legislation when the same arguments were advanced and I met them, and I simply want to say that I oppose them.

Several Honourable Members : I move that the question be now put.

Mr. F. E. James : Sir, we have a good deal of sympathy with this amendment. There is one practical difficulty we see, and that is that the amendment suggests not only that the rules should be placed on the table of the House, but that they should be approved by Resolutions of both Houses. I think there is really a practical difficulty in that, knowing the congestion of business in our Sessions. We had hoped that amendment No. 895 would have been moved, and I do not know whether my Honourable friend, Mr. Satyamurti, will be prepared to withdraw his amendment in favour of that ?

Mr. Bhulabhai J. Desai : Sir, amendment No. 895 begins by saying :

"That to sub-clause (1).....the following proviso be added....."

It should really be to (2), not to (1), because it is after sub-clause (2) really, where the proviso is this,—"provided that no such rule or rules shall have the force of law".

Mr. President (The Honourable Sir Abdur Rahim) : That was not moved.

Mr. Bhulabhai J. Desai : It was inappropriate in that place. We can withdraw this.

The amendment was, by leave of the Assembly, withdrawn.

Mr. M. Ananthasayanam Ayyangar : Sir, I beg to move :

"That to sub-clause (2) of clause 101 of the Bill, the following proviso be added at the end :

"Provided that no such rule or rules shall have force of law unless the same are previously laid on the table of the Indian Legislative Assembly for a period of a month for modification in such manner as it may think fit."

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

"That to sub-clause (2) of clause 101 of the Bill, the following proviso be added at the end :

"Provided that no such rule or rules shall have force of law unless the same are previously laid on the table of the Indian Legislative Assembly for a period of a month for modification in such manner as it may think fit."

The Honourable Sir Nripendra Sircar : Sir, as amendment No. 895 has been moved at this stage, I wish to move an amendment to that amendment by the addition of certain words. I beg to move :

"That to sub-clause (2) of clause 101 of the Bill, the following proviso be added at the end :

"Provided that no such rule or rules shall have force of law unless the same are previously laid on the table of both the Houses of the Central Legislature for a period of a month for modification in such manner as they may think fit."

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

“ That to sub-clause (2) of clause 101 of the Bill, the following proviso be added at the end :

‘ Provided that no such rule or rules shall have force of law unless the same are previously laid on the table of both the Houses of the Central Legislature for a period of a month for modification in such manner as they may think fit ’.”

The motion was adopted.

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

“ That clause 101, as amended, stand part of the Bill.”

The motion was adopted.

Clause 101, as amended, was added to the Bill.

Clause 102, was added to the Bill.

Mr. B. Das (Orissa Division : Non-Muhammadan) : Sir, I beg to move :

“ That after clause 102 of the Bill, the following new clause be added :

‘ 103. The Central Government may, by notification in the Gazette of India and subject to such conditions and restrictions as they think fit, exempt any person, company or firms doing country craft cargo insurance from all or any provisions of this Act ’.”

The Honourable Sir Nripendra Sircar : We have reduced it to Rs. 10,000.

Mr. B. Das : The House has very kindly accepted my amendment of permitting the country craft cargo insurance underwriters to make a deposit of Rs. 10,000. At that time I said that these are ignorant people and they are not accustomed to the rules and procedure as has been laid down in this Act.

The Honourable Sir Nripendra Sircar : It is no good giving them this power because it will never be exercised.

Mr. B. Das : I will give power to the Government rather than to the Superintendent of Insurance. The Superintendent can permit the country craft cargo insurance underwriters to submit certain modified statements because the Honourable the Law Member himself said that they carry out business only to the extent of Rs. 1,10,000 in all and for that sum there are about 20 firms, who will have to deposit Rs. 2,10,000. On the top of that, they will have to submit all the papers and documents that are required under this Act and this would be very hard on them. We have already conferred power on the Superintendent to modify these Schedules in case of an insurer who is a person. I am not asking for full exemption. I am only asking the House to give this power to the Superintendent and the Government and I am asking the Government to examine this matter at leisure and then ask these country craft cargo insurance underwriters to submit such documents as may be necessary. Sir, I move.

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

“ That after clause 102 of the Bill, the following new clause be added :

‘ 103. The Central Government may, by notification in the Gazette of India and subject to such conditions and restrictions as they think fit, exempt any person, company or firms doing country craft cargo insurance from all or any provisions of this Act ’.”

The Honourable Sir Nripendra Sircar : I oppose this extremely unreasonable amendment.

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

“ That after clause 102 of the Bill, the following new clause be added :

‘ 103. The Central Government may, by notification in the Gazette of India and subject to such conditions and restrictions as they think fit, exempt any person, company or firms doing country craft cargo insurance from all or any provisions of this Act ’.”

The motion was negatived.

Mr. S. C. Sen : Sir, I beg to move :

“ That after clause 102 of the Bill, the following new clause be inserted :

‘ 102A. The Central Government may, by notification in the official Gazette, exempt any insurer constituted, incorporated or domiciled in an Indian State from the provisions of section 6 relating to deposits or from the provisions of sub-section (1) of section 26 relating to the keeping of assets in British India either absolutely or subject to such conditions or modifications as may be specified in the notification ’.”

Sir, this amendment has been moved with the object of protecting the Indian companies now doing business in the States. If there is any retaliatory measure taken by the States, the Indian companies which are doing a large volume of business in the Indian States will suffer irreparably unless there is some such power as is now proposed. The balance of business is entirely in favour of the British Indian companies now. Sir, I move.

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

“ That after clause 102 of the Bill, the following new clause be inserted :

‘ 102A. The Central Government may, by notification in the official Gazette, exempt any insurer constituted, incorporated or domiciled in an Indian State from the provisions of section 6 relating to deposits or from the provisions of sub-section (1) of section 26 relating to the keeping of assets in British India either absolutely or subject to such conditions or modifications as may be specified in the notification ’.”

Mr. B. Das : I am not so uncharitable, and I support the amendment.

Mr. M. Ananthasayanam Ayyangar : Sir, while I agree with the principle of this amendment, we ought to take care to see that companies are not incorporated in a State merely for the purpose of evading this law. If there are *bona fide* subjects of a State who want to incorporate a company for the purpose of carrying on business there and here, by all means let power be given to exempt them. But if foreigners, who are not Indians, come and start a company there in a State—there are 450 of them in this country.....

The Honourable Sir Nripendra Sircar : It is not compulsory to exercise this power.

Mr. M. Ananthasayanam Ayyangar : As regards the interruption of the Honourable the Leader of the House, I may point out that the Governor General is given power not to discriminate between one man and another. If he thinks it fit, he may impose restrictions in general. I

[Mr. K. Santhanam.]

you may put in suitable amendments under section 12 or in some other place. Therefore, I do not think that any objection need be taken. All that this amendment seeks to provide is that the Government should be empowered to deal with such situations. It does not empower any insurer to do things as he pleases. If such power is given to the insurer, what my Honourable friend says will be correct. But when the Central Government thinks that in such a contingency the value, the true value which is satisfactory to the public, which is satisfactory to the policy holder may be given, why should we object? Is the Central Government going to collude with the insurer to foist some fictitious value on the public? If so, it will be a bad day. But, at least in this matter we hope the Central Government will be honest enough not to allow fictitious values. This amendment should be supported to provide for abnormal contingencies.

Some Honourable Members : Let the question be now 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 part (1) of sub-clause (2) of clause 101 of the Bill, the following be inserted :

‘ (m) the conditions under which the securities held by an insurer may be valued on a basis other than their market value prevailing on the date of closing of his accounts ’.”

The motion was negatived.

Mr. President (The Honourable Sir Abdur Rahim) : Amendment No. 907* is covered by my ruling.

Maulana Zafar Ali Khan (East Central Punjab : Muhammadan) : I know the result, Sir, but permit me to plead for the poor people in a few words.

Mr. President (The Honourable Sir Abdur Rahim) : It cannot be moved. This is covered by my ruling.

Maulana Zafar Ali Khan : Unfortunately, I was not here.

Mr. S. Satyamurti : I beg to move :

“ That to sub-clause (2) of clause 101 of the Bill, the following proviso be added :

‘ Provided that rules made by the Central Government under sub-section (1) or sub-section (2) of this section shall not come into force until they have been placed on the table of both Houses of the Indian Legislature for at least a month while the Houses of the Legislature are in session and have been approved by resolutions of both Houses ’.”

“ That after sub-clause (2) (m) of clause 101 of the Bill, the following new sub-clause be added :

‘ (n) The minimum salary, amount of deduction for the provident fund as also the contribution and rate of interest payable by an insurance company, hours of attendance, the leave, the bonus and such other provisions as are necessary to safeguard the interests of the members of the staff of an insurance company ’.”

I believe that this is a change in the existing legislative procedure of this country ; but undoubtedly, in the British Parliament, after which we model so many of our rules and conventions, this is a well-known practice. Especially with regard to the Government of India Act, 1935, and the earlier Government of India Act, 1919, rules made by the Act or under the Act by various authorities to whom the rule-making power is given, as also Orders in Council, which cover very important matters, have to be placed before both Houses of Legislature in one of two forms. Either the more important orders and rules are placed on the table of both Houses and they have to go through the procedure recommended by me in this amendment, that is, an affirmative resolution being passed by both Houses in favour of those orders or rules. There is also a second category of rules and Orders in Council which merely lie on the table for a prescribed period, and unless any member takes action on it and the Houses of Parliament agree with him and they make certain amendments, the rules, automatically, come into force. I have preferred on the whole to plead before the House for its consideration and acceptance the former method, and I will explain the reasons. If Honourable Members will turn to clause 101, they will find that clause 101 (1) is really much the most important clause, although it is briefly worded. As the Honourable the Leader of the House says, “ The importance of my opposition ought not to be judged by the brevity of my speech ” the importance of sub-clause (1) of clause 101 ought not to be whittled down by any Honourable Member by the brevity of the words contained in that sub-clause, as contrasted with the plethora of words in sub-clause (2). If you turn to sub-clause (1) you will find these words :

“ The Central Government may, subject to the condition of previous publication by notification in the Official Gazette, make rules to carry out the purposes of this Act.”

That means practically all the field covered by the clauses of this Bill affecting the business of insurance. There is no limitation on that rule making power except the requirement of previous publication in the Official Gazette. I want to plead with my Honourable friends to judge of my amendment from the point of view of sub-clause (1) of clause 101. There the power of Government to make rules is unlimited. It is limited only by two limitations ; one, the rules must be for the purpose of carrying the purposes of this Act. A very wide sphere. They can make rules for any of the matters mentioned in the clauses of the Act, so long only as they are not inconsistent with the provisions of the Statute. The second requirement is pre-publication. That is why I have ventured to place before the House what may seem somewhat more difficult, but what I suggest, is the more democratic method of controlling the rule-making power of bureaucratic authorities. Turning to sub-clause (2) of clause 101, Honourable Members will find that it covers many important matters. Take clause (a)—the qualifications to be possessed by actuaries. The whole working of this Act will depend, to a large extent, on the integrity, efficiency and the capacity to work according to well-known principles of insurance business, of the actuaries. Clause (b) says :

“ the manner in which it shall be determined for the purposes of this Act which is insurance business transacted in British India.”

[Mr. M. Ananthasayanam Ayyangar.]

would ask my Honourable friend to say whether, under this amending clause, it is open to the Governor General to say, if a man comes from Portuguese Goa or French Pondicherry and incorporates in a Native State, he ought not to do so? Is it open to the Governor General to say what class of companies ought to be allowed to transact business and what others not? Both classes of companies are incorporated in a State. In my humble submission, I am not able to read that power in this amendment. It might be the intention of the Honourable the Leader of the House, but it ought to be made specific.

I find in the Order Paper, there is an amendment No. 23 in supplementary list No. 3 given notice of by Sardar Sant Singh. That adds a proviso to this clause :

“ Provided that in the case of an insurer being a company three-fourths of its paid up capital is held in their own right by Indian subjects domiciled in India as defined by section 311 of the Government of India Act, 1935, or by British subjects domiciled in the United Kingdom and three-fourths of the members of its Governing body are such Indian subjects or British subjects as aforesaid.”

Sir, this proviso will give protection to those companies which get incorporated, *bonâ fide*, in the Indian States and this will prevent abuses of this privilege and it will prevent foreign companies coming and incorporating in Indian States and then carrying on business in British India and availing themselves of all the exemptions and concessions that might be granted, according to this section. Under this section no discrimination can ordinarily be made between one class of company and another class of company. Therefore, if this amendment is accepted with the proviso that I have read out, it will be very helpful.

The Honourable Sir Nripendra Sircar : It is open to the Government to say that they will not take this proviso and they say so.

Mr. M. Ananthasayanam Ayyangar : I am aware that in ninety-nine cases out of hundred the Government will say no to any reasonable suggestion coming from this side.

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

“ That after clause 102 of the Bill, the following new clause be inserted :

‘ 102A. The Central Government may, by notification in the official Gazette, exempt any insurer constituted, incorporated or domiciled in an Indian State from the provisions of section 6 relating to deposits or from the provisions of sub-section (1) of section 26 relating to the keeping of assets in British India either absolutely or subject to such conditions or modifications as may be specified in the notification ’.”

The motion was adopted.

New clause 102-A was added to the Bill.

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

“ That clause 103 stand part of the Bill.”

Pandit Lakshmi Kanta Maitra : Sir, I beg to move .

“ That clause 103 of the Bill be omitted.”

I quite realise that this is more or less a drastic amendment, but I will offer a few facts for the consideration of the House. Clause 103 provides :

“ The Superintendent of Insurance may delegate all or any of his powers and functions under Part III to the officer appointed by the Central Government to exercise in a province the powers and functions of the Superintendent of Insurance in relation to provident societies.”

Sir, the Bill before the House seeks to consolidate the existing law about Insurance and Provident Societies, Mutual Insurance Companies and Co-operative Societies. The whole Act, when passed into law, will regulate the entire business of insurance in future. My idea is that these Provident Societies also should be placed on the same footing in the matter of treatment in respect of inspection, supervision and control, etc., by the Superintendent of Insurance as the ordinary life insurance companies.

The Honourable Sir Nripendra Sircar : We are accepting the amendment.

Pandit Lakshmi Kanta Maitra : I understand that the Honourable the Leader of the House is agreeable to accept this amendment. I am indeed thankful to him. I do not, therefore, want to make any speech. Sir, I move.

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

“ That clause 103 of the Bill be omitted.”

The Honourable Sir Nripendra Sircar : I do not object to this clause being deleted because I realise that clause 103 has been drafted in a very wide language. “ The Superintendent may delegate all or any of his powers and functions.... ”. I think that is objectionable. Sir, I accept the amendment.

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

“ That clause 103 of the Bill be omitted.”

The motion was adopted.

Mr. S. C. Sen : Sir, I beg to move :

“ That after clause 102A of the Bill, the following new clauses be inserted :

‘ 102B. Nothing in this Act shall affect the liability of an insurer being a company to comply with the provisions of the Indian Companies Act, 1913, in matters not otherwise specifically provided for by this Act.

102C. Nothing in this Act shall apply to any Trade Union registered under the Indian Trade Unions Act, 1926.’

Sir, clause 102-B, as it will now stand is necessitated by reason of the fact that in the Indian Companies Act there is a provision in section 287 which has given rise to some amount of uncertainty as to which of the provisions are applicable and which are not. It is merely to put it right that this amendment is necessary.

[Mr. S. C. Sen.]

As regards the next clause 102-C, the House will remember that at the time of the general discussion Mr. Joshi raised the question of trade unions. The existing trade unions are now exempted from the operations of Acts V and VI of 1912 and these Acts are now going to be repealed. This clause is only to repeat the same provision.

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

“ That after clause 102A of the Bill, the following new clauses be inserted :

‘ 102B. Nothing in this Act shall affect the liability of an insurer being a company to comply with the provisions of the Indian Companies Act, 1913, in matters not otherwise specifically provided for by this Act.

102C. Nothing in this Act shall apply to any Trade Union registered under the Indian Trade Unions Act, 1926.’’

The motion was adopted.

New clauses 102-B and 102-C were added to the Bill.

Mr. B. Das : Sir, I beg to move :

“ That after clause 102C of the Bill, the following new clause be inserted :

‘ 103. Every insurer registered under this Act shall deposit and keep deposited Policy forms to be with the Superintendent of Insurance, Companies deposited with the of all forms of policy contracts issued by him Superintendent. in India ’.’

This is a very simple suggestion and I hope my Honourable friend, Mr. Lang, will subscribe to it. I take this opportunity to congratulate him on his short maiden speech this afternoon which rather confused us a little bit. (Laughter.) I hope my Honourable friend who is an authority on these matters will accept this with alacrity.

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

“ That after clause 102C of the Bill, the following new clause be inserted :

‘ 103. Every insurer registered under this Act shall deposit and keep deposited Policy forms to be with the Superintendent of Insurance, Companies deposited with the of all forms of policy contracts issued by him Superintendent. in India ’.’

Mr. J. C. Lang : Sir, I am sorry I must oppose this amendment. Is this really practicable? What purpose it serves I do not know. Is it suggested that the insurer should put his life policies, fire policies, marine policies, accident policies,....

Mr. M. S. Aney : Not the policies of individual policy-holders, but the forms only.

Mr. J. C. Lang : Yes, but there are hundreds of forms. What will the Superintendent of Insurance do with them? Is he going to cart them up and down to Delhi and Simla? Sir, I am sorry I have to oppose it.

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

“ That after clause 102C of the Bill, the following new clause be inserted :

‘ 103. Every insurer registered under this Act shall deposit and keep deposited Policy forms to be with the Superintendent of Insurance, Companies deposited with the of all forms of policy contracts issued by him Superintendent. in India ’.’

The motion was adopted.

New clause 103 was added to the Bill.

Clauses 104, 105 and 106, were added to the Bill.

Mr. S. Satyamurti : Sir, I beg to move :

“ That at the end of the Bill, the following new clause be added :

‘ 107. Notwithstanding anything in any law for the time being in force, the Governor General in Council or the Government of a Governor's Province may by a notification in the official Gazette direct that every class of insurance business other than life, directly or indirectly controlled by Government of India, Federal Government, or any Provincial Government or Federal Railway authority or by any public or semi-public bodies such as Municipalities, Local Boards, Port Trusts, Improvement Trust established or chartered under any Imperial, Federal or Local Act shall be placed with Indian Insurers holding a Certificate of Registration under this Act, unless a certificate is obtained from the Superintendent of Insurance that such insurance cannot be effected with an Indian insurer holding a Certificate of Registration under this Act ’.’

In moving this amendment, so far as a very large section of this House is concerned, I am convinced there is no need for me to argue the desirability—indeed the necessity—of our effecting all our insurance to the extent to which we can control it—I am not talking of life insurance, but of general assurance—with Indian insurers.....

The Honourable Sir Nripendra Sircar : Sir, I would like to make a statement. If my Honourable friend is not convinced, it is of course open to him to persist in this amendment, but he may be satisfied that it is not necessary to pursue this. The position is this : I agree with him that a large section of the House—almost all sections of the House—will sympathise with his amendment. I inquired very carefully as soon as I saw this proposal made in that big book, and I find that so far as the Central Government is concerned there is no insurance : the buildings are not insured, and even the famous “ Dufferin ” about which we heard so much is not insured either. So that there is no question of any insurance by the Central Government. I am not now raising the question of its going against section 113, but only on the practical side. On the Central Government side we have no insurance. As regards the provinces, I do not want to turn this House into a Federal Court : but I think the Leader of the Opposition will agree that a series of cases beginning from 7 Appeal Cases lay it down, that although insurance is on the Central list, this right to compel provinces to insure in a particular manner will be *ultra vires*. These questions have come up often and often before the House of Lords, and in the last issue but one there was a case between the Central Government in Canada and the States, the Central Government having provided for a marketing board and made rules and regulations for the export of fruit, and they said they had that power

[Sir Nripendra Sircar.]

because it was under trade and commerce : the provinces objected on the ground that it was agricultural produce ; and, therefore, although you have a right to legislate for trade you cannot do this and all the cases were gone into, and the court came to this conclusion that a particular matter from one point of view may be a Central subject and from another point of view the same thing may be a Provincial subject. But having regard to the trend of the rulings, I feel no doubt in my mind that it will be outside the competence of this Legislature to force this on the provinces. That is a view with which my friends may or may not agree : that is a question of law. But from the practical point of view, there is nothing to prevent the provinces from insuring with Indian companies. As a matter of fact, apart from the six or seven provinces in which my friends are in power, there is no reason to think that in other provinces also the same course will not be followed : and I do not think I am breaking any confidence if I say that in Bengal the Ministry is very much interested in insurance. (Laughter.) I hope my friend will not press this amendment, because it will really lead to no result. Of course, if my Honourable friend is not satisfied and wants to press it, I shall oppose it and take other grounds also.

Mr. S. Satyamurti : Sir, in view of the very humorous remarks that the Honourable Member has made—particularly with reference to Bengal—I beg leave of the House to withdraw this amendment.

The amendment was, by leave of the Assembly, withdrawn.

Mr. S. Satyamurti : Sir, I move :

“ That at the end of the Bill, the following new clause be added :

‘ 108. Notwithstanding anything in any law for the time being in force, no person, firm or company, whether incorporated in British India or a foreign company engaged in any trade or industry shall be eligible for the benefit of any grant, bounty or subsidy payable out of the revenues of Government of India, Federation or of a Province for the encouragement of the same trade or industry or shall be entitled to protection in any shape or form unless as a condition of such grant, bounty, subsidy or protection, such person, firm or company agrees to place every class of insurance business other than life under his or their control with Indian Insurers holding a Certificate of Registration under this Act unless a certificate is obtained from the Superintendent of Insurance that such insurance cannot be effected with an Indian Company holding a Certificate of Registration under this Act ’.”

The Honourable Sir Nripendra Sircar : Sir, I rise to a point of order. I do not desire to argue the point of order, because we took a considerable time yesterday arguing this. The object of the amendment is to lay down conditions which will be applicable to industries which are protected : and my point is the same that I took yesterday, that protection of industries is not one of the subjects of topics discussed either, in any of the three Acts or, in any of the sections here : nor has the subject any affinity with, nor related to or cognate to any matters to be found in those three Acts and in these clauses. I will not repeat the previous arguments.

Mr. M. S. Aney : Not even remotely connected ?

The Honourable Sir Nripendra Sircar : Far more remotely connected than provident funds,—but that is immaterial.

Mr. S. Satyamurti : Sir, I submit that the question of remoteness or nearness does not arise at all. The simple point is whether this clause, which I want to add, is outside the scope of the Bill and, therefore, out of order. I submit that to the extent that this clause seeks to govern the business of insurance, in so far as protected industries or trade are concerned by asking them to place their insurance with an Indian insurer, it is within the scope of the Bill.

Mr. President (The Honourable Sir Abdur Rahim) : There is a ruling—I think with regard to the Steel Industry Protection Bill—that amendments dealing with limitation of profits were out of order in a Bill for protection of an industry. That goes further than this.

Mr. S. Satyamurti : That was a Bill to protect an industry ; and an amendment was moved then to it. But if you look at this amendment, Sir, it merely seeks to say that certain classes of industries will be compelled to agree to place every class of insurance with Indian insurers. I submit that is certainly insurance business.....

Mr. President (The Honourable Sir Abdur Rahim) : Does not the same principle apply ? That was to limit the profits—I think.

Mr. S. Satyamurti : It was moved by Mr. N. M. Joshi and it was held to be in order by the then President, Sir R. K. Shanmukham Chetty.

Mr. President (The Honourable Sir Abdur Rahim) : A Member sought to move an amendment regulating the fixing of a fair selling price for steel and steel articles, whereupon objection was taken and the President ruled that it was outside the scope of the Bill.....

Mr. S. Satyamurti : After all, Sir, in these matters there is no such thing as a binding precedent. I can argue easily that that Bill was a Bill to protect a particular industry. If one wanted to extend the scope of the Bill to the fixing of fair selling prices of the articles produced by the industry, it was outside the scope of that Bill. But this Bill seeks to consolidate and amend the law relating to insurance business in this country, and this is certainly the business of insurance ; therefore, I submit, that so far as my amendment seeks merely to say that insurance business under the control of protected industries.....

Mr. President (The Honourable Sir Abdur Rahim) : You want to lay down that certain enterprises which get benefits from the State.....

Mr. S. Satyamurti : Yes, how certain enterprises, which get the benefit from the State, should insure their business. It is not as if I am now asking that all Indian industries should insure with Indian insurers, but my amendment is a very narrow one. It simply concerns the Indian protected industries, that is to say, industries which get some kind of help from the State, and I want that they should be compelled to place their business with Indian insurers. I submit, Sir, it is clearly within the scope of this Bill.....

Mr. President (The Honourable Sir Abdur Rahim) : Is there any clause in this Bill which lays down as to how and where business should be placed ?

The Honourable Sir Nripendra Sircar : There is no such clause, Sir.

Mr. S. Satyamurti : Insurance business can be placed only with registered insurers in this country, because it is clearly laid down here that no insurer, unless he is registered under this Act, can carry on insurance business, and secondly no insurance business can be negotiated except by licensing agents, and those who do so will be liable to pay a penalty, and any insurer who is not registered, and who does insurance business will be liable to penalty.

Mr. President (The Honourable Sir Abdur Rahim) : Very well. I will give my ruling tomorrow.

The Assembly then adjourned till Eleven of the Clock on Friday, the 1st October, 1937.

LEGISLATIVE ASSEMBLY.

Friday, 1st October, 1937.

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

STARRED QUESTIONS AND ANSWERS.

(a) ORAL ANSWERS.

GIVING OF PREFERENCE TO INDIANS IN THE HIGHER ADMINISTRATIVE POSTS IN THE INDIAN MEDICAL SERVICE.

942. ***Mr. M. Asaf Ali** : Will the Secretary for Education, Health and Lands please state whether :

- (a) it is a fact that one third of the members of the Indian Medical Service are Indians ;
- (b) both the Director and Deputy Director General of the Indian Medical Service are non-Indians ;
- (c) Lieutenant-Colonel Sheik, I.M.S., was not appointed as Deputy Director General on probation but in the ordinary course as the substantive incumbent of the post by notification in the Government Gazette (Education, Health and Lands), dated 21st January, 1937 ;
- (d) Lieutenant-Colonel Sheikh had 27 years service with considerable jail and civil experience ;
- (e) the present Deputy Director General is a non-Indian with entirely military and no civil experience ;
- (f) the offer to other senior Indians was not made in writing nor was their refusal received in writing before the present non-Indian Deputy Director General was appointed ;
- (g) the present non-Indian incumbent of Deputy Director General's post is also on probation, and if not, why not ;
- (h) the suitability of the present incumbent of the post is in respect of any special programme of Health work relating to tropical diseases, tuberculosis and malaria ; if so, what are the special qualifications and experience of the present incumbent ;

- (i) any posts in the Indian Medical Service are reserved for non-Indians ; and
- (j) Government are prepared to give an assurance that the earliest steps will be taken to give preference to suitable and qualified Indians in the higher administrative posts in the Indian Medical Service and the claims of senior Indians to the posts of both Director and Deputy Director General will receive early consideration ?

Sir Girja Shankar Bajpai : (a) Yes.

(b) Yes.

(c) No. As I explained on the 20th September, in connection with Dr. Ziauddin Ahmad's question No. 625, the probation was not mentioned in the notification but was mentioned in the letter of appointment.

(d) No. Lieut.-Colonel Sheikh's total service amounts to 22 years. He has had jail but no other civil experience.

(e) Yes.

(f) The offer was not made in writing.

(g) I would invite the Honourable Member's attention to the replies I gave to supplementary questions arising out of Dr. Ziauddin Ahmad's starred question No. 626 on the 20th September.

(h) The reply to the first part is in the negative. The duties of this post are primarily administrative and the present incumbent has exceptional administrative qualities.

(i) I would refer the Honourable Member to the Defence Department Resolution No. 205 which was published in the Gazette of India (Extraordinary) on the 25th March last.

(j) It is the policy of Government to appoint Indians of the requisite seniority and qualifications to senior administrative posts.

Mr. M. Asaf Ali : With reference to the answer to part (f) of the question, may I know if the refusals were also received in writing ?

Sir Girja Shankar Bajpai : The answer that I gave to the question was that no offer was made in writing, and the refusals were therefore not received in writing either. What happened was that the Director General was on tour and he consulted these officers personally.

Mr. S. Satyamurti : With reference to the answer to part (i) of the question, my Honourable friend referred to the Government order issued in the Defence Department. May I know if the Government have reconsidered the order in view of the Resolution of this House and the criticisms published by medical and other professional associations and the public generally throughout the country ?

Sir Girja Shankar Bajpai : I would suggest that that question be addressed to the Defence Department.

Mr. T. S. Avinashilingam Chettiar : May I know how many people were consulted over this matter whether they were prepared to accept this ?

Sir Girja Shankar Bajpai : Five.

Mr. S. Satyamurti : With reference to the answer to part (j) of the question, may I know whether the answer of my Honourable friend, namely, that it is the policy of the Government to appoint Indians of the requisite seniority and qualifications—does it represent the policy of his own department, or also of the Defence Department ?

Sir Girja Shankar Bajpai : I can only answer for the department which I represent in this House. I cannot say anything about the Defence Department.

Mr. S. Satyamurti : May I know whether appointments to these administrative posts are entirely in the hands of my Honourable friend's department, or does the Defence Department have a voice, and, if so, a superior voice in the matter ?

Sir Girja Shankar Bajpai : As far as I know, in the appointment of the Director General, Indian Medical Service, we have to consult His Excellency the Commander-in-Chief and the Defence Department, but appointments subordinate to the Director General in the office of the Director General are made by us.

Mr. T. S. Avinashilingam Chettiar : May I know whether it is the custom of the Government to consult in matters like this, in person, or it was an unusual procedure in this case only ?

Sir Girja Shankar Bajpai : No. Whenever a vacancy like this is about to occur and the Director General happens to be on tour he sounds the officers eligible for the appointment informally.

Mr. M. Asaf Ali : May I take it that throughout the length of this particular service there has not been an Indian Director General, and there has been only once an Indian Deputy Director General on probation ?

Sir Girja Shankar Bajpai : I think that, so far as the post of Director General is concerned, my Honourable friend's information is correct.

Mr. M. Asaf Ali : But what about the Deputy Director General ? There has not been an Indian Deputy Director General either ?

Sir Girja Shankar Bajpai : No. That is not true. There was Colonel Rai, and then Colonel Sheikh.

Mr. M. Asaf Ali : Were both of them on probation, or was either of them a permanent incumbent ?

Sir Girja Shankar Bajpai : As far as I know, Colonel Rai served for more than a period of six months and he would have been confirmed but for the fact that he became eligible for an administrative post and he preferred to go there.

Mr. S. Satyamurti : Is the fact that no Indian has so far been appointed Director General, due to the absence of qualified and suitable men, or is it due to racialism ?

Sir Girja Shankar Bajpai : I do not think that racialism plays any part in that matter.

PROTECTION OF THE INTERESTS OF INDIANS IN SOUTH AFRICA.

943. *Mr. S. Satyamurti : Will the Secretary for Education, Health and Lands be pleased to state :

- (a) whether his attention has been drawn to a leading article entitled ' Indians in South Africa ' in the *Hindu* of Monday, the 6th September, 1937 ;
- (b) whether his attention has been drawn to the statement of *Indian Views* reproduced in the article " one can safely prophesy, therefore, that a renewal of the anti-Asiatic cry by Dr. Malan will result in a change of Government attitude and that the commissions will therefore ultimately be appointed " and whether Government are watching the situation continuously and carefully with a view to protecting the interests of Indians in respect of these matters ;
- (c) the latest position with regard to municipal and political franchise for the Indians in the Union of South Africa ;
- (d) whether the attention of Government has been drawn to the statements of Professor Burchell reproduced in the article who " confessed that very little had been done in practice to carry out the solemn promise made in the first Capetown agreement " ; and
- (e) whether Government proposed to revise their attitude in regard to the position of Indians in consultation with the Indian legislature and send the successor to the present Agent General to that country with definite instructions as to the objectives which should guide his work and endeavours especially in securing the political franchise for Indians in the Union and if not, why not ?

Sir Girja Shankar Bajpai : (a), (b) and (d). Yes.

(c) Except in the Cape Province, Indians do not possess either the parliamentary or the municipal franchise.

(e) Government's objective has been and is to secure a progressive improvement in the position of Indians who have settled in the Union. Successive Agents have been instructed to devote all their energies to this purpose and those who may hold the position in future will be required to exert themselves to the same end. As regards the political franchise, I have nothing to add to the answer which I gave to the Honourable Member's starred question No. 747 on the 23rd September, and to the connected supplementaries.

Mr. S. Satyamurti : With reference to the answer to clause (c) of the question, may I take it that in the Cape Province Indians enjoy only the municipal franchise ?

Sir Girja Shankar Bajpai : No. They enjoy both the political and municipal franchise.

Mr. S. Satyamurti : Is there any move in the Cape Province in particular to deprive Indians of their franchise, both municipal and political ?

Sir Girja Shankar Bajpai : No, not in the Cape Province.

Mr. S. Satyamurti : With reference to the answer to clause (d) of the question, may I know whether Government have examined the statements of this Professor and whether they are in a position to make any statement on his allegation ?

Sir Girja Shankar Bajpai : No. I do not think that there is any occasion to make a statement on the statement made by the Professor, because one of the duties of our Agent General in South Africa is to watch the progress of the application of the principles accepted by the Union Government in 1927.

Mr. S. Satyamurti : Have the Government of India heard from the Agent General recently on the question of municipal and political franchise, for instance, in the Union outside the Cape Province ?

Sir Girja Shankar Bajpai : My Honourable friend, if he would refer to his own earlier question to which I have referred in answering part (e) of the question, will find all the references that the Agent General has made recently.

Mr. S. Satyamurti : May I take it that the Agent General is, therefore, authorised and required by the Government of India to advance, as much as he can, the claims of Indians to municipal and political franchise ?

Sir Girja Shankar Bajpai : I have nothing to add to the answer which I gave to my Honourable friend on the previous occasion.

Mr. S. Satyamurti : Then, my Honourable friend said that the Government would take it up at the earliest favourable opportunity. I am asking, apart from their taking it up, whether the Agent General now or his successor has been or will be authorised to press on the Government of the Union of South Africa the claims of Indians to both municipal and political franchise on behalf of this Government.

Sir Girja Shankar Bajpai : The Agent General misses no opportunity to impress not merely upon the Cabinet Ministers but those in a position to influence European opinion in South Africa generally the equity of the Indian claim to admission both to the municipal and the political franchise.

Mr. S. Satyamurti : Does he do it with the authority and permission of the Government of India ?

Sir Girja Shankar Bajpai : Of course, he would not be functioning in a matter like this without our approval.

RAISING OF THE PRICE OF OPIUM AND OTHER EXCISABLE ARTICLES IN THE RAJPUTANA STATES AND RESTRICTION OF THE AREA UNDER POPPY CULTIVATION.

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

- (a) whether Government are aware that excisable articles like opium which the Government of Rajputana States are authorised to sell very cheap find their way into the hands of

smugglers who smuggle large quantities of them into British India ;

- (b) whether the Government of India have taken any action on the petition addressed to them by the President of the Rajputana States People Conference relating to the cheap price of excisable articles especially opium in the Rajputana States and their effect on British India, and if not, why not ; and
- (c) whether the Government of India propose to consider the advisability of coming to a settlement with these Rajputana States especially in view of the Federation to raise the sale price of opium and other excisable articles in their States and restricting the area under poppy cultivation with a view to prevent smuggling ; if not, why not ?

Mr. A. H. Lloyd : (a) I am afraid that there is much smuggling of excisable articles from States in Rajputana in spite of all the efforts of the Central and Provincial Governments.

(b) Government have not received the petition in question.

(c) Government have already done their best to come to a settlement such as is referred to in this part of the question. The Indian States have already done much to assimilate their excise policy with that in force in British India and no opportunity will be lost for forwarding this process.

Mr. S. Satyamurti : With reference to the answer to clause (a) of the question, may I know whether it is a fact that the Governments of Rajputana States are authorised to sell excisable articles like opium very cheap ?

Mr. A. H. Lloyd : Sir, the difficulty about that question is in the use of the expression "authorised". The Rulers of the States in Rajputana require no authority to sell excisable articles at any price they choose, because they have full sovereign rights in the matter.

Mr. S. Satyamurti : May I know whether, as a matter of fact, and to the knowledge of the Government of India, excisable articles like opium are actually sold at very cheap prices by the Governments of Rajputana States ?

Mr. A. H. Lloyd : I would hesitate to use the expression 'very cheap'. It is undoubtedly the case that prices in Rajputana are generally considerably lower than those in British India.

Mr. S. Satyamurti : May I know whether Government have taken any steps, by way of influence or negotiation, to bring the prices up to the level of those in British India ?

Mr. A. H. Lloyd : I have already dealt with that in my reply to part (c) of the question. I said : Government have already done their best to come to a settlement such as is referred to in this part of the question. The Indian States have already done much to assimilate their excise policy with that in force in British India and no opportunity will be lost for forwarding the process.

Mr. S. Satyamurti : Then, may I know whether, as a result of these "best endeavours", the prices of excisable articles like opium have made a nearer approximation to their prices in British India ?

Mr. A. H. Lloyd : I have already answered that question. A good deal has been done to raise them.

Mr. S. Satyamurti : May I know whether the Government, as a result of these "best endeavours" have succeeded in putting down smuggling, wholly or partially, and, if so, to what extent ?

Mr. A. H. Lloyd : I think I may leave it to the Honourable Member to infer the result of such a process.

Mr. S. Satyamurti : I am asking whether as a result of the efforts made so far there has been any stopping or lessening of the extent of smuggling, in fact.

Mr. A. H. Lloyd : That, Sir, is a question which is really difficult to answer. We have not in the nature of things complete information as to the quantity of goods smuggled into British India from time to time and it is therefore impossible to say whether at one time more than at any other there has been more or less smuggling. We believe there has been some reduction in the volume of smuggling as a result of the measures that we have taken.

Mr. S. Satyamurti : With reference to clause (c) of the question, may I know whether the Government of India are considering the question of coming to a settlement on these matters with these Rajputana States, in connection with the negotiations for Federation ?

Mr. A. H. Lloyd : I do not think that this is a matter which can be linked up with negotiations for Federation. The fixation of prices for the sale of opium is inherently a matter of excise policy and the States have perfect freedom in this matter and I do not think that under Federation they can be asked to accept a lesser degree of freedom than that which they now enjoy or that enjoyed by the provinces in British India.

Mr. S. Satyamurti : May I know if this answer covers the question of poppy cultivation also ? Do the States enjoy absolute freedom in that matter also ?

Mr. A. H. Lloyd : No, Sir. That is a matter which inevitably goes with the proposals for Federation, since poppy cultivation is a Central subject.

PROPOSAL OF THE BRITISH FILM INDUSTRY TO ESTABLISH STUDIOS AND CINEMAS IN INDIA.

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

- (a) whether his attention has been drawn to press reports that the British film industry is contemplating to move the British Government to subsidise it in the venture of starting studio theatres in this country with a view to competing with Germany and America for providing entertainment to our villages ;

- (b) whether the Government of India propose to get into touch with the British Government and obtain full details of this venture ; and
- (c) whether Government propose to take all steps to protect the Indian film industry from this invasion and if not, why not ?

The Honourable Sir Thomas Stewart : I have nothing to add to the replies I gave on the 20th September, 1937, to Seth Govind Das's starred question No. 633.

Mr. S. Satyamurti : With reference to part (c), may I know whether Government propose to take steps to protect the Indian film industry from the invasion of foreign films ?

The Honourable Sir Thomas Stewart : May I point out to the Honourable Member that his question refers to "this invasion".

UNEMPLOYMENT AMONG INDIAN LABOURERS IN BURMA.

946. ***Mr. Badri Dutt Pande :** Will the Secretary for Education, Health and Lands be pleased to state :

- (a) if there is great deal of unemployment among Indian labourers in Burma ;
- (b) if there are cases of hardship where unemployed Indians even find it difficult to come back to India ;
- (c) if it is the intention of the Government of India to repatriate these Indians to India who are in a destitute position ; and
- (d) what has been decided by Government whether there will be an Agent only at Burma or whether there will be a High Commissioner ?

Sir Girja Shankar Bajpai : (a) and (b). Government are not aware of any change in the conditions described by the Royal Commission on Labour in their Report.

(c) Does not arise.

(d) The attention of the Honourable Member is invited to the reply given to his question No. 441 on the 10th September, 1937.

Mr. Badri Dutt Pande : As there is no Agent or High Commissioner in Burma, may I take it that the Honourable Member has put himself in correspondence with the Burma Government on the subject of these labourers ?

Sir Girja Shankar Bajpai : The Government of India have been in communication with the Government of Burma for some time and getting at the facts regarding Indian labour in Burma.

Mr. S. Satyamurti : With regard to the appointment of an Agent, has the Government of India to take the permission of the Colonial Office in England ?

Sir Girja Shankar Bajpai : The Colonial Office has nothing to do with the matter. It is a matter of mutual arrangement between the Government of India and the Government of Burma.

Mr. S. Satyamurti : In view of the large numbers of Indians in Burma, may I know when the Agent will be appointed ?

Sir Girja Shankar Bajpai : The matter is under active consideration now.

Prof. N. G. Ranga : What is the kind of assistance given by the Government of India to destitute Indians who are not able to come back for want of money ?

Sir Girja Shankar Bajpai : As my Honourable friend is aware, the Government of India make provision for this purpose in countries where they appoint an Agent but as far as we know, no occasion has arisen for the repatriation of destitute Indians from Burma.

Mr. Badri Dutt Pande : Am I to understand that the Honourable Member has received no complaint on behalf of labourers there ?

Sir Girja Shankar Bajpai : What is what I want my Honourable friend to understand. Yes.

ENCOURAGEMENT TO THE HANDLOOM AND COTTAGE WOOLLEN INDUSTRY.

947. ***Mr. Mohan Lal Saksena :** (a) Will the Honourable the Finance Member be pleased to state what financial assistance, if any, is being given to the various Provincial Governments for the encouragement of the handloom and other small scale and cottage woollen industries ?

(b) Do Government propose to consider the feasibility of increasing these grants ?

The Honourable Sir Thomas Stewart : (a) A sum of about Rs. 5 lakhs per annum is being allotted to the Provinces for the development of the handloom industry since November, 1934. Grants each totalling Rs. 1 lakh a year are also being given for the development of the cottage and small scale woollen industries since 1936-37. These grants will run for five years, i.e., till the 31st October, 1939, and the 31st March, 1941, respectively.

(b) No.

Prof. N. G. Ranga : In view of the fact that the Madras Government and the United Provinces Government have found it necessary to spend more money in order to relieve the distress of these handloom weavers, because they are conscious of the growing distress of these people, will Government consider the advisability of increasing their subvention of five lakhs, with a view to giving more to the provinces ?

The Honourable Sir Thomas Stewart : No, Sir. At present Government do not propose to do so.

Mr. Badri Dutt Pande : May I know how much money has been given to the United Provinces Government.

The Honourable Sir Thomas Stewart : In respect of the cotton handloom industry, the United Provinces Government have been allotted altogether 3 lakhs of rupees.

Mr. Ram Narayan Singh : What about the other provinces ?

Salt,—compensation and royalties paid. Those amount to about 33 lakhs each, between these they cover practically the whole amount.

Mr. T. S. Avinashilingam Chettiar : Will the Honourable Member lay those particulars on the table of the House ?

The Honourable Sir James Grigg : The Honourable Member can find them in the appropriate sections of the Demands for Grants and its appendices.

Mr. S. Satyamurti : May I know whether these contributions are on a financially compensatory basis, and whether these contributions are paid, because and only because of the probable loss of the revenue to those States, as they have not exercised those rights in the States ?

The Honourable Sir James Grigg : I cannot say exactly but they are mainly of a compensatory nature. The payments of 33 lakhs to Cochin and Travancore are in respect of an agreement which concerns the development of the port of Cochin and they cover the allocation of the total customs revenue collected in that port between the Government of India and the two Durbars.

Mr. T. S. Avinashilingam Chettiar : Was it sometime back, or recently that these agreements were made ?

The Honourable Sir James Grigg : Some of them were made in the dark ages.

Prof. N. G. Ranga : Some grants are made to the Nizam's and other States to the tune of several lakhs every year. Is not that so ?

The Honourable Sir James Grigg : Will the Honourable Member put down a question ?

Mr. S. Satyamurti : Is there any proposal, in connection with the Federation, to wipe out contributions on either side,—that is to say, contributions from the States to the Federation or from the Federation to the States ?

The Honourable Sir James Grigg : I do not know what the Honourable Member means. The basis of the Federation is laid down in the Government of India Act.

Mr. S. Satyamurti : I am asking about the actual contributions. Is there any proposal to wipe out the contributions ?

Mr. President (The Honourable Sir Abdur Rahim) : That is a different question. Next question.

Mr. T. S. Avinashilingam Chettiar : The agreement with Travancore and Cochin was made comparatively recently, i.e., in the last two years. May I also know when some of the others were made ?

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

ERADICATION OF THE PRACTICE KNOWN AS *Phooka*.

951. ***Mr. T. S. Avinashilingam Chettiar :** Will the Secretary for Education, Health and Lands state :

- (a) with reference to the eradication of the cruel and wasteful practice known as *Phooka* referred to in His Excellency the

Viceroy's speech to the Legislatures, whether they have any proposals in view to put an end to it ; and

- (b) if so, what they are ?

Sir Girja Shankar Bajpai : (a) and (b). The practice of ' *phooka* ' is a criminal offence under section 4 of the Prevention of Cruelty to Animals Act, 1890. The Government of India are now considering measures designed to facilitate the suppression of this practice.

Mr. Lalchand Navalrai : May I know if that is an all-India Act or a provincial Act ?

Sir Girja Shankar Bajpai : I have already said it is an all-India Act.

Mr. T. S. Avinashilingam Chettiar : Can the Government of India do anything effectively without introducing any fresh legislation of that kind ?

Sir Girja Shankar Bajpai : I am not in a position to state at this stage how the Government will proceed about the business of taking the necessary measures.

Mr. T. S. Avinashilingam Chettiar : When do they propose to take these steps ?

Sir Girja Shankar Bajpai : My Honourable friend is aware of the fact that some Honourable Members contemplate introducing a private measure on the subject ; there have been representations made to the Government of India by the Society for the Prevention of Cruelty to Animals and the matter is under consideration.

Mr. B. Das : Will the Government give permission to my friend, Dr. Deshmukh, to introduce his Bill this Session ?

Sir Girja Shankar Bajpai : That does not rest with me.

STATISTICS FOR UNEMPLOYMENT.

952. ***Mr. T. S. Avinashilingam Chettiar :** Will the Honourable Member for Industries and Labour state :

- (a) with reference to the Viceroy's speech to the Legislatures on the 13th September, 1937, what exactly has been done with regard to obtaining statistics of unemployment and maintaining records of unemployment ; and
- (b) what has been the result of their close contact with the Provincial Governments over these matters ?

The Honourable Sir Thomas Stewart : (a) The attention of the Honourable Member is invited to the statement which was laid on the table on the 13th September in connection with question No. 355 asked by Mr. Mohan Lal Saksena on the 7th September.

- (b) The views of the Provincial Governments are awaited.

The Honourable Sir Thomas Stewart : I think the Honourable Member really wants the information about Bihar. The figure for Bihar and Orissa is one lakh and 73 thousand.

Seth Govind Das : May I know the principle on which this amount is divided, whether it is on the number of persons engaged in the handloom industry or on any other principle ?

The Honourable Sir Thomas Stewart : I think the grants are allocated by a committee which is representative of all provinces and it is allotted to the provinces if they bring forward schemes which meet with the general approval of this Committee.

Mr. S. Satyamurti : Will Government consider the advisability of putting a tax, either directly or indirectly, on textile mills, or on the production and sale of mill made cloth, and earmark the proceeds of that tax, for the aid of the handloom industry ?

The Honourable Sir Thomas Stewart : That question must be addressed to my Honourable colleague, the Finance Member.

DISSENTING NOTE OF SIR TRACY GAVIN JONES TO THE SAPRU COMMITTEE REPORT AND ENQUIRY INTO THE QUESTION OF CURRENCY AND EXCHANGE.

948. ***Mr. Mohan Lal Saksena :** (a) Will the Honourable the Finance Member be pleased to state if the dissenting note of Sir Tracy Gavin Jones appended to the Sapru Committee Report has been considered by Government ? If so, have Government come to any conclusions on his suggestions regarding exchange ?

(b) Are Government prepared to consider the desirability of appointing a Committee to enquire into the question of currency and exchange and the effects of their present policy on the trade and industry of the country ?

The Honourable Sir James Grigg : (a) The Government of India are aware of the suggestions made in the dissenting note, but they see no reason for revising the policy which I explained in this House on the 8th of October, 1936.

(b) No, Sir.

Mr. Mohan Lal Saksena : May I know if the Government have considered this note of dissent ?

The Honourable Sir James Grigg : We were aware of it.

Mr. Mohan Lal Saksena : I want to know whether they have considered it ?

The Honourable Sir James Grigg : In as far as it was necessary, to come to the conclusion not to adopt it.

LEGISLATION REGARDING ACQUIRING OF INTERESTS OF AFRICAN AND ARAB MORTGAGORS IN ZANZIBAR.

949. ***Mr. Mohan Lal Saksena :** (a) Will the Secretary for Education, Health and Lands be pleased to state whether the attention of Government has been drawn to the new legislation proposed by the

Zanzibar Government regarding acquiring the interests of African and Arab mortgagors ? If so, how are its provisions likely to affect Indians in Zanzibar ?

(b) Do Government propose taking any action in the matter to safeguard the interests of Indians ?

Sir Girja Shankar Bajpai : (a) The attention of the Honourable Member is invited to the reply given to Mr. T. S. Avinashilingam Chettiar's starred question No. 861 on the 28th September.

(b) The Government of India's views on the provisions of the Bill will be communicated to the Government of Zanzibar.

Mr. Mohan Lal Saksena : Before forwarding their views, will the Government consult the Standing Emigration Committee ?

Sir Girja Shankar Bajpai : My Honourable friend is a member of the Emigration Committee and he is aware of the fact that this question of indebtedness in Zanzibar has been considered by the Committee twice. There is nothing in the Bill which necessitates further consultation with the Committee.

Mr. T. S. Avinashilingam Chettiar : Have they finished consideration of the Bill ?

Sir Girja Shankar Bajpai : It is a complicated measure and it does not come up for consideration in Zanzibar until the 15th November. So, the Government of India have time to consider it.

Mr. S. Satyamurti : Are the Government going to send another communication simply re-indorsing their previous communication because the Committee was consulted some time in May on this question ?

Sir Girja Shankar Bajpai : That is perfectly true but the Government of India have no intention of deviating from the attitude that they have already taken up on broad questions of principle.

CONTRIBUTIONS MADE TO THE STATES FROM INDIAN REVENUES.

950. ***Mr. T. S. Avinashilingam Chettiar :** Will the Honourable the Finance Member state :

(a) whether any contributions are made to the States from Indian revenues ;

(b) if so, on what account ; and

(c) what was the amount paid in the last financial year ?

The Honourable Sir James Grigg : (a), (b) and (c). Various payments, mainly of a compensatory nature, are made to Indian States under the existing treaties and agreements. The amounts of such payments are stated in the relevant sections of the "Demands for Grants" and its Appendices.

Mr. T. S. Avinashilingam Chettiar : May I know what the total amount is ?

The Honourable Sir James Grigg : I cannot say offhand. I have got a list of the more important ones. The two biggest are Customs and Salt,—Customs almost entirely in respect of Travancore and Cochin and

PROVISION OF FACILITIES FOR SECRETARIAT TRAINING IN UNIVERSITIES.

953. *Mr. T. S. Avinashilingam Chettiar : Will the Secretary for Education, Health and Lands state :

- (a) with reference to the statement in His Excellency the Viceroy's speech to the Legislatures on the 13th September, 1937, what exactly has been done with regard to providing facilities for secretariat training in Universities ; and
- (b) in which Universities they are going to be started, and from when ?

Sir Girja Shankar Bajpai : The matter was referred to Provincial Governments and Local Administrations for opinion. I lay on the table a summary of the replies so far received. The matter will be examined further when the replies are complete.

Summary of the replies received from Provincial Governments and Local Administrations regarding provision for instruction in secretarial work and the institution of diplomas in that subject.

Government of Madras.—The University of Madras is not prepared to make provision for training in secretarial work beyond that already contained in its laws for instruction in professional and commercial subjects. The Andhra University is still considering the matter. The Annamalai University may agree to provide facilities for training in secretarial work and to institute a special diploma course in it for the benefit of graduates who have completed their university courses successfully, if all the expenditure involved is met by a special grant to be given by Government and earmarked for the purpose.

Government of Bombay.—The course for the B.Com. Examination of the Bombay University already provides for instruction in secretarial work. The Provincial Government consider that provision for separate facilities for the purpose is not necessary.

Government of Bengal.—The Calcutta University is prepared to provide for a diploma or certificate course in secretarial work, the actual training in the subject being imparted in the individual colleges affiliated for the purpose. The Dacca University are of opinion that the courses already being taught in that university would qualify a man for secretarial work and that no new course need be instituted.

Government of the United Provinces.—Elementary instruction in secretarial work and accountancy is already imparted as part of the course for the Intermediate examination in commerce of the Board of High School and Intermediate Education, United Provinces, and accountancy and insurance are provided for in the B.Com. degree course of the Agra University. The number of vacancies available in the United Provinces for those with such training is not, and is not likely to be, sufficient to justify special facilities for such instruction being made available at various centres.

Government of the Punjab.—The matter is still under consideration of the Punjab University.

Government of Bihar.—The scope for the employment of men with secretarial training in Bihar is limited and it is not practicable at present for the Provincial Government to provide facilities for this kind of training. The Patna University Regulations already provide suitable courses for students who are aiming at a secretarial or commercial career, but up to now there is no public demand for such courses in arts colleges.

Government of Central Provinces.—On account of lack of funds it will not be possible for the Nagpur University to undertake the institution of Diplomas in secretarial work and the provision of instruction for them.

Government of Assam.—Training for parliamentary secretarial posts cannot be advantageously undertaken, as the relief to unemployment in Assam would be so small that the expenditure on such courses would be unjustifiable at present.

Government of the N.-W. F. Province.—Facilities already exist for training in secretarial work at the post-matriculation clerical class at the Government High School, Peshawar. Diplomas are granted to successful students.

Government of Sind.—There is at present no demand for training in secretarial work in Sind ; but should such a demand arise, the existing recognised Commercial Schools, which are permitted to send up candidates for the London Chamber of Commerce examination, will be in a position to arrange for instruction in Secretarial Practice, which is one of the subjects for these examinations. Local colleges are not in a position to make provision for such training without financial aid.

Government of Orissa.—The Provincial Government are unable to undertake the provision of higher secretarial training at present, as there are many other much more urgent educational needs.

Chief Commissioner, Coorg.—The question of providing facilities for secretarial training in Coorg does not arise, as there is no university or intermediate college in that province.

Chief Commissioner, Baluchistan.—The question of providing facilities for secretarial training at the university stage does not arise in Baluchistan, as there is no university or intermediate college in this province. A clerical and commercial class is, however, attached to one of the High Schools in Baluchistan.

Chief Commissioner, Ajmer-Merwara.—The matter is still under the consideration of the Board of High School and Intermediate Education for Rajputana (including Ajmer-Merwara), Central India and Gwalior.

Chief Commissioner, Delhi.—The Delhi University favour the idea that they should provide instruction in secretarial work and institute a Diploma in that subject.

Mr. T. S. Avinashilingam Chettiar : Were any universities consulted in this matter ?

Sir Girja Shankar Bajpai : I think the Local Governments concerned did consult universities.

MUSLIM OFFICERS IN THE SURVEY OF INDIA.

954. *Maulvi Muhammad Abdul Ghani : (a) Will the Secretary for Education, Health and Lands please state the number of promoted class II officers in the Survey of India, and the proportion of Muslims therein ? If the proportion of the latter is inadequate, are Government prepared to take steps to make up that deficiency ?

(b) What is the number of U. S. S. officers in this Department and what is the percentage of Muslim representation therein ?

(c) What is the number of promoted U. S. S. officers at present and what is the proportion of Muslims therein ?

Sir Girja Shankar Bajpai : (a) Seven, including one Muslim. The proportion of Muslims is 14 per cent. Promotions are occasional and made solely on merit.

(b) Seventy, including five probationers out of whom twenty-one are Muslims. The percentage of Muslims is 30.

(c) Seventeen, including nine Muslims. The percentage in this case is nearly 53.

PROMOTION OF SURVEYORS IN THE SURVEY OF INDIA.

955. *Maulvi Muhammad Abdul Ghani : (a) Will the Secretary for Education, Health and Lands please state whether Government consider ' War and Trans-Frontier and Foreign Services ' at the time of promotion in the Survey of India ?

(b) Was any consideration given to the special services in the promotion of surveyors ?

(c) How many surveyors possess qualifications in Geodetic Branch and how many of them are Muslims ?

Sir Girja Shankar Bajpai : (a) Yes.

(b) It is not clear what promotions or what surveyors are referred to, but generally speaking special services as well as qualifications were and are considered.

(c) There are 57 surveyors in the survey party and detachment under the Geodetic Branch. Twenty-one of these are Muslims.

RULES FOR PROMOTION OF TEMPORARY SURVEYORS IN THE SURVEY OF INDIA.

956. ***Maulvi Muhammad Abdul Ghami :** Will the Secretary for Education, Health and Lands please state whether Government have framed special rules for making the temporary surveyors in the Survey of India permanent ? If so, will he please lay a copy of such rules on the table ?

Sir Girja Shankar Bajpai : Such rules, framed by the Surveyor General, exist. A statement summarising them is laid on the table.

Rules for the Promotions of Temporary Surveyors to the Permanent Establishment.

In the first instance, officers of the Lower Subordinate Service, in the Survey of India, are entertained as pupils. After they have completed a period of training for two years, those whose progress and conduct have been thoroughly satisfactory, are appointed as unclassified surveyors on the temporary establishment for further training for a period of two years, during which they continue to be on probation. On the satisfactory completion of this two years' further training, the surveyors if appointed prior to 16th July, 1931, are classified according to their qualifications into various grades, such as Selected Grade, 1st Class, Inter Class, 2nd Class, and 3rd Class. Those who have been appointed as pupils or direct to the unclassified List, on or after the 16th July, 1931, are classified into Classes A, B, C and D, which correspond to the classes given above. These classes are laid down as a guide for regulating the pay of the Lower Subordinate Service.

In all but Nos. 1 and 2 Drawing Offices, officers placed in the first class may be transferred to the permanent establishment on completion of five years' service, excluding pupil service ; officers placed in the Intermediate and 2nd Classes will remain on the temporary establishment until they have completed at least 7 and 10 years' service respectively, excluding pupil service. Officers in the 3rd Class are not eligible for transfer to the permanent establishment ; if they are considered unlikely to qualify for class promotion on completion of 5 years' unclassified and classified service combined, they are discharged with 3 months' notice.

In Nos. 1 and 2 Drawing Offices transfer to the permanent establishment is made only if vacancies exist in the sanctioned number of posts and then only on condition that they have at least 10 years' service.

PUBLICATION OF THE REPORT OF THE BRITISH EXPERT ON BROADCASTING IN INDIA.

957. ***Mr. Mohan Lal Saksena :** (a) With reference to his answer to part (c) of question No. 284 given on the 2nd September, 1937, will the Honourable Member for Industries and Labour be pleased to state whether it is a fact that Government have been publishing reports dealing with technical subjects ?

(b) What will be the cost of publishing the report of the British expert on broadcasting in India ?

(c) Do Government propose to consider the feasibility of publishing the report to make it available to scientists and others interested in broadcasting ? If not, why not ?

(d) Will Government lay a copy of the report on the table of the House ?

(e) Does the report deal with the question of radio research ? If so, what recommendations has Mr. Kirke made on this point ?

(f) Has Mr. Kirke made any recommendations regarding the future working and re-organisation of the All-India Radio Department ? If so, what ?

The Honourable Sir Thomas Stewart : (a) Yes.

(b) Government did not have the cost of publishing the report calculated as they decided not to publish it.

(c) and (d). No.

(e) Mr. Kirke recommended the appointment of a small staff of research engineers and indicated the kind of research with which it should deal. An extract from his report dealing with research is laid on the table.

(f) No.

Extract from the Report on the proposed development of Broadcasting Stations in India by H. L. Kirke, A.M.I.E.E., M.I.R.E.

18. *Research.*—A certain amount of research work is desirable in any broadcast organisation and particularly in this country, and a small staff of research engineers is required for this work.

The work which this Department will deal with is as follows :

1. Measurement of field strength of existing stations where necessary to provide data for future development.
2. Measurement of field strength of signals from a mobile transmitter for the purpose of testing sites for new stations and determining the service areas which such stations will have.
3. Carrying out and organizing tests from the proposed short wave experimental transmitter at Delhi.
4. Experiments to find out the relationship between atmospheric strength and wavelength to provide data for the determination of the best wavelengths to be used under various circumstances.
5. Experiments in rural broadcasting including the development and testing under service conditions of new types of receivers and methods of power supply.
6. Short wave reception of Empire programmes for relaying purposes.
7. Recording of programmes by the disc and other methods. The present apparatus is somewhat out of date although it was purchased only one year ago and experiments are necessary in an endeavour to effect improvements. If these are not successful it will be necessary to purchase new apparatus.
8. Development of radio link apparatus for use at outside broadcasts where lines are not available.

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9. Supervision of tests on new mistophones.

10. General advice on the purchase of new apparatus and in some cases the design and supervision of manufacture of new apparatus.

11. Liaison with the Posts and Telegraphs Department in regard to lines.

The following list shows the apparatus which will be required for research and development work in the Indian State Broadcasting Service. I have divided the apparatus into two categories—one which will be required immediately and the other which can be left for some little time and purchased as required.

It is only possible to give a very rough estimate of the prices, and in some cases the actual price may be less than I have estimated.

	Rs.
1. Field strength measuring apparatus	4,000
2. Wave meter	1,800
3. Audio frequency amplifier for testing purposes	1,700
4. Attenuators and miscellaneous gear	1,300
5. Standard signal generator	1,800
6. Portable transmitter for use in connection with field strength measurements	13,900
7. Lorry for same	2,500
8. Generators, batteries, etc.	1,500
9. Car for field strength measurer	3,000
10. General purpose receiver	400
11. Batteries and other apparatus	500
12. A. C./D. C. test set (Avo meter)	200
	30,700

Staff.

	Rs.
1 Research officer at Rs. 400 per mensem	4,800
1 Assistant Engineer at Rs. 180 per mensem	2,160
1 Technical Assistant at Rs. 100 per mensem	1,200
1 Draughtsman and clerk at, say, Rs. 65 per mensem	780
1 Peon at Rs. 15 per mensem	180
2 Drivers and 2 labourers for field strength transmitter lorry	1,440
Travelling allowance	4,000
Contingencies	1,000
Furniture	1,000
Rent of bungalow, etc., for headquarters for research development	1,500
	18,060
	48,760

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Additional apparatus will be required later as follows:

	Rs.
1. Tone source	1,800
2. Amplifier detector	750
3. Harmonic analyser	1,800
4. Recorders for atmospheric measurements	1,200
5. Audio frequency bridge	750
6. Radio frequency bridge	1,800
7. Cathode ray oscillograph	250
	6,950

It is of the utmost importance that the apparatus required for research should be purchased without delay.

In addition a technical library should be started and subscriptions made to certain useful technical journals such as Wireless Engineer, Journal of the Institute of Electrical Engineers, Proceedings of the Institute of Radio Engineers, Bell System Technical Journal, Q. S. T. and possibly some others.

Mr. M. Asaf Ali : Since money was spent on bringing Mr. Kirke out to hold this inquiry, and since he has now submitted his report, are we not entitled to have a look at this report ?

The Honourable Sir Thomas Stewart : I have placed on the table an extract from the report of a chapter which is likely to be of general interest ; the report is otherwise of a purely departmental and technical character.

Mr. M. Asaf Ali : Are we not entitled to have even a look at the technical suggestions made by Mr. Kirke who was supposed to be an expert, Sir ?

The Honourable Sir Thomas Stewart : No, Sir, I do not admit the right.

Mr. T. S. Avinashilingam Chettiar : What is the cost of the production of this report ?

The Honourable Sir Thomas Stewart : I must have notice of that question.

Mr. Mohan Lal Saksena : Is it a long report ?

The Honourable Sir Thomas Stewart : Not particularly long.

Mr. Mohan Lal Saksena : May I know whether copies will be made available to scientists in India ?

The Honourable Sir Thomas Stewart : I have already said, "no".

Mr. M. Asaf Ali : May I know whether the Honourable Member will be so kind as to allow me to have a look at this report ?

The Honourable Sir Thomas Stewart : That is a matter to which I will give my most earnest consideration.

Mr. Mohan Lal Saksena : Will the Honourable Member lay on the table a copy of the recommendations made by him ?

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The Honourable Sir Thomas Stewart : I think that is covered by my answer to parts (c) and (d) of the original question.

Mr. M. Asaf Ali : Is it not a fact that Mr. Kirke made certain recommendations which were absolutely at variance with the methods adopted by the Broadcasting Department, and that that is why the Honourable Member is not prepared to let us have a look at it ?

The Honourable Sir Thomas Stewart : The Honourable Member's assumption is not correct.

Mr. S. Satyamurti : May I know the reasons why Government will not even publish or lay on the table the recommendations of this gentleman ?

The Honourable Sir Thomas Stewart : This is purely a technical and departmental matter which is not of public interest in that way.

Mr. S. Satyamurti : There are many scientists in this country who understand this job : may I know the reasons why Government refuse to have the benefit of publicity and criticism by these scientists on the recommendations made by a gentleman with regard to a public department ?

The Honourable Sir Thomas Stewart : I am not aware that there are scientists in this country who are acquainted with the practical implications of broadcasting.

Mr. M. Asaf Ali : I hope my Honourable friend is aware of the fact that serious objection was taken to Mr. Kirke being brought out in the Standing Finance Committee and we were assured at that time that his recommendations will be made available. Why are they not made available to us now ?

The Honourable Sir Thomas Stewart : Sir, if any such undertaking was given, then I certainly will go into the matter further with a view to implementing any promise that was given.

QUALIFICATIONS OF THE CONTROLLER OF BROADCASTING AND THE CHIEF ENGINEER, ALL-INDIA RADIO.

958. ***Mr. Mohan Lal Saksena :** (a) With reference to his answer to question No. 285 given on 2nd September, 1937, will the Honourable Member for Industries and Labour be pleased to state whether it is or it is not a fact that apart from the fact that the Controller of Broadcasting had been working in the British Broadcasting Corporation for seven years in various capacities in the department called 'Talks', he possesses no technical qualifications ?

(b) Is it or is it not a fact that the post of Controller of Broadcasting was abolished at the time Mr. Fielden was appointed Director of Broadcasting in India ?

(c) Is it not also a fact that the post was not advertised either in England or in India ? If so, why ?

(d) What are the engineering qualifications of Mr. C. W. Goyder, the Chief Engineer, All-India Radio ?

(e) Was the post advertised either in India or England or was Mr. Goyder appointed merely on the recommendation of Sir Noel Ashbridge and what post did he hold in the British Broadcasting Corporation and what salary was he drawing when he was appointed on a salary of Rs. 1,650-50-1,850 ?

(f) Did the Research Engineer do any research work before he was appointed to the present post ? Was the post advertised ? If so how many applications, if any, were received and who made the selection ?

(g) What research work, if any, has the Research Engineer done since his appointment and are any reports issued for public information ?

The Honourable Sir Thomas Stewart : (a) The Controller of Broadcasting has no technical, i.e., scientific or engineering, qualifications but he possesses specialised knowledge of the administrative side of broadcasting.

(b) The post held by Mr. Fielden is designated "Controller of Broadcasting". There is no such post as Director of Broadcasting in India.

(c) The attention of the Honourable Member is invited to the reply given by Sir David Mitchell on the 17th September, 1935, to part (g) of Sardar Sant Singh's starred question No. 430.

(d) Mr. Goyder is a Bachelor of Science with Honours in Engineering of the London University, and is an Associate of the City and Guilds Imperial College of Science and Technology. He has studied broadcasting conditions in the United States of America and has had practical experience of broadcasting engineering in South America and with the British Broadcasting Corporation.

(e) The post was not advertised. Mr. Goyder was an Engineer in the Research Department of the British Broadcasting Corporation. His salary was £675 per annum.

(f) The attention of the Honourable Member is invited to my reply on the 2nd September, 1937, to parts (g) and (h) of his starred question No. 285. The post was not advertised. Government selected him.

(g) I would invite the Honourable Member's attention to the statement I placed on the table of the House in reply to part (c) of his starred question No. 619 on the 20th September, 1937. Such of the results of research undertaken by All-India Radio as are likely to be of interest to the public are published in the *Indian Listener*.

Mr. Mohan Lal Saksena : With reference to part (a) of my question, may I know what is the reply to the last portion of this part ?

The Honourable Sir Thomas Stewart : May I repeat my answer to part (a) : "The Controller of Broadcasting has no technical, that is to say, scientific or engineering, qualifications but he possesses specialised knowledge of the administrative side of broadcasting."

Mr. Mohan Lal Saksena : Is it not a fact that in the statement laid on the table to which the Honourable Member has referred, in the column of qualifications, there appears nothing against the name of Mr. Fielden ?

The Honourable Sir Thomas Stewart : I acknowledge he has no technical qualifications in the sense of scientific or engineering qualifications, but he has had administrative experience.

Mr. Mohan Lal Saksena : With reference to part (b) of the question, the post of Controller of Broadcasting in B. B. C. was abolished at the time when Mr. Fielden was appointed in India. This refers to B. B. C. and not the Indian Broadcasting. So, his post was abolished in England and Mr. Fielden was transferred to India.

The Honourable Sir Thomas Stewart : So far as I am aware, Mr. Fielden never held in the B. B. C. a post called the Controller of Broadcasting.

Prof. N. G. Ranga : Does Mr. Fielden possess any academic qualifications ?

Mr. Mohan Lal Saksena : Was not the post which Mr. Fielden was holding abolished ?

The Honourable Sir Thomas Stewart : No, Sir. As far as I am aware, it was not abolished. The Honourable Member in his previous question referred to the post called 'Director of Talks'. There is still in existence in the B. B. C. organisation a Directorate of Talks.

Mr. K. Santhanam : Is the appointment of Mr. Goyder temporary or permanent ?

The Honourable Sir Thomas Stewart : It is a five years' contract.

Mr. Mohan Lal Saksena : May I know for how long Mr. Goyder had been working in the B. B. C. ?

The Honourable Sir Thomas Stewart : I should require notice of that. I cannot say.

Mr. Mohan Lal Saksena : May I know what is the term for which Mr. Fielden has been appointed ?

The Honourable Sir Thomas Stewart : Mr. Fielden is also on a five years' contract.

Mr. Mohan Lal Saksena : Is he training any Indian to take his place ?

The Honourable Sir Thomas Stewart : I have already answered that question on two or three occasions.

Prof. N. G. Ranga : Has he learnt any one of the Indian languages, either Urdu or Hindi, by now ?

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

QUARTERS ALLOTTED TO CLERKS IN NEW DELHI.

959. **Mr. C. N. Muthuranga Mudaliar :** (a) Will the Honourable Member for Industries and Labour state if it is a fact that many clerks and assistants in the various Government of India offices have not been allotted accommodation in New Delhi for the ensuing Delhi season ?

(b) Will the Honourable Member lay on the table a statement showing the number of quarters applied for and the number allotted and the number refused in various classes ?

(c) Are Government aware that private landlords in New Delhi are charging exorbitant rents for private accommodation ?

(d) Is there any condition in the leases of lands sold to such landlords that they should charge reasonable rent ? If not, are Government prepared to consider the advisability of bringing forward legislation to control and restrict rentals charged to a reasonable amount ?

The Honourable Sir Thomas Stewart : (a) Yes.

(b) A statement is laid on the table.

(c) Government have no information.

(d) The answer to the first part is in the negative. In view of the answer to part (c), the second part does not arise.

Statement showing the number of quarters applied for, the number allotted, and the number refused in various classes in New Delhi for the winter season 1937-38.

Allotments, etc., for the winter season 1937-38.	Unorthodox Clerks' quarters.				Orthodox Clerks' quarters.				Total.
	A	B	C	D	A	B	C	D	
Number of quarters applied for (including late applicants) ..	38	123	171	330	37	163	408	1,337	456 3,063
Number allotted ..	29	93	96	152	23	122	327	1,226	249 2,317
Number refused ..	9	30	75	178	14	41	81	111	207 746

CERTAIN SUPERSESIONS IN THE INDIAN MEDICAL SERVICE.

960. **Mr. Badri Dutt Pande :** Will the Secretary for Education, Health and Lands be pleased to state why

(i) Colonel Rai, I.M.S., has been superseded by Colonel Townsend; and

(ii) Colonel Sodhi was superseded by Colonel Mills ?

Sir Girja Shankar Bajpai : (i) Colonel Rai has not been superseded by Colonel Townsend. Both are holding administrative posts.

(ii) As I have explained to the House on previous occasions, seniority is not the decisive consideration in the making of appointments to selection posts. Colonel Mills was selected for the post of Surgeon General, Bengal, in preference not only to Colonel Sodhi but to an European officer senior to Colonel Sodhi.

Mr. B. Das : Is colour the deciding factor in the matter of appointments to these administrative posts ?

Sir Girja Shankar Bajpai : No, Sir.

REDUCTION OF THE IMPORT DUTY ON DIAMOND.

961. *Dr. G. V. Deshmukh : Will the Honourable the Finance Member please state :

- (a) whether he received a representation on behalf of the diamond merchants of India asking for a reduction of the import duty on diamonds from ten per cent. to five per cent.;
- (b) whether he is aware that the French authorities at Pondicherry have reduced their import duty on diamonds ; and
- (c) whether as a result of the actions of the French authorities at Pondicherry in reducing the import duty and of the Government of India in maintaining higher duty cases of smuggling have increased ?

Mr. A. H. Lloyd : (a) Yes.

(b) Yes.

(c) Government have no information to support this view.

Mr. G. V. Deshmukh : Was the find of diamonds which were being smuggled in the Maharani's car about which questions were put a few days ago on the floor of the House not an instance of the result likely to follow as suggested in part (c) of the question ?

Mr. President (The Honourable Sir Abdur Rahim) : This does not appear in the question.

Mr. G. V. Deshmukh : I am putting this question with reference to the reply to part (c) of the question. Is it not a fact that diamonds smuggled in the Maharani's car.....

Mr. President (The Honourable Sir Abdur Rahim) : We do not want any speech now. Next question.

TENDERS FOR KILOKRI EXTENSION SCHEME, DELHI.

962. *Mr. Lalchand Navalrai (on behalf of Sardar Sant Singh) : (a) With reference to starred question No. 808, asked in the last Session of the Legislative Assembly on the 31st March, 1937, regarding the Kilokri extension scheme, Delhi, will the Secretary for Education, Health and Lands please state whether Government have since made an inquiry into the circumstances in which the work was given to Messrs. Duncan Stratton and Company ? If so, with what result ?

(b) What were the formalities which were gone through in calling tenders for the work, especially when no public notice inviting tenders was published in the newspapers ?

(c) Is it a fact that Messrs. Duncan Stratton and Company have employed four or five sub-contractors to execute the work on their behalf ? If so, as required under the terms of the contract, has permission been given by the competent authority for sub-letting the contract to different contractors ? Furthermore, was it not possible for the work being given out to three or four different contractors, thus curtailing the middleman's profit ?

(d) Are Government aware that one of the sub-contractors on the work is one of the allied companies of Messrs. Tata and Sons, Ltd., Bombay ? If so, was it considered that tenders could be called from such responsible firms in the first instance ? If not, why not ?

Sir Girja Shankar Bajpai : (a) The circumstances were explained in answer to the question referred to by the Honourable Member. No further enquiry was necessary.

(b) to (d). The information has been called for and will be furnished to the House on receipt.

Mr. Lalchand Navalrai : Does the Honourable Member know that Indian contractors had also applied for this contract but they were refused ?

If so, on what grounds ?

Sir Girja Shankar Bajpai : I do not know that.

TENDERS FOR KILOKRI EXTENSION SCHEME, DELHI.

963. *Mr. Lalchand Navalrai (on behalf of Sardar Sant Singh) : (a) Will the Secretary for Education, Health and Lands please state the names of the firms from whom the tenders for the Kilokri extension scheme were invited, and also what is the type of installation each firm offered ? And what were the amounts of different tenders ?

(b) Is it a fact that all the firms from whom tenders were invited are Europeans ? If so, what is the reason for this discrimination ?

(c) Is it a fact that the site of some of the buildings and other works for which the original quotations were obtained has since been changed ? Was the sanction of the competent authority obtained ? If not, what corresponding reduction has been made in the amount of the contract ?

(d) Is it a fact that no measurements of work being executed are taken ? If so, how do Government propose to adjust the amount of the contract afterwards, especially as it is a lump sum contract not based on any schedule of rates ?

(e) Is it a fact that rubble stone masonry is being substituted for cement concrete in the actual construction of some of the works ? How much reduction will thus be possible ?

(f) Is it a fact that the work is not supervised by a Chief Engineer, and that it is chiefly controlled by one officer only, namely, the Superintending Engineer, Health Services, Delhi ?

(g) Is it a fact that most of the staff recruited for the execution of this work has previously worked in the Punjab under the present Superintending Engineer, Health Services, Delhi, at one time or the other ?

(h) What is the present pay, inclusive of allowances of the Resident Engineer and what was the pay of the incumbent in his last appointment ? Was this appointment of the Resident Engineer made by a Selection Committee of Engineers or only by the Superintending Engineer, Health Services ? How was the basic pay fixed by Government in this particular case ?

Sir Girja Shankar Bajpai : With your permission, Sir, I shall answer questions Nos. 963 and 964 together. The information has been called for and will be furnished to the House when received.

TENDERS FOR KILOKRI EXTENSION SCHEME, DELHI.

†964. ***Mr. Lalchand Navalrai** (on behalf of Sardar Sant Singh) : (a) Will the Secretary for Education, Health and Lands please state if the notice inviting tenders for the work of constructing a pumping station at Kilokri in connection with the Delhi sewage extension scheme was published in any Indian newspaper ?

(b) Is it a fact that the notice inviting tenders for this work was only published once in the *Statesman* ?

(c) Are Government aware that owing to the short publicity of the tender notice the local Public Works Department contractors could not submit their tenders ?

(d) How many tenders were received for the work, and out of these how many were submitted by the local Public Works Department contractors ?

(e) Is it a fact that the work was awarded to a Lahore contractor who had previously carried out certain works under the present Superintending Engineer, Health Services, Delhi, while he worked as Executive Engineer, Public Health Division, Lahore ?

PROCEDURE FOR APPOINTMENT OF PROFESSORS IN THE INDIAN INSTITUTE OF SCIENCE, BANGALORE.

965. ***Mr. O. N. Muthuranga Mudaliar :** Will the Secretary for Education, Health and Lands please state :

(a) the procedure that has been adopted so far in regard to the appointment of Professors of the Indian Institute of Science, Bangalore ;

(b) whether it is proposed to extend the term of office of Dr. V. Subramaniam as Professor of Bio-chemistry ;

(c) whether it is proposed to invite the opinion of scientists in the west on his work to enable them to reach a decision regarding his continuance as Professor of Bio-chemistry ;

(d) whether it is a fact that one of the scientists to whom a reference is contemplated was Dr. Subramaniam's own Professor at one time ; and

(e) whether the proposed procedure is not at variance with past practice in the matter according to which posts have been advertised ; and if so, the reason for the departure in the present case ?

Sir Girja Shankar Bajpai : (a) The Honourable Member is referred to Regulations 24 and 25 and Bye-laws 30 and 36-37 of the Institute, a copy of which is available in the Library of the House.

†For answer to this question, see answer to question No. 963.

(b) to (d). Government have not been approached by the Council on the subject.

(e) Does not arise.

Dr. Ziauddin Ahmad : Are these appointments made by the Government of India or by the Council ?

Sir Girja Shankar Bajpai : The appointments are made by the Council subject to the approval of His Excellency the Visitor.

APPOINTMENT OF PROFESSORS OF CHEMISTRY IN THE INDIAN INSTITUTE OF SCIENCE, BANGALORE.

966. ***Mr. C. N. Muthuranga Mudaliar :** (a) Will the Secretary for Education, Health and Lands please state whether the attention of the Government of India has been drawn to an article in the *Tainadu* of Bangalore, entitled "Science Institute affairs", dated the 9th August, 1937 ?

(b) Is it a fact that students at the Institute in a memorandum which they submitted to the Irvine Committee asked for the appointment of men with international reputation to fill the Professorial chairs in the Chemistry Department, and if so, what has been done in regard to this ?

Sir Girja Shankar Bajpai : (a) Government have seen the article in the *Tainadu*.

(b) Government have not seen the memorandum referred to by the Honourable Member. The recommendations of the Irvine Committee regarding the reorganisation of the Chemistry Departments are, however, under consideration by the Council of the Institute, which proposes to make provision for the appointment of a Professor of Chemistry, as recommended by the Committee.

Mr. O. N. Muthuranga Mudaliar : Will the Government call for the memorandum and consider the question ?

Sir Girja Shankar Bajpai : It is not necessary to call for the memorandum.

AMALGAMATION OF THE TWO DEPARTMENTS OF CHEMISTRY IN THE INDIAN INSTITUTE OF SCIENCE, BANGALORE.

967. ***Mr. O. N. Muthuranga Mudaliar :** Will the Secretary for Education, Health and Lands please state whether it is a fact that students of the Indian Institute of Science, Bangalore in their memorandum to the Irvine Committee also desired that the existing separate Departments of Bio-chemistry and Organic Chemistry should be amalgamated under one eminent scientist ? If so, what action has been taken in regard to it ?

Sir Girja Shankar Bajpai : As stated in my reply to the Honourable Member's question No. 966, Government have not seen the memorandum presented by the students of the Institute to the Irvine Committee. But the whole question of the reorganisation of the Departments of Chemistry, including that of the Bio-Chemistry Department, is at present under the consideration by the Council of the Institute in the light of the Irvine Committee's recommendations.

Mr. C. N. Muthuranga Mudaliar : How long will it take for the Government to take this into consideration and come to a final decision ?

Sir Girja Shankar Bajpai : I cannot prophesy.

POOR CALIBRE OF PROFESSORS IN THE INDIAN INSTITUTE OF SCIENCE,
BANGALORE.

968. ***Mr. C. N. Muthuranga Mudaliar :** (a) Will the Secretary for Education, Health and Lands please state whether Government are aware that there is great discontent in the Indian Institute of Science, Bangalore, on account of the poor calibre of the Professors engaged for teaching ? If not, will they please find out ?

(b) Are Government aware that because of the mediocre quality of teaching available in the Institute many intending students have left India for studies abroad ?

Sir Girja Shankar Bajpai : (a) Government are aware that criticism has been directed to some of the Departments at the Institute. Action is being taken in connection with the recommendations of the Irvine Committee.

(b) Government are not aware of the alleged exodus.

Mr. S. Satyamurti : With reference to parts (a) and (b), may I know whether Government have made any enquiries, that is to say, both on the matter mentioned in part (a)—the great discontent owing to the poor calibre of the professors, and secondly, the exodus of Indian students abroad ? Have the Government made enquiries about these ?

Sir Girja Shankar Bajpai : In so far as the first part of the question or the statement in the first part of the question, namely, the discontent at the mediocre quality of the professors is concerned, that fact was placed before the Irvine Committee and taken into account by that Committee in making its recommendations. As regards the second part, the Government have had no communication from any quarter that any considerable number of Indian students has gone to England because of the lack of facilities at Bangalore.

Mr. S. Satyamurti : As regards the first part of the question, may I know if the Government are now satisfied on the materials available to them, and on the recommendation of experts who can pronounce on the subject, that the quality of the professors in the Institute is adequate to the purpose for which the Institute is being run ?

Sir Girja Shankar Bajpai : As far as I know, after a consideration of all the materials placed before them, the Committee recommended a reorganisation of the Chemistry Department only and those proposals are under consideration now.

Mr. President (The Honourable Sir Abdur Rahim) : The Honourable Member, Mr. Muthuranga Mudaliar, has exhausted his quota of questions.

†969*.

†For this question and the reply thereto, see page 2831 of these debates.

UTILISATION OF GOVERNMENT IMPLEMENTS AND BULLOCKS, ETC., FOR PRIVATE CULTIVATION BY THE AGRICULTURAL ASSISTANT IN THE DELHI PROVINCE.

970. ***Dr. Ziauddin Ahmad** (on behalf of Mr. H. M. Abdullah) : (a) Will the Secretary for Education, Health and Lands please state if any of the Agricultural Assistants enjoy the special privilege of utilising Government implements and bullocks, etc., for his own private cultivation purposes ?

(b) Are Government aware that the present Agricultural Assistant attached to Delhi Province is doing this in his area ?

(c) If this is not permissible, are Government prepared to institute an enquiry into this subordinate's conduct in this matter and take proper action against him if the offence is proved ?

Sir Girja Shankar Bajpai : With your permission, Sir, I shall answer questions Nos. 970 and 971 together. Enquiries have been made and a reply will be furnished on receipt of information.

SHIFTING OF THE HEADQUARTERS OF THE AGRICULTURAL ASSISTANT IN THE DELHI PROVINCE.

†971. ***Dr. Ziauddin Ahmad** (on behalf of Mr. H. M. Abdullah) : (a) Will the Secretary for Education, Health and Lands please state if it is a fact that the headquarters of the Agricultural Assistant in the Delhi Province is at Nangloi and not at Delhi ?

(b) Will Government please state why it has been preferred to keep him at an out-of-the-way place rather than at Delhi proper which provides touring facilities in all the four directions of the Province ?

(c) Are Government prepared to consider the advisability of shifting the Agricultural Assistant's quarters to Delhi proper ?

MUSLIM DIVISIONAL ACCOUNTANTS SERVING UNDER THE ACCOUNTANT GENERAL, PUNJAB.

972. ***Dr. Ziauddin Ahmad** (on behalf of Mr. H. M. Abdullah) : Will the Honourable the Finance Member please state :

(a) the total number of Divisional Accountants serving under the Accountant General, Punjab, and the total number of Muslims therein ; and

(b) the number of vacancies that fell vacant since August, 1928 and the number of Muslims employed in such vacancies ?

The Honourable Sir James Grigg : The information is being obtained and will be laid on the table of the House in due course.

Babu Kailash Behari Lal : As some enquiries are being made by the Department regarding the grievances of the Biharis in postal service, I do not want to put parts (a) and (b) of question No. 973.

†For answer to this question, see answer to question No. 970.

SUPERINTENDENTS AND INSPECTORS OF POST OFFICES AND POSTMASTERS IN BIHAR.

973. *Babu Kailash Behari Lal : Will the Honourable Member for Industries and Labour be pleased to state :

(a) * * * *

(b) * * * *

(c) what is the total number of Superintendents and Inspectors of Post Offices in Bihar and how many of them are Biharis ; and

(d) what is the total number of Postmasters in Bihar and how many of them are Biharis ?

The Honourable Sir Thomas Stewart : (c) Superintendents twelve, and Inspectors of Post Offices twenty. The Superintendents belong to an All-India cadre and Biharis may be employed therein outside the province. Three of those serving in Bihar are Biharis. Ten of the Inspectors are Biharis.

(d) The total number of Postmasters is seventeen of whom two are Biharis.

LOANS RAISED BY PROVINCIAL GOVERNMENTS.

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

(a) the number and the amounts of the loans raised by the Provincial Governments since the 1st of April, 1937 ;

(b) the rates of interest on which these loans have been raised ;

(c) whether they have all been oversubscribed ;

(d) what functions the Government of India and the Reserve Bank of India respectively discharged in connection with the raising of these loans ;

(e) what considerations Government look to when they fix the rate or rates of interest on these loans, and sanction the raising of these loans ;

(f) whether Government propose to pursue a uniform policy in respect of these loans and their rate of interest in respect of all Provinces, and if so, why ; and

(g) whether Government do or do not intend to consider carefully the financial stability of and the rate of taxation in the Provinces and such other financial considerations in respect of the raising of these loans and the fixing of interests thereon, and if not, why not ?

The Honourable Sir James Grigg : (a)

	Lakhs.
Madras	150
United Provinces	100
Punjab	100
Central Provinces and Berar ..	50
North-West Frontier Province ..	60

(b) Three per cent., with an issue price of Rs. 99.

(c) I would invite a reference to the press communiqué issued by the Reserve Bank on the 31st of August, 1937.

(d) Their functions are prescribed in section 163 of the Government of India Act, 1935, and in the agreements between the Reserve Bank and the Provincial Governments, copies of which have been laid on the table of the House.

(e), (f) and (g). All relevant factors are taken into consideration. On this occasion it was considered that a simultaneous issue and uniform terms would best serve the interests of the Provinces concerned. I am unable to predict what arrangements will be made on future occasions.

Mr. S. Satyamurti : May I know whether a consideration of all the relevant factors led to the conclusion that, in the case of all the Provinces, whether they are solvent or insolvent, or whether they are getting a subvention from the Central Government or whether they are self-supporting, there should be a uniform rate of interest for all these loans ?

The Honourable Sir James Grigg : I do not think the Honourable Member or anybody else can draw a universal conclusion from what happened on this very special occasion when loans were issued very shortly after the new Governments took office. I do not think that the procedure followed on that occasion will necessarily or even probably be followed on future occasions.

Mr. S. Satyamurti : May I take it then that the Honourable the Finance Member's answer now, taking it along with the suggestions or the statements I have made in part (g) of my question, that is to say, the financial stability of and the rate of taxation in the Province and such further considerations will be carefully borne in mind, with regard to future application for loans from the different provinces ?

The Honourable Sir James Grigg : I have no doubt that in future issues of loans the market will come to a pretty accurate appreciation of the comparative credits of the various Provinces.

Mr. S. Satyamurti : May I know whether the Reserve Bank and the Government of India will continue to take into consideration what is the relative demand of the Provinces and their financial position, and will regulate the time and the rate of interest and the extent of the loan to be floated by these Governments in the open market ?

The Honourable Sir James Grigg : I have no doubt that the Reserve Bank and the Government of India will watch, and even more the market will watch the future flotation of loans.

Prof. N. G. Ranga : Is it competent for the Government of India to fix the rate of interest that these Provinces have to pay ?

The Honourable Sir James Grigg : Not unless they borrow from the Government of India direct.

Mr. Bhulabhai J. Desai : Was the rate of interest uniform in the case of all loans mentioned in part (a) ?

The Honourable Sir James Grigg : They were on this occasion.

Mr. Bhulabhai J. Desai : Was it then assumed that either the present or the potential credit of all the Provinces was equally good ?

The Honourable Sir James Grigg : As I said just now in answer to one of the supplementary questions of my Honourable friend, Mr. Satyamurti, that was not necessarily the view taken ; but the view taken was that a simultaneous issue on uniform terms was the fairest in the circumstances when new Governments had only just taken office.

Mr. Bhulabhai J. Desai : Did the Government of India guarantee any one of these loans ?

The Honourable Sir James Grigg : Certainly not.

POSITION OF INDIAN CLOVE TRADERS IN ZANZIBAR.

975. ***Mr. S. Satyamurti :** Will the Secretary for Education, Health and Lands be pleased to state :

- (a) the latest position of Indian clove traders in Zanzibar ;
- (b) whether the Government of India have received any representations from Indians either individually or through their associations ; and
- (c) whether Government propose to take any steps in consultation with Indians and Indian traders in Zanzibar to arrive at a settlement on this question consistent with their interests, and if not, why not ?

Sir Girja Shankar Bajpai : (a)—(c). The attention of the Honourable Member is invited to the reply given to Mr. Ram Narayan Singh's starred question No. 865 on the 28th September and to the supplementaries arising out of it.

Mr. S. Satyamurti : Up-to-date, have the Government received any representations or letters or telegrams from the Indian National Association or the Chamber of Commerce or any other Indian Association from Zanzibar, with regard to the present position of the Indian traders in Zanzibar in clove trade ?

Sir Girja Shankar Bajpai : No, Sir ; no communication has been received recently.

Mr. S. Satyamurti : Will Government take steps to get into touch in some manner or other with these Indian associations ?

Sir Girja Shankar Bajpai : Government are always ready to receive communications from the Associations.

Beth Govind Das : Have Government recently issued any instructions or inquiries to the Government of Zanzibar ?

Sir Girja Shankar Bajpai : No, Sir ; the Government of Zanzibar are not subordinate to the Government of India and no question of issuing instructions arises.

Beth Govind Das : As friendly instructions or something of that sort ?

Sir Girja Shankar Bajpai : I do not know what friendly instructions are.

Mr. S. Satyamurti : With reference to clause (c), may I know whether Government propose to take any steps themselves to get into touch with Indian interests or Indian traders and Associations, with a view to arriving at a settlement consistent with the interests and the honour of Indian traders in Zanzibar ?

Sir Girja Shankar Bajpai : The same question, Sir, was asked in a slightly different form on the 28th September, and what I submitted to the House then was that at the present moment neither the Indian community in Zanzibar nor the Government of Zanzibar seem disposed to come to terms. Therefore, there is very little that the Government of India can do.

Mr. S. Satyamurti : Are the Government of India keeping in active touch with these two interests in order to find out if there is any tendency or disposition on their part to come to a settlement ?

Sir Girja Shankar Bajpai : I have again to repeat what I said before, that the Government of Zanzibar keep the Government of India informed of the situation in Zanzibar. The Indian National Association has not chosen to do so.

Mr. Bhulabhai J. Desai : Beyond watching the situation, have the Government of India got any further information relating to the boycott of trade by the Indians in Zanzibar ?

Sir Girja Shankar Bajpai : Beyond what has appeared in the press the Government of India have no information regarding the progress of the boycott.

Mr. Bhulabhai J. Desai : Do not Government desire to interest themselves in what appears to be an important struggle by Indians overseas ?

Sir Girja Shankar Bajpai : Sir, I am not suggesting that Government are not interested in this important struggle overseas. What I am submitting is that if the people engaged in the struggle wish to bring any facts to the notice of the Government of India, the Government of India will be only too glad to take notice of those facts.

Mr. S. Satyamurti : Are the Government of India so superior that they will not address any communication to this body in order to find out the state of affairs at Zanzibar ?

Sir Girja Shankar Bajpai : There is no question of superiority or inferiority.

[1st Oct. 1937.]

Seth Govind Das : Have they addressed any communications to the Government of Zanzibar or not ?

Sir Girja Shankar Bajpai : I have already told my Honourable friend that the Government of Zanzibar have kept the Government of India informed of the situation. What communication does my Honourable friend wish the Government of India to address to the Government of Zanzibar ?

Seth Govind Das : When was the last communication received by the Government of India from Zanzibar ?

Sir Girja Shankar Bajpai : I should say, somewhere last week.

SHORTAGE OF "C" TYPE QUARTERS IN NEW DELHI.

976. ***Dr. P. N. Banerjee :** (a) Will the Honourable Member for Industries and Labour please state the number of new (non-lien) applicants for 'C' class orthodox and unorthodox quarters in New Delhi for the winter season 1937-38 and how many of them have been allotted quarters and how many refused on account of shortage of quarters ?

(b) Is it a fact that full standard rent (based on the capital outlay involved) is charged from the tenants of this class of quarters and their construction does not, therefore, involve any loss to Government ?

(c) Are Government aware that the employees of the migratory offices of the Government of India who are not allotted Government quarters are put to great inconvenience and heavy expenses ?

(d) Is it a fact that Government have to pay some house-rent to those Government servants who have to arrange for private accommodation at high rents ?

(e) When do Government propose to construct more quarters of this class to meet fully the needs of those for whom they are intended ?

The Honourable Sir Thomas Stewart : (a) I lay a statement on the table.

(b) Tenants of "C" class orthodox quarters pay the standard rent calculated according to Fundamental Rule 45A. Tenants of "O" class unorthodox quarters, which are more expensive to build, pay only ten per cent. of their emoluments which is less than the standard rent. The construction of quarters often involves loss to Government.

(c) I am prepared to take it from the Honourable Member that such Government employees are put to some inconvenience and extra expense.

(d) Yes.

(e) I am not prepared to make any statement on this point. Government aim at meeting about 80 per cent. of the demand for each class of quarters. In the class referred to 73 per cent. of the total demand is being met and the shortage is, therefore, small.

Statement.			
	No. of new applicants on due date.	No. provided with quarters.	No. unprovided with quarters.
Unorthodox "C"	75	3	72
Orthodox "C"	154	71	83

RESERVE BANK OF INDIA STAFF REGULATIONS.

977. ***Dr. P. N. Banerjee :** (a) Will the Honourable the Finance Member please state whether it is a fact that the "Reserve Bank of India Staff Regulations" were issued with the approval of the Government of India ?

(b) Is it also a fact that under these Regulations, an officer "recruited overseas" for class A service in the Bank is allowed an overseas pay of Rs. 200 to Rs. 500 per mensem according to his pay ?

(c) If the reply to part (b) be in the affirmative, will Government please state whether the overseas pay is allowed only to Europeans or also to Indians recruited overseas ?

(d) Will Government please state what are the special English qualifications possessed by the men recruited overseas which justify the grant to them of the overseas pay amounting to more than 50 per cent. of their scale of pay ?

(e) Will Government please also state :

(i) the total number of officers in class A service of the Bank and how many of them are Indians and how many Europeans ;

(ii) how many of the class A officers are in receipt of overseas pay and how many of them are Indians and how many Europeans ;

(iii) how many of the class A officers are direct recruits to this class and how many promoted from subordinate service ;

(iv) how many of the class A officers are graduates in commerce of any Indian or foreign university ;

(v) how many of them have passed the final examination of the English Institute of Bankers and how many of the Indian Institute ; and

(vi) how many of them are Registered, Chartered or Incorporated Accountants ?

The Honourable Sir James Grigg : (a) No. These Regulations were issued by the Central Board under the general powers conferred by section 7 of the Reserve Bank of India Act.

(b), (c), (d) and (e). I would invite the attention of the Honourable Member to the replies which I gave to question No. 182 and supplementary questions asked on the 30th of August, 1937.

**ALLEGATIONS AGAINST THE ASSISTANT MANAGER, GOVERNMENT OF INDIA
FORMS PRESS, ALIGARH.**

978. *Mr. Lalchand Navalrai (on behalf of Sardar Sant Singh) : Will the Honourable Member for Industries and Labour please state :

- (a) whether it is a fact that over 25 thousand pounds of type metal, some dozens of type cases, a numbering machine and various other valuable articles disappeared from the custody of the Assistant Manager, Government of India Forms Press, Aligarh ; and
- (b) if the reply to part (a) above be in the affirmative, what action has been taken against the person who was responsible for the loss, and whether any steps have been taken to recover the cost of the articles from the offender ?

The Honourable Sir Thomas Stewart : (a) and (b). The attention of the Honourable Member is invited to the reply given by Sir Frank Noyce on the 19th February, 1936, to starred question No. 680 in the Legislative Assembly. If the Honourable Member has any fresh information other than the allegations already denied on the floor of this House and is prepared to furnish the source of that information, the matter will be considered.

Mr. Lalchand Navalrai : Is it a fact that these materials did really disappear ?

The Honourable Sir Thomas Stewart : I would refer the Honourable Member to the reply given by Sir Frank Noyce on the occasion I quoted.

Mr. Lalchand Navalrai : I want to know as a fact whether these things disappeared and whether any inquiry was made to find out whether the thief was an outsider or these things were misappropriated by the officer.

The Honourable Sir Thomas Stewart : I must again refer the Honourable Member to the answer that was given some considerable time ago.

**ALLEGATIONS AGAINST THE ASSISTANT MANAGER, GOVERNMENT OF INDIA
FORMS PRESS, ALIGARH.**

979. *Mr. Lalchand Navalrai (on behalf of Sardar Sant Singh) . Will the Honourable Member for Industries and Labour please state :

- (a) whether written permission was obtained by the Assistant Manager to supervise the work of a local private press called the Muslim University Press, and if so, for what special circumstances and reasons was such permission given ; for what period such permission was given and for how long did the gentleman actually supervise the work ; and
- (b) whether it is a fact that the Muslim University Press has since been purchased by the Assistant Manager or his son and whether the missing articles referred to in the preceding question have since found their way to the Muslim University Press now owned by the Assistant Manager or his son ?

The Honourable Sir Thomas Stewart : (a) The answer to this part is in the negative. Permission was, however, given in July, 1932, to the Assistant Manager of the Aligarh Press to serve on a Sub-Committee appointed to advise the Aligarh Muslim University on the better management of their Press, subject to the condition that the work would be honorary and would not be such as to interfere with or prejudice his official duties.

(b) The Assistant Manager reported to Government early this year that his son by his first wife, who is an adult and has no connection with his family, has undertaken to start a printing concern at Aligarh on the abolition of the Muslim University Press. In view of the reply given to part (a) of question No. 978, the second part does not arise.

Mr. Lalchand Navalrai : May I know whether there was any suspicion against this Assistant Manager of having done wrong in regard to the articles that disappeared ?

The Honourable Sir Thomas Stewart : No, Sir. Sir Frank Noyce in the answer I have quoted made it perfectly clear that there was no question of criminality in the matter.

Mr. President (The Honourable Sir Abdur Rahim) : It is a pity that a question like this should be repeated again.

Sardar Sant Singh's quota of five questions has been exhausted.

(b) WRITTEN ANSWERS.

**RECOMMENDATION OF THE IRVINE COMMITTEE GIVEN EFFECT TO BY THE INDIAN
INSTITUTE OF SCIENCE, BANGALORE.**

969. *Mr. C. N. Muthuranga Mudaliar : Will the Secretary for Education, Health and Lands please state :

- (a) the recommendations of the Irvine Committee which have been given effect to by the Indian Institute of Science, Bangalore ;
- (b) the recommendations of the Irvine Committee which have not been given effect to, and the reasons for it ; and
- (c) the steps which they propose to take or will advise the Institute to take to man the Departments of the Institute in such a way that students will be attracted to it instead of to institutions in the west ?

Sir Girja Shankar Bajpai : (a) to (c). The information is being collected and will be placed on the table of the House in due course.

**ALLEGATIONS AGAINST THE ASSISTANT MANAGER, GOVERNMENT OF INDIA
FORMS PRESS, ALIGARH.**

980. *Sardar Sant Singh : Will the Honourable Member for Industries and Labour please state whether it is a fact that during his tenure of appointment as Assistant Manager, Government of India Press, Simla, the

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same gentleman was accused of having misappropriated or lost a large quantity of type and other articles and whether he was transferred from Simla in consequence of these allegations?

The Honourable Sir Thomas Stewart : The answer is in the negative.

ALLEGATIONS AGAINST THE ASSISTANT MANAGER, GOVERNMENT OF INDIA FORMS PRESS, ALIGARH.

981. *Sardar Sant Singh : Will the Honourable Member for Industries and Labour please state :

(a) whether he is aware that the Assistant Manager exercises undue influence upon his subordinates with a view to their doing the composing, printing and binding work in the Muslim University Press without any remuneration whatsoever and whether the subordinates who refuse to comply with these orders are harassed by him by being fined, deprived of their legitimate promotions and otherwise being severely dealt with ; and

(b) whether he is aware that the Assistant Manager devotes much of his office time and the whole of it after and before office hours to running the private concern called the Muslim University Press?

The Honourable Sir Thomas Stewart : (a) No. It is open to any individual who considers that he has a grievance to represent to the proper authority in the usual way.

(b) So far as Government are aware, this is not a fact.

ALLEGATIONS AGAINST THE ASSISTANT MANAGER, GOVERNMENT OF INDIA FORMS PRESS, ALIGARH.

982. *Sardar Sant Singh : Will the Honourable Member for Industries and Labour please state whether Government are prepared to investigate the whole affair?

The Honourable Sir Thomas Stewart : No.

POSTPONED QUESTION AND ANSWER.

(a) ORAL ANSWERS.

POSSIBILITIES OF GROWING CLOVES IN INDIA.

[Postponed from the 28th September.] 842. *Mr. Mohan Lal Saksena : (a) Will the Secretary for Education, Health and Lands please state the comparative figures of imports of cloves in India for July and August, 1937, and the corresponding months in 1936?

(b) Have Government taken any steps to investigate the possibilities of growing cloves in India especially in centrally administered areas? If not, why not?

Sir Girja Shankar Bajpai : (a) A statement giving such information as is available is laid on the table.

POSTPONED QUESTIONS AND ANSWERS.

Statement showing the amount of Cloves imported into India during July and August, 1936, and July, 1937.

Month	Quantity.
July, 1936	9,239
August, 1936	3,564
July, 1937	3,530

(Figures for August, 1937, are not yet available.)

Mr. Mohan Lal Saksena : What is the reply to part (b)?

Sir Girja Shankar Bajpai : I refer the Honourable Member to a reply given previously during the Session, namely, that an officer of the Imperial Council of Agricultural Research is investigating the possibilities of clove cultivation in India.

Mr. S. Satyamurti : May I know if the Government of India have got into touch or propose to get into touch with the Government of His Highness the Maharaja of Travancore, with regard to the possibility of growing cloves in the Travancore forests?

Sir Girja Shankar Bajpai : The investigating officer is not limiting his inquiry to the centrally administered areas. He really proposes to find out which is the part of India, whether in an Indian State or in British India, that lends itself to such cultivation.

UNSTARRED QUESTION AND ANSWER.

REDUCTION OF DUTY ON PAPER USED FOR NEWSPAPER PRINTING.

188. **Mr. M. S. Aney :** (a) Will the Honourable the Finance Member be pleased to state whether Government have reduced the duty on paper used for newspaper printing?

(b) If so, from which date, on what sort of paper and to what extent?

(c) Do Government propose to reduce the duty on paper in sheets or in reams which is generally used by the journals in order to extend similar concessions to journals which are not printed on reels?

Mr. A. H. Lloyd : The attention of the Honourable Member is invited to the replies given by me to starred questions Nos. 870 and 871.

STATEMENT LAID ON THE TABLE.

CERTAIN DRAFT CONVENTIONS AND RECOMMENDATIONS OF THE INTERNATIONAL LABOUR CONFERENCE.

The Honourable Sir Saiyid Sultan Ahmad (Member for Commerce and Railways) : Sir, I lay on the table a copy of the Draft Conventions and Recommendations adopted by the 21st and 22nd (Maritime) Sessions of the International Labour Conference together with a copy of the statement indicating the course of action which the Government of India propose to take in connection with the Draft Conventions and Recommendations.

APPENDIX I.

Draft Convention concerning Hours of Work on Board Ship and Manning.

(The formal preamble is omitted.)

PART I.—SCOPE AND DEFINITIONS.

Article 1.

1. This Convention applies to every sea-going mechanically-propelled vessel, whether publicly or privately owned, which :

- (a) is registered in a territory for which the Convention is in force ;
- (b) is employed in the transport of cargo or passengers for the purpose of trade ; and
- (c) is engaged on an international voyage, by which is meant any voyage from a port of one country to a port outside such country, every colony, overseas territory, protectorate or territory under suzerainty or mandate being regarded as a separate country.

2. This Convention does not apply to :

- (a) sailing vessels with auxiliary engines ; or
- (b) vessels engaged in fishing, whaling or similar pursuits, or in operations directly connected therewith.

3. Any Member may exempt vessels registered in its territory from the application of this Convention while such vessels are exclusively engaged in voyages upon which they do not proceed further from the country from which they trade than the nearby ports of neighbouring countries within geographical limits which :

- (a) are clearly specified by national laws or regulations ;
- (b) are uniform in respect of the application of all the provisions of this Convention ;
- (c) have been notified by the Member when registering its ratification by a declaration annexed thereto ; and
- (d) have been fixed after consultation with the other Members concerned.

Article 2.

For the purpose of this Convention the following expressions have the meanings hereby assigned to them :

- (a) " tons " means gross registered tons ;
- (b) " officer " means a person other than a master ranked as an officer by national laws or regulations, collective agreement or custom ;
- (c) " rating " means a member of the crew other than an officer ;
- (d) " hours of work " means time during which a member of the crew is required by the orders of a superior to do any work on account of the vessel or the owner, or to be at the disposal of a superior outside the crew's quarters.

PART II.—Hours of Work.

Article 3.

This part of this Convention does not apply to :

- (a) officers in charge of departments who do not keep watch ;
- (b) wireless operators and telephonists ;
- (c) pilots ;
- (d) doctors ;
- (e) nursing staff exclusively engaged on nursing duties or hospital staff ;
- (f) persons working exclusively on their own account ;
- (g) persons remunerated exclusively by a share of profits ;
- (h) persons whose duties are connected solely with the cargo carried on board and who are not in fact in the employment either of the owner or of the master ;
- (i) travelling dockers ;
- (j) crews consisting entirely of members of the family, as defined by national laws or regulations, of the owner of the vessel.

Article 4.

1. In vessels of over 2,000 tons the hours of work at sea and on arrival and sailing days of deck ratings whose time is divided into watches shall not exceed eight in the day nor shall they exceed fifty-six in the week.

2. In vessels of over 700 tons the hours of work at sea and on arrival and sailing days of deck ratings employed as day workers shall not exceed eight in the day nor shall they exceed forty-eight in the week.

3. Hours in excess of the limits prescribed in paragraphs 1 and 2 may be worked on arrival and sailing days. Whether or not such hours are to be worked and where such hours are allowed the conditions under which they may be worked shall be determined by national laws or regulations or collective agreements.

Article 5.

1. In vessels of over 700 tons the hours of work at sea and on arrival and sailing days of engine-room and stokehold ratings whose time is divided into watches shall not exceed eight in the day nor shall they exceed fifty-six in the week : Provided that extra time may be worked for the normal relieving of watches and the hoisting and dumping of ashes.

2. In vessels of over 700 tons the hours of work at sea and on arrival and sailing days of engine room and stokehold ratings employed as day workers shall not exceed eight in the day nor shall they exceed forty-eight in the week.

3. Hours in excess of the limits prescribed in paragraphs 1 and 2 may be worked on arrival and sailing days. Whether or not such hours are to be worked and where such hours are allowed the conditions under which they may be worked shall be determined by national laws or regulations or collective agreements.

Article 6.

1. In vessels of over 2,000 tons the hours of work at sea and on arrival and sailing days of deck officers shall not exceed eight in the day nor shall they exceed fifty-six in the week.

2. Provided that one additional hour per day may be worked at sea and on arrival and sailing days for navigational or clerical purposes.

3. Provided also that additional hours may be worked occasionally when the master deems it necessary to order two officers to keep watch simultaneously, so however that in no case shall any officer be required in virtue of this paragraph to work more than twelve hours in any day.

4. In vessels of over 700 tons the hours of work at sea and on arrival and sailing days of deck officers employed as day workers shall not exceed eight in the day nor shall they exceed forty-eight in the week.

5. Hours in excess of the limits prescribed in paragraphs 1 and 4 may be worked on arrival and sailing days. Whether or not such hours are to be worked and where such hours are allowed the conditions under which they may be worked shall be determined by national laws or regulations or collective agreements.

6. The provisions of this Article apply to apprentices and cadets in the deck department.

Article 7.

1. In vessels required under Article 16 to carry three or more engineer officers, the hours of work of such officers at sea and on arrival and sailing days shall not exceed eight in the day nor shall they exceed fifty-six in the week.

2. In vessels of over 700 tons the hours of work at sea of engineer officers employed as day workers shall not exceed eight in the day nor shall they exceed forty-eight in the week.

3. The provisions of this Article apply to apprentices and cadets in the engine-room department.

Article 8.

1. In vessels to which this Convention applies the following provisions shall apply to deck, engine-room and stokehold ratings and to deck and engineer officers, including apprentices and cadets in the deck and engine-room departments, whenever sea watches are suspended in any port:

- (a) hours of work shall not exceed eight in the day nor shall they exceed forty-eight in the week;
- (b) the weekly rest day shall be observed and on that day no work shall be required except as overtime or for the purpose of ordinary routine and sanitary duties, any work required for the purpose of such duties to be included in the ordinary limit of forty-eight hours;
- (c) exceptions to these provisions may be made in accordance with national laws or regulations or collective agreement in the case of ratings required for the safety of the vessel or persons on board or for the preservation of the cargo.

2. Sea watches shall normally be suspended if the vessel is expected to stay in the port for more than twenty-four hours following its arrival, unless in the judgment of the master the safety of the vessel would be prejudiced thereby.

3. If sea watches are maintained in port, all time worked in excess of the limits of hours prescribed by or permitted under paragraph 1 of this Article shall, except in the case of:

- (a) watches maintained for the safety of the vessel; and
- (b) watches worked within twelve hours after arrival or within twelve hours before sailing,

be regarded as overtime for which the rating or officer shall be entitled to be compensated.

Article 9.

1. In all vessels to which this Convention applies in respect of which there is in force:

- (a) a safety certificate issued in accordance with the provisions of the International Convention for the Safety of Life at Sea for the time being in force; or
- (b) a passenger certificate,

the hours of work at sea of ratings in the catering and clerical departments shall be so arranged as to ensure to each such rating not less than twelve hours' rest during any period of twenty-four hours, including a rest period of at least eight consecutive hours.

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2. In all vessels to which this Convention applies, other than vessels in respect of which there is in force one of the certificates referred to in the preceding paragraph, the hours of work at sea and on arrival and sailing days of ratings in the catering and clerical departments shall not exceed ten in the day.

3. In all vessels to which this Convention applies the hours of work in port of ratings in the catering and clerical departments shall not exceed eight in the day, subject to such exceptions as may be permitted by national laws or regulations.

Article 10.

1. Ratings and deck and engineer officers including apprentices and cadets may be required to work in excess of the limits of hours prescribed by or permitted under the preceding Articles of this Part of this Convention, subject to the conditions that:

- (a) all such time worked shall be regarded as overtime for which they shall be entitled to be compensated; and
- (b) there shall be no consistent working of overtime.

2. The manner or rate or rates of such compensation shall be prescribed by national laws or regulations or be fixed by collective agreement.

Article 11.

1. No rating under the age of 16 years shall work at night.

2. For the purpose of this Article the expression "night" means a period of at least nine consecutive hours between times before and after midnight to be prescribed by national laws or regulations.

Article 12.

The provisions of this Part of this Convention do not apply to:

- (a) work which the master deems to be necessary and urgent for the safety of the vessel, cargo, or persons on board;
- (b) work required by the master for the purpose of giving assistance to other vessels or persons;
- (c) musters, fire, lifeboat and similar drills of the kind prescribed by the International Convention for the Safety of Life at Sea for the time being in force;
- (d) extra work resulting from the sickness of or from injury to any officer or rating or from any unforeseeable reduction in the number of officers or ratings in the course of the voyage;
- (e) extra work for the purpose of customs, quarantine or other health formalities;
- (f) work by officers for the determination of the position of the vessel at noon.

PART III.—MANNING.

Article 13.

Every vessel of over 700 tons shall be sufficiently and efficiently manned for the purposes of:

- (a) safety of life at sea; and
- (b) making possible the application of the rules relating to hours set forth in Part II of this Convention,

and more particularly every such vessel shall comply with the minimum requirements as to manning set forth in this Part of this Convention.

Article 14.

1. In vessels of over 700, but not exceeding 2,000 tons there shall be carried at least two certificated deck officers in addition to the master.
2. In vessels of over 2,000 tons there shall be carried at least three certificated deck officers in addition to the master.

Article 15.

1. In vessels of over 700 tons the number of deck ratings carried shall be sufficient to allow of three ratings being available for each navigational watch.
2. In particular, the following minimum numbers of ratings shall be carried :
 - (a) in vessels of over 700 but not exceeding 2,000 tons : 6 ;
 - (b) in vessels of over 2,000 tons : 9 or such larger number as may be prescribed by national laws or regulations or fixed by collective agreement.
3. The following minimum numbers of the ratings required to be carried by paragraph 2 shall comply with the conditions as to physical capacity and efficiency stated in paragraph 4 :
 - (a) in vessels of over 700 but not exceeding 2,000 tons : 4 ;
 - (b) in vessels of over 2,000 tons : 5 or such larger number as may be prescribed by national laws or regulations or fixed by collective agreement.
4. The conditions as to physical capacity and efficiency to be fulfilled by certain ratings in accordance with paragraph 3 are that each such rating :
 - (a) is 18 years of age ; and
 - (b) either has had at least three years' sea service on deck or holds a certificate, issued by the competent authority, that his standard of efficiency is equal to that of the average rating who has had three years' sea service on deck.
5. National laws or regulations or collective agreement shall limit the number of ratings with less than one year's sea service on deck who may be counted as deck ratings for the purpose of satisfying the requirements of this Article.
6. No rating signed on in a dual capacity whose services may be required in any department other than the deck department shall be counted as a deck rating for the purpose of satisfying the requirements of this Article.
7. Whether or not a wireless operator or telephonist is to be considered as belonging to the deck department for the purpose of the preceding paragraph shall be determined by national laws or regulations or collective agreement.

Article 16.

1. In vessels to which this Article applies at least three certificated engineer officer shall be carried.
2. This Article applies either :
 - (a) to vessels of over 700 tons ; or
 - (b) to vessels with engines exceeding 800 indicated horse-power,
 according as a tonnage or horse-power criterion is prescribed by national laws or regulations.
3. Provided that any Member may postpone the application of this Article for a period not exceeding five years from the coming into force of this Convention in the case of existing vessels not exceeding 1,500 tons or with engines not exceeding 1,000 indicated horse-power according as the Member applies the tonnage or horse-power criterion.

Article 17.

If in the course of a voyage as a result of death, accident or any other cause a vessel ceases to have available the number of officers or ratings required by the preceding Articles the master shall make up the deficiency at the first reasonable opportunity.

PART IV.—GENERAL PROVISIONS.

Article 18.

The shipowners', officers' and seamen's organisations concerned shall, so far as is reasonable and practicable, be taken into consultation in the framing of all laws or regulations for giving effect to the provisions of this Convention.

Article 19.

1. Each Member which ratifies this Convention shall be responsible for the application of its provisions to vessels registered in its territory and shall maintain in force national laws or regulations which :
 - (a) determine the respective responsibilities of the shipowner and the master for ensuring compliance therewith ;
 - (b) prescribe adequate penalties for any violation thereof ;
 - (c) provide for adequate public supervision of compliance with Part III before a vessel leaves a home port on an international voyage ;
 - (d) require the keeping of records of all overtime worked in pursuance of Article 10 and of the compensation granted in respect thereof ; and
 - (e) ensure to seamen the same remedies for recovering extra payments in respect of overtime as they have for recovering other arrears of wages.
2. In any case in which it comes to the knowledge of the competent authority of a port that a vessel registered in a territory for which this Convention is in force in virtue of ratification by another Member is not carrying the number of officers and ratings required by Part III of this Convention the said authority shall so notify the consul of the said Member.

Article 20.

Nothing in this Convention shall affect any law, award, custom or agreement between shipowners and seamen which ensures more favourable conditions than those provided by this Convention.

Article 21.

1. Vessels existing at the date of the coming into force of this Convention in respect of which the competent authority of the territory of registration is satisfied, after consulting the organisations interested, that the circumstances are such that the provision of fresh accommodation or other permanent equipment necessary for an increased crew is not reasonably possible may be exempted from the application of the Convention.
2. Such exemption shall be granted by the issue of an exemption certificate, which shall be carried on the vessel, exempting the said vessel from such of the requirements of this Convention as are specified in the said certificate.
3. Exemption certificates shall not be issued for a period exceeding four years at a time.
4. Every Member taking advantage of the provisions of this Article shall communicate to the International Labour Office in its annual report upon the application of this Convention :
 - (a) the texts of all laws and regulations relating to the grant of exemption under this Article ;
 - (b) particulars as to the number of vessels and total tonnage in respect of which exemption certificates are for the time being in force ; and

- (c) any observations as to the grant of exemption made by the ship-owners', officers, and seamen's organisations concerned.

PART V.—FINAL PROVISIONS.

Article 22.

1. In respect of the territories referred to in Article 35 of the Constitution of the International Labour Organisation, each Member of the Organisation which ratifies this Convention shall append to its ratification a declaration stating:

- (a) the territories in respect of which it undertakes to apply the provisions of the Convention without modification;
- (b) the territories in respect of which it undertakes to apply the provisions of the Convention subject to modifications, together with details of the said modification;
- (c) the territories in respect of which the Convention is inapplicable and in such cases the grounds on which it is inapplicable;
- (d) the territories in respect of which it reserves its decision.

2. The undertakings referred to in sub-paragraphs (a) and (b) of paragraph 1 of this Article shall be deemed to be an integral part of the ratification and shall have the force of ratification.

3. Any Member may by a subsequent declaration cancel in whole or in part any reservations made in its original declaration in virtue of sub-paragraphs (b), (c) or (d) of paragraph 1 of this Article.

Article 23.

The formal ratification of this Convention shall be communicated to the Secretary-General of the League of Nations for registration.

Article 24.

1. This Convention shall be binding only upon those Members of the International Labour Organisation whose ratifications have been registered with the Secretary-General.

2. It shall come into force six months after the date on which there have been registered by the Secretary-General of the League of Nations the ratifications of five Members of the Organisation each of which has a mercantile marine tonnage of not less than one million tons.

3. Thereafter, this Convention shall come into force for any Member six months after the date on which its ratification has been registered.

Article 25.

As soon as the ratifications of five of the Members mentioned in the second paragraph of Article 24 have been registered, the Secretary-General of the League of Nations shall so notify all the Members of the International Labour Organisation. He shall likewise notify them of the registration of ratifications which may be communicated subsequently by other Members of the Organisation.

Article 26.

1. A Member which has ratified this Convention may denounce it after the expiration of five years from the date on which the Convention first comes into force by an act communicated to the Secretary-General of the League of Nations for registration. Such denunciation shall not take effect until one year after the date on which it is registered.

2. Each Member which has ratified this Convention and which does not, within the year following the expiration of the period of five years mentioned in the preceding paragraph, exercise the right of denunciation provided for in this Article, will be bound for another period of five years and, thereafter, may denounce this Convention at the expiration of each period of five years under the terms provided for in this Article.

Article 27.

At the expiration of each period of five years after the coming into force of this Convention, the Governing Body of the International Labour Office shall present to the General Conference a report on the working of this Convention and shall consider the desirability of placing on the Agenda of the Conference the question of its revision in whole or in part.

Article 28.

1. Should the Conference adopt a new Convention revising this Convention in whole or in part, then, unless the new Convention otherwise provides,

- (a) the ratification by a Member of the new revising Convention shall *ipso jure* involve the immediate denunciation of this Convention, notwithstanding the provisions of Article 26 above, if and when the new revising Convention shall have come into force;
- (b) as from the date when the new revising Convention comes into force this Convention shall cease to be open to ratification by the Members.

2. This Convention shall in any case remain in force in its actual form and content for those Members which have ratified it but have not ratified the revising Convention.

Article 29.

The French and English texts of this Convention shall both be authentic.

Recommendation concerning Hours of Work on Board Ship and Manning.

(The formal preamble is omitted.)

Having regard to the fact that the Hours of Work and Manning (Sea) Convention, 1936, does not regulate hours of work or manning in vessels engaged only in national coasting trade;

That it allows each Member to except from the application of its provisions the vessels referred to in Article 1, paragraph 3, of the said Convention, and

That some of its provisions do not apply to vessels below a certain tonnage;

The Conference recommends that each Member which has not already regulated hours of work and manning in these different classes of vessels should investigate the conditions obtaining in them in the light of the rules laid down in the said Convention; and

Further recommends that each such Member should take all necessary measures to prevent overwork and insufficient manning on such vessels.

Draft Convention concerning the Liability of the Shipowner in case of Sickness, Injury or Death of Seamen.

(The preamble is omitted.)

Article 1.

1. This Convention applies to all persons employed on board any vessel, other than a ship of war, registered in a territory for which this Convention is in force and ordinarily engaged in maritime navigation.

2. Provided that any Member of the International Labour Organisation may in its national laws or regulations make such exceptions as it deems necessary in respect of :

- (a) persons employed on board :
 - (i) vessels of public authorities when such vessels are not engaged in trade ;
 - (ii) coastwise fishing boats ;
 - (iii) boats of less than twenty-five tons gross tonnage ;
 - (iv) wooden ships of primitive build such as dhows and junks ;
- (b) persons employed on board by an employer other than the ship-owner ;
- (c) persons employed solely in ports in repairing, cleaning, loading or unloading vessels ;
- (d) members of the shipowners' family ;
- (e) pilots.

Article 2.

1. The shipowner shall be liable in respect of :

- (a) sickness and injury occurring between the date specified in the articles of agreement for reporting for duty and the termination of the engagement ;
- (b) death resulting from such sickness or injury.

2. Provided that national laws or regulations may make exceptions in respect of :

- (a) injury incurred otherwise than in the service of the ship ;
- (b) injury or sickness due to the wilful act, default or misbehaviour of the sick, injured or deceased person ;
- (c) sickness or infirmity intentionally concealed when the engagement is entered into.

3. National laws or regulations may provide that the shipowner shall not be liable in respect of sickness, or death directly attributable to sickness, if at the time of the engagement the person employed refused to be medically examined.

Article 3.

For the purpose of this Convention, medical care and maintenance at the expense of the shipowner comprises :

- (a) medical treatment and the supply of proper and sufficient medicines and therapeutical appliances ; and
- (b) board and lodging.

Article 4.

1. The shipowner shall be liable to defray the expense of medical care and maintenance until the sick or injured person has been cured, or until the sickness or incapacity has been declared of a permanent character.

2. Provided that national laws or regulations may limit the liability of the shipowners to defray the expense of medical care and maintenance to a period which shall not be less than sixteen weeks from the day of the injury or the commencement of the sickness.

3. Provided also that if there is in force in the territory in which the vessel is registered a scheme applying to seamen of compulsory sickness insurance, compulsory accident insurance, or workmen's compensation for accidents, national laws or regulations may provide :

- (a) that a shipowner shall cease to be liable in respect of a sick or injured person from the time at which that person becomes entitled to medical benefits under the insurance or compensation scheme ;

- (b) that the shipowner shall cease to be liable from the time prescribed by law for the grant of medical benefits under the insurance or compensation scheme to the beneficiaries of such schemes, even when the sick or injured person is not covered by the scheme in question, unless he is excluded from the scheme by reason of any restriction which affects particularly foreign worker or workers not resident in the territory in which the vessel is registered.

Article 5.

1. Where the sickness or injury results in incapacity for work the shipowner shall be liable :

- (a) to pay full wages as long as the sick or injured person remains on board ;
- (b) if the sick or injured person has dependants, to pay wages in whole or in part as prescribed by national laws or regulations from the time when he is landed until he has been cured or the sickness or incapacity has been declared of a permanent character.

2. Provided that national laws or regulations may limit the liability of the shipowner to pay wages in whole or in part in respect of a person no longer on board to a period which shall not be less than sixteen weeks from the day of the injury or the commencement of the sickness.

3. Provided also that if there is in force in the territory in which the vessel is registered a scheme applying to seamen of compulsory sickness insurance, compulsory accident insurance, or workmen's compensation for accidents, national laws or regulations may provide :

- (a) that a shipowner shall cease to be liable in respect of a sick or injured person from the time at which that person becomes entitled to cash benefits under the insurance or compensation scheme ;
- (b) that the shipowner shall cease to be liable from the time prescribed by law for the grant of cash benefits under the insurance or compensation scheme to the beneficiaries of such schemes, even when the sick or injured person is not covered by the scheme in question, unless he is excluded from the scheme by reason of any restriction which affects particularly foreign worker or workers not resident in the territory in which the vessel is registered.

Article 6.

1. The shipowner shall be liable to defray the expense of repatriating every sick or injured person who is landed during the voyage in consequence of sickness or injury.

2. The port to which the sick or injured person is to be returned shall be :

- (a) the port at which he was engaged ; or
- (b) the port at which the voyage commenced ; or
- (c) a port in his own country or the country to which he belongs ; or
- (d) another port agreed upon by him and the master or shipowner, with the approval of the competent authority.

3. The expense of repatriation shall include all charges for the transportation, accommodation and food of the sick or injured person during the journey and his maintenance up to the time fixed for this departure.

4. If the sick or injured person is capable of work, the shipowner may discharge his liability to repatriate him by providing him with suitable employment on board a vessel proceeding to one of the destinations mentioned in paragraph 2 of this Article.

Article 7.

1. The shipowner shall be liable to defray burial expenses in case of death occurring on board, or in case of death occurring on shore if at the time of his death the deceased person was entitled to medical care and maintenance at the shipowner's expense.

2. National laws or regulations may provide that burial expenses paid by the shipowner shall be reimbursed by an insurance institution in cases in which funeral benefit is payable in respect of the deceased person under laws or regulations relating to social insurance or workmen's compensation.

Article 8.

National laws or regulations shall require the shipowner or his representative to take measures for safeguarding property left on board by sick, injured or deceased persons to whom this Convention applies.

Article 9.

National laws or regulations shall make provision for securing the rapid and inexpensive settlement of disputes concerning the liability of the shipowner under this Convention.

Article 10.

The shipowner may be exempted from liability under Articles 4, 6 and 7 of this Convention in so far as such liability is assumed by the public authorities.

Article 11.

This Convention and national laws or regulations relating to benefits under this Convention shall be so interpreted and enforced as to ensure equality of treatment to all seamen irrespective of nationality, domicile or race.

Article 12.

Nothing in this Convention shall affect any law, award, custom or agreement between shipowners and seamen which ensures more favourable conditions than those provided by this Convention.

Article 13.

1. In respect of the territories referred to in Article 35 of the Constitution of the International Labour Organisation, each Member of the Organisation which ratifies this Convention shall append to its ratification a declaration stating:

- (a) the territories in respect of which it undertakes to apply the provisions of the Convention without modification;
- (b) the territories in respect of which it undertakes to apply the provisions of the Convention subject to modifications, together with details of the said modifications;
- (c) the territories in respect of which the Convention is inapplicable and in such cases the grounds on which it is inapplicable;
- (d) the territories in respect of which it reserves its decision.

2. The undertakings referred to in sub-paragraphs (a) and (b) of paragraph 1 of this Article shall be deemed to be an integral part of the ratification and shall have the force of ratification.

3. Any Member may by a subsequent declaration cancel in whole or in part any reservations made in its original declaration in virtue of sub-paragraphs (b), (c) and (d) of paragraph 1 of this Article.

Article 14.

The formal ratifications of this Convention shall be communicated to the Secretary-General of the League of Nations for registration.

Article 15.

1. This Convention shall be binding only upon those Members of the International Labour Organisation whose ratifications have been registered with the Secretary-General.

2. It shall come into force twelve months after the date on which the ratifications of two Members have been registered with the Secretary-General.

3. Thereafter, this Convention shall come into force for any Member twelve months after the date on which its ratification has been registered.

Article 16.

As soon as the ratifications of two Members of the International Labour Organisation have been registered, the Secretary-General of the League of Nations shall so notify all the Members of the International Labour Organisation. He shall likewise notify them of the registration of ratifications which may be communicated subsequently by other Members of the Organisation.

Article 17.

1. A Member which has ratified this Convention may denounce it after the expiration of ten years from the date on which the Convention first comes into force, by an act communicated to the Secretary-General of the League of Nations for registration. Such denunciation shall not take effect until one year after the date on which it is registered.

2. Each Member which has ratified this Convention and which does not, within the year following the expiration of the period of ten years mentioned in the preceding paragraph, exercise the right of denunciation provided for in this Article, will be bound for another period of ten years and, thereafter, may denounce this Convention at the expiration of each period of ten years under the terms provided for in this Article.

Article 18.

At the expiration of each period of ten years after the coming into force of this Convention, the Governing Body of the International Labour Office shall present to the General Conference a report on the working of this Convention and shall consider the desirability of placing on the Agenda of the Conference the question of its revision in whole or in part.

Article 19.

1. Should the Conference adopt a new Convention revising this Convention in whole or in part, then, unless the new Convention otherwise provides,

- (a) the ratification by a Member of the new revising Convention shall ipso jure involve the immediate denunciation of this Convention, notwithstanding the provisions of Article 17 above, if and when the new revising Convention shall have come into force;
- (b) as from the date when the new revising Convention comes into force this Convention shall cease to be open to ratification by the Members.

2. This Convention shall in any case remain in force in its actual form and content for those Members which have ratified it but have not ratified the revising Convention.

Article 20.

The French and English texts of this Convention shall both be authentic.
L429LAD

Draft Convention concerning Sickness Insurance for Seamen.

(The preamble and formal articles at end are omitted.)

Article 1.

1. Every person employed as master or member of the crew or otherwise in the service of the ship, on board any vessel, other than a ship of war, registered in a territory for which this Convention is in force and engaged in maritime navigation or sea-fishing, shall be insured under a compulsory sickness insurance scheme.

2. Provided that any Member of the International Labour Organisation may in its national laws or regulations make such exceptions as it deems necessary in respect of :

- (a) persons employed on board vessels of public authorities when such vessels are not engaged in trade ;
- (b) persons whose wages or income exceed a prescribed amount ;
- (c) persons who are not paid a money wage ;
- (d) persons not resident in the territory of the Member ;
- (e) persons below or above prescribed age-limits ;
- (f) members of the employer's family ;
- (g) pilots.

Article 2.

1. An insured person who is rendered incapable of work and deprived of his wages by reasons of sickness shall be entitled to a cash benefit for at least the first twenty-six weeks or one hundred and eighty days of incapacity from and including the first day for which benefit is payable.

2. The right to benefit may be made conditional upon the completion of a qualifying period and of a waiting period of a few days to be counted from the beginning of the incapacity.

3. The cash benefit granted to the insured person shall never be fixed at a rate lower than that fixed by the general scheme of compulsory sickness insurance, where such a scheme exists but does not apply to seamen.

4. Cash benefit may be withheld :

- (a) while the insured person is on board or abroad ;
- (b) while the insured person is maintained by the insurance institution or from public funds ; provided that in such case it shall only partially be withheld when the insured person has family responsibilities ;
- (c) while in respect of the same illness the insured person receives compensation from another source to which he is entitled by law, so however that in such case benefit shall only be wholly or partially withheld if and so far as such compensation is equal to or less than the amount of the benefit payable under the sickness insurance scheme.

5. Cash benefit may be reduced or refused in the case of sickness caused by the insured person's wilful misconduct.

Article 3.

1. The insured person shall be entitled free of charge, as from the commencement of his illness and at least until the period prescribed for the grant of sickness benefit expires to medical treatment by a fully qualified medical practitioner and to the supply of proper and sufficient medicines and appliances.

2. Provided that the insured person may be required to pay such part of the cost of medical benefit as may be prescribed by national laws or regulations.

3. Medical benefit may be withheld while the insured person is on board or abroad.

4. Whenever the circumstances so require, the insurance institution may provide for the treatment of the sick person in hospital and in such case shall grant him full maintenance together with the necessary medical attention and care.

Article 4.

1. When the insured person is abroad and by reason of sickness has lost his right to wages, whether previously payable in whole or in part, the cash benefit to which he would have been entitled had he not been abroad shall be paid in whole or in part to his family until his return to the territory of the Member.

2. National laws or regulations may prescribe or authorise the provision of the following benefits :—

- (a) when the insured person has family responsibilities, a cash benefit additional to that provided for in Article 2 ;
- (b) in case of the sickness of members of the insured person's family living in his home and dependent on him, aid in kind or in cash.

Article 5.

1. National laws or regulations shall prescribe the conditions under which an insured woman, while in the territory of the Member, shall be entitled to maternity benefit.

2. National laws or regulations may prescribe the conditions under which the wife of an insured man, while in the territory of the Member, shall be entitled to maternity benefit.

Article 6.

1. On the death of the insured person, a cash benefit of an amount prescribed by national laws or regulations shall be paid to the members of the family of the deceased or be applied for defraying the funeral expenses.

2. Where there is in force a pension scheme for the survivors of deceased seamen, the grant of the cash benefit provided for in the preceding paragraph shall not be compulsory.

Article 7.

The right to insurance benefit shall continue even in respect of sickness occurring during a definite period after the termination of the last engagement, which period shall be fixed by national laws or regulations in such a way as to cover the normal interval between successive engagements.

Article 8.

1. The insured persons and their employers shall share in providing the financial resources of the sickness insurance scheme.

2. National laws or regulations may provide for a financial contribution by the public authorities.

Article 9.

1. Sickness insurance shall be administered by self-governing institutions, which shall be under the administrative and financial supervision of the public authorities and shall not be carried on with a view to profit.

2. Insured persons, and in the case of insurance institutions set up specially for seamen under laws or regulations the employers also, shall participate in the management of the institutions under such conditions as may be prescribed by national laws or regulations, which may also provide for the participation of other persons concerned.

[1st Oct. 1937.]

3. Provided that the administration of sickness insurance may be undertaken directly by the State where and so long as its administration by self-governing institutions is rendered difficult or impossible by reason of national conditions.

Article 10.

1. The insured person shall have a right of appeal in case of dispute concerning his right to benefit.

2. The procedure for dealing with disputes shall be rendered rapid and inexpensive for the insured person by means of special courts or any other method deemed appropriate under national laws or regulations.

Article 11.

Nothing in this Convention shall affect any law, award, custom or agreement between shipowners and seamen which ensures more favourable conditions than those provided by this Convention.

Article 18.

1. Should the Conference adopt a new Convention revising this Convention in whole or in part, then, unless the new Convention otherwise provides,

(a) the ratification by a Member of the new revising Convention shall ipso jure involve the immediate denunciation of this Convention, notwithstanding the provisions of Article 16 above, if and when the new revising Convention shall have come into force;

(b) as from the date when the new revising Convention comes into force this Convention shall cease to be open to ratification by the Members.

2. This Convention shall in any case remain in force in its actual form and content for those Members which have ratified it but have not ratified the revising Convention.

NOTE.—Articles 12 to 17 and 19 are identical with Articles 13 to 18 and 20 respectively of the Draft Convention concerning the liability of the shipowner in case of sickness, injury or death of seamen.

Recommendation concerning the Promotion of Seamen's Welfare in Ports.

(The preamble is omitted.)

PART I.—GENERAL ORGANISATION.

1. It is desirable to create in every important port an official or officially recognised body, which might comprise representatives of shipowners, seamen, national and local authorities and the chief associations concerned, for the purposes of:

(a) collecting, as far as possible in conjunction with the different authorities or organisations concerned, including the consular authorities of maritime States, all useful information and suggestions on the conditions for seamen in the port;

(b) advising the competent departments, authorities and associations as to the adoption, adaptation and co-ordination of measures for the improvement of such conditions; and

(c) collaborating if required with other competent bodies in carrying out such measures.

2. It is desirable in order to enable the International Labour Office, to inform the Governments of the maritime States and to assist them to co-ordinate their action, that each of them should keep in touch with the Office and furnish it every three years with all useful information on the experience acquired in the promotion of seamen's welfare in ports and on the progress made in this field.

PART II.—REGULATION.

3. There should be laws or regulations to protect seamen, by measures including the following, from the dangers to which they are exposed in certain establishments or in the docks as such:—

- (a) the regulation of the sale of intoxicating liquor;
- (b) the prohibition of the employment in public houses of young persons of either sex under a certain age;
- (c) the application of the provisions of international agreements limiting the sale and use of narcotics to all seamen without distinction of nationality;
- (d) the prohibition of the entry into the docks and harbour area generally of undesirable persons;
- (e) the fencing off of dock areas and the protection of the edges of wharves and quays and other dangerous parts of docks by fixed or movable barriers, wherever such measures are practicable;
- (f) the provision of sufficient lighting and, where necessary, of signposts for docks and approaches.

4. In order to ensure the strict enforcement of the measures indicated above and to increase their efficacy, there should be arrangements for supervision, including:

- (a) supervision of establishments where intoxicating liquors are sold and, where necessary and practicable, of hotels, cafes, lodging houses and other similar establishments in the harbour area;
- (b) supervision, which might be carried out jointly by masters and the public authorities, of persons visiting ships, including boatmen plying between ships and the shore, with a view to preventing intoxicating liquor or narcotics being wrongfully brought on board or the fulfilment of any other illicit purpose;
- (c) the maintenance in the harbour area of adequate police forces, specially trained and equipped, which should keep in touch with the other supervising bodies.

5. For the better protection of foreign seamen, measures should be taken to facilitate,

- (a) their relations with their consuls; and
- (b) effective co-operation between consuls and the local or national authorities.

PART III.—HEALTH.

6. Soliciting and enticing, whether directly or indirectly, in the neighbourhood of the harbour and in districts frequented by seamen should be energetically repressed.

7. All suitable measures should be taken to make known to seamen entering the port, irrespective of their nationality:

- (a) the dangers and means of preventing diseases to which they are exposed, including more particularly tuberculosis and tropical and venereal diseases;
- (b) the necessity for persons suffering from diseases to undergo treatment, and the facilities available for such treatment; and
- (c) the dangers arising from the habit of using narcotics.

8. The treatment of seamen suffering from disease should be facilitated by suitable measures including :

- (a) as wide extension as possible, especially in the dock area, of free and continued treatment for venereal diseases, as provided, for example, by the Agreement concerning facilities to be given to Merchant Seamen for the Treatment of Venereal Diseases, signed at Brussels, 1 December 1924 ;
- (b) the admission of seamen to clinics and hospitals in ports, without difficulty and irrespective of nationality or religious belief ;
- (c) as wide application as possible to foreign seamen of the provision made for the protection of nationals against tuberculosis ;
- (d) the provision, wherever possible, of arrangements designed to ensure, when necessary, continuation of treatment with a view to supplementing the medical facilities available to seamen.

PART IV.—ACCOMMODATION AND RECREATION.

9. Arrangements should be made, at least in the larger ports, for the material and general assistance of seamen while in the port, and such arrangements should more particularly include :

- (a) the institution or development of seamen's hostels of a satisfactory character and furnishing suitable board and lodging at reasonable prices ;
- (b) the institution or development of institutes— which might be distinct from the seamen's hostels, but should keep as far as possible in touch with them— providing meeting and recreation rooms (canteens, rooms for games, libraries etc.) ;
- (c) the organisation, where possible in co-operation with ships' sports clubs, of healthy recreations, such as sports, excursions, etc. ;
- (d) the promotion, by every possible means, of the family life of seamen.

PART V.—SAVINGS AND REMITTANCE OF WAGES.

10. In order to help to save and to transmit their savings to their families :

- (a) there should be adopted a simple, rapid and safe system, operating with the assistance of consuls, masters, shipowners' agents or reliable private institutions, for enabling seamen, and more especially those who are in a foreign country, to deposit or remit the whole or part of their wages ;
- (b) a system for enabling seamen, at the time of their signing on or during the voyage, to allot, if they so desire, a proportion of their wages for remittance at regular intervals to their families, should be instituted or made of more general application.

PART VI.—INFORMATION FOR SEAMEN.

11. In view of the fact that the success of most of the measures recommended above must depend to a large extent on suitable publicity among seamen, such publicity should be organised and undertaken by the public authorities, the bodies referred to in Part I of this Recommendation, and the competent associations, assisted as far as possible by the ships' officers and doctor and by ships' sports clubs.

12. Such publicity might include :

- (a) the distribution on shore and, subject to the consent of the master, on board ship, of pamphlets in the most appropriate languages giving clear information as to the facilities available for seamen in the port of call or in the next ports for which the ship is bound ;

- (b) the creation in the larger ports of information offices, either at shipping offices or elsewhere, easily accessible to seamen and staffed by persons capable of giving directly such explanations or guidance as may be useful ;
- (c) the inclusion of some useful information for the physical well being and general protection of seamen in seamen's books, discharge books or other documents habitually carried by seamen, or in notices posted in a conspicuous place in the crew's quarters ;
- (d) the frequent publication of articles of general and educational interest to seamen in periodicals read by seamen, both of specialised and general interest, and also the use of the cinema for this purpose ;
- (e) the distribution of information concerning the tariffs of local transport and of local places of interests and entertainment.

PART VII.—EQUALITY OF TREATMENT.

13. Governments, authorities and organisations which may have to administer funds for the welfare of seamen are specially urged not to concern themselves solely with seamen of a particular nationality, but to act as generously as possible in the spirit of international solidarity.

Draft Convention concerning the Minimum Requirement of Professional Capacity for Masters and Officers on Board Merchant Ships.

(The preamble and formal articles at end are omitted.)

Article 1.

1. This Convention applies to all vessels registered in a territory for which this Convention is in force and engaged in maritime navigation with the exception of :

- (a) ships of war ;
- (b) Government vessels, or vessels in the service of a public authority, which are not engaged in trade ;
- (c) wooden ships of primitive build such as dhows and junks.

2. National laws or regulations may grant exemptions or exceptions in respect of vessels of less than 200 tons gross registered tonnage.

Article 2.

For the purpose of this Convention the following expressions have the meanings hereby assigned to them :—

- (a) " master or skipper " means any person having command or charge of a vessel ;
- (b) " navigating officer in charge of a watch " means any person, other than a pilot who is for the time-being actually in charge of the navigation or manoeuvring of a vessel ;
- (c) " chief engineer " means any person permanently responsible for the mechanical propulsion of a vessel ;
- (d) " engineer officer in charge of a watch " means any person who is for the time being actually in charge of the running of a vessel's engines.

Article 3.

1. No person shall be engaged to perform or shall perform on board any vessel to which this Convention applies the duties of master or skipper, navigating officer in charge of a watch, chief engineer, or engineer officer in charge of a watch, unless he holds a certificate of competency to perform such duties, issued or approved by the public authority of the territory where the vessel is registered.

2. Exceptions to the provisions of this Article may be made only in cases of *force majeure*.

Article 4.

1. No person shall be granted a certificate of competency unless :

- (a) he has reached the minimum age prescribed for the issue of the certificate in question ;
- (b) his professional experience has been of the minimum duration prescribed for the issue of the certificate in question ; and
- (c) he has passed the examinations organised and supervised by the competent authority for the purpose of testing whether he possesses the qualifications necessary for performing the duties corresponding to the certificate for which he is a candidate.

2. National laws or regulations shall :

- (a) prescribe a minimum age to have been attained by and a minimum period of professional experience to have been completed by candidates for each grade of competency certificate ;
- (b) provide for the organisation and supervision by the competent authority of one or more examinations for the purpose of testing whether candidates for competency certificates possess the qualifications necessary for performing the duties corresponding to the certificates for which they are candidates.

3. Any Member of the Organisation may, during a period of three years from the date of its ratification, issue competency certificates to persons who have not passed the examinations organised in virtue of paragraph 2 (b) of this Article who :

- (a) have in fact had sufficient practical experience of the duties corresponding to the certificate in question ; and
- (b) have no record of any serious technical error against them.

Article 5.

1. Each Member which ratifies this Convention shall ensure its due enforcement by an efficient system of inspection.

2. National laws or regulations shall provide for the cases in which the authorities of a Member may detain vessels registered in its territory on account of a breach of the provisions of this Convention.

3. Where the authorities of a Member which has ratified this Convention find a breach of its provisions on a vessel registered in the territory of another Member which has also ratified the Convention, the said authorities shall communicate with the consul of the Member in the territory of which the vessel is registered.

Article 6.

1. National laws or regulations shall prescribe penalties or disciplinary measures for cases in which the provisions of this Convention are not respected.

2. In particular, such penalties or disciplinary measures shall be prescribed for cases in which :

- (a) a shipowner, shipowner's agent, master, or skipper has engaged a person not certificated as required by this Convention ;
- (b) a master or skipper has allowed any of the duties defined in Article 2 of this Convention to be performed by a person not holding the corresponding or a superior certificate ;
- (c) a person has obtained by fraud or forged documents an engagement to perform any of the duties defined in the said Article 2 without holding the requisite certificate.

Article 13.

1. Should the Conference adopt a new Convention revising this Convention in whole or in part, then, unless the new Convention otherwise provides,

- (a) the ratification by a Member of the new revising Convention shall *ipso jure* involve the immediate denunciation of this Convention, notwithstanding the provisions of Article 11 above, if and when the new revising Convention shall have come into force ;
- (b) as from the date when the new revising Convention comes into force this Convention shall cease to be open to ratification by the Members.

2. This Convention shall in any case remain in force in its actual form and content for those Members which have ratified it but have not ratified the revising Convention.

NOTE.—Articles 7 to 12 and 14 are identical with Articles 13 to 18 and 20 respectively, of the Draft Convention concerning the liability of the shipowner in case of sickness, injury or death of seamen.

Draft Convention concerning annual holidays with pay for seamen.

(The preamble and formal articles at end are omitted.)

Article 1.

1. This Convention applies to the master, officers, and members of the crew, including wireless operators in the service of a wireless telegraphy company, of all sea-going vessels, whether publicly or privately owned, which are registered in a territory for which the Convention is in force and are engaged in the transport of cargo or passengers for the purpose of trade.

2. National laws or regulations, shall determine when vessels are to be regarded as sea-going vessels for the purpose of this Convention.

3. This Convention does not apply to :

- (a) persons employed in vessels engaged in fishing, whaling or similar pursuits or in operations directly connected therewith ;
- (b) persons employed in any vessel the crew of which consists entirely of members of the owner's family as defined by national laws or regulations ;
- (c) persons not remunerated for their services, or remunerated only by a nominal salary or wage, or remunerated exclusively by a share of profits ;

- (d) persons working exclusively or mainly on their own account ;
- (e) persons employed in wooden ships of primitive build such as dhows and junks ;
- (f) persons whose duties are connected solely with the cargo carried on board and who are not in fact in the employment either of the owner or of the master ;
- (g) travelling dockers.

Article 2.

1. Every person to whom this Convention applies shall be entitled after one year of continuous service with the same undertaking to an annual holiday with pay the duration of which shall be :

- (a) in the case of masters, officers, and wireless operators, not less than twelve working days ;
- (b) in the case of other members of the crew, not less than nine working days.

2. For the purpose of calculating when a holiday is due :

- (a) service of articles shall be included in the reckoning of continuous service ;
- (b) short interruption of service not due to the act or fault of the employee, and not exceeding a total of six weeks shall not be deemed to break the continuity of the periods of service which precede and follow them ;
- (c) continuity of service shall not be deemed to be interrupted by any change in the management or ownership of the vessel or vessels in which the person concerned has served.

3. The following shall not be included in the annual holiday with pay :—

- (a) public and customary holidays ;
- (b) interruption of service due to sickness ;
- (c) any time off allowed in compensation for weekly rest days and public holidays worked at sea.

4. There may be defined by national laws or regulations or by collective agreement special circumstances in which, subject to conditions prescribed by such laws or regulations or fixed by such agreement,

- (a) an annual holiday with pay due in virtue of this Convention may be divided into parts or be accumulated with a subsequent holiday ;
- (b) there may be substituted for such a holiday, when in exceptional circumstances the service so requires, a cash payment at least equivalent to the remuneration provided for in Article 4.

Article 3.

1. The annual holiday shall be given in the territory in which the vessel is registered at one of the following ports :—

- (a) the port from which the vessel trades ;
- (b) the port at which the person entitled to the holiday was engaged ; or
- (c) the port of the vessel's final destination.

2. Provided that the holiday may be given at any other port by mutual consent.

3. When an annual holiday is due it shall be given by mutual agreement at the first opportunity as the requirements of the service allow.

Article 4.

1. Every person taking a holiday in virtue of Article 2 of this Convention shall receive in respect of the full period of the holiday his usual remuneration.

2. The usual remuneration payable in virtue of the preceding paragraph shall include a suitable subsistence allowance and shall be calculated in a manner which shall be prescribed by national laws or regulations or fixed by collective agreement.

Article 5.

Any agreement to relinquish the right to an annual holiday with pay, or to forego such a holiday, shall be void.

Article 6.

National laws or regulations may provide that a person who engages in paid employment during the course of annual holiday may be deprived of his right to payment in respect of the period of the holiday.

Article 7.

A person who leaves or is discharged from the service of his employer before he has taken a holiday due to him shall receive in respect of every day of holiday due to him in virtue of this Convention the remuneration provided for in article 4.

Article 8.

Each Member which ratifies this Convention shall require employers to keep records for the purpose of facilitating its effective enforcement.

Article 9.

Each Member which ratifies this Convention shall establish a system of penalties to ensure the application of its provisions.

Article 10.

Nothing in this Convention shall affect any law, award, custom or agreement between shipowners and seamen which ensures more favourable conditions than those provided by this Convention.

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Article 13.

1. This Convention shall be binding only upon those Members of the International Labour Organisation whose ratifications have been registered with the Secretary-General.

2. It shall come into force six months after the date on which there have been registered by the Secretary-General of the League of Nations the ratifications of five Members of the Organization each of which has more than one million tons gross of sea-going merchant shipping.

3. Thereafter, this Convention shall come into force for any Member six months after the date on which its ratification has been registered.

Article 14.

As soon as the ratifications of five of the Members mentioned in the second paragraph of Article 13 have been registered, the Secretary-General of the League of Nations shall so notify all the Members of the International Labour Organisation. He shall likewise notify them of the registration of ratifications which may be communicated subsequently by other Members of the Organisation.

* * * * *

Article 17.

1. Should the Conference adopt a new Convention revising this Convention in whole or in part, then, unless the new Convention otherwise provides,

- (a) the ratification by a Member of the new revising Convention shall *ipso jure* involve the immediate denunciation of this Convention, notwithstanding the provisions of Article 15 above, if and when the new revising Convention shall have come into force ;

(b) as from the date when the new revising Convention comes into force this Convention shall cease to be open to ratification by the Members.

2. This Convention shall in any case remain in force in its actual form and content for those Members which have ratified it but have not ratified the revising Convention.

* * * * *

NOTE.—Articles 11, 12, 15, 16 and 18 are identical with Articles 13, 14, 17, 18 and 20 respectively of the Draft Convention concerning the liability of the shipowner in case of sickness, injury or death of seamen.

APPENDIX II.

Draft Convention fixing the Minimum Age for the Admission of Children to Employment at Sea (Revised 1936).

(The formal preamble is omitted.)

Article 1.

For the purpose of this Convention, the term "vessel" includes all ships and boats of any nature whatsoever, engaged in maritime navigation, whether publicly or privately owned; it excludes ships of war.

Article 2.

1. Children under the age of fifteen years shall not be employed or work on vessels, other than vessels upon which only members of the same family are employed.

2. Provided that national laws or regulations may provide for the issue in respect of children of not less than fourteen years of age of certificates permitting them to be employed in cases in which an educational or other appropriate authority designated by such laws or regulations is satisfied, after having due regard to the health and physical condition of the child and to the prospective as well as to the immediate benefit to the child of the employment proposed, that such employment will be beneficial to the child.

Article 3.

The provisions of Article 2 shall not apply to work done by children on school-ships or training-ships, provided that such work is approved and supervised by public authority.

Article 4.

In order to facilitate the enforcement of the provisions of this Convention, every shipmaster shall be required to keep a register of all persons under the age of sixteen years employed on board his vessel, or a list of them in the articles of agreement, and of the dates of their births.

Article 5.

This Convention shall not come into force until after the adoption by the International Labour Conference of a Draft Convention revising the Convention fixing the minimum age for admission of children to industrial employment, 1919, and a Draft Convention revising the Convention concerning the age for admission of children to non-industrial employment, 1932.

Article 6.

The formal ratifications of this Convention shall be communicated to the Secretary-General of the League of Nations for registration.

Article 7.

1. This Convention shall be binding only upon those Members of the International Labour Organisation whose ratifications have been registered with the Secretary-General.

2. Subject to the provisions of Article 5 above, it shall come into force twelve months after the date on which the ratifications of two Members have been registered with the Secretary-General.

3. Thereafter, this Convention shall come into force for any Member twelve months after the date on which its ratification has been registered.

Article 8.

As soon as the ratifications of two Members of the International Labour Organization have been registered, the Secretary-General of the League of Nations shall so notify all the Members of the International Labour Organization. He shall likewise notify them of the registration of ratifications which may be communicated subsequently by other Members of the Organization.

Article 9.

1. A Member which has ratified this Convention may denounce it after the expiration of ten years from the date on which the Convention first comes into force, by an act communicated to the Secretary-General of the League of Nations for registration. Such denunciation shall not take effect until one year after the date on which it is registered.

2. Each Member which has ratified this Convention and which does not, within the year following the expiration of the period of ten years mentioned in the preceding paragraph, exercise the right of denunciation provided for in this Article, will be bound for another period of ten years and, thereafter, may denounce this Convention at the expiration of each period of ten years under the terms provided for in this Article.

Article 10.

At the expiration of each period of ten years after the coming into force of this Convention, the Governing Body of the International Labour Office shall present to the General Conference a report on the working of this Convention and shall consider the desirability of placing on the Agenda of the Conference the question of its revision in whole or in part.

Article 11.

1. Should the Conference adopt a new Convention revising this Convention in whole or in part, then, unless the new Convention otherwise provides,

(a) the ratification by a Member of the new revising Convention shall *ipso jure* involve the immediate denunciation of this Convention, notwithstanding the provisions of Article 9 above, if and when the new revising Convention shall have come into force;

(b) as from the date when the new revising Convention comes into force this Convention shall cease to be open to ratification by the Members.

2. This Convention shall in any case remain in force in its form and content for those Members which have ratified it but have not ratified the revising Convention.

Article 12.

The French and English texts of this Convention shall both be authentic.

reasonable times for the purpose of inspecting and checking the contents. The Government shall be responsible to the Bank for the examination and correctness of coin and notes at the time of deposit in or withdrawal from the said chests.

10. The Bank shall not be at liberty to close any of its offices or branches except on Sundays, New Year's Day, Christmas Day, Good Friday and on any other day declared to be a public holiday by any notification published in pursuance of the Negotiable Instruments Act (Act XXVI of 1881) subject nevertheless and notwithstanding the provisions of that Act to any special orders or directions which may be issued by the Government and the Bank shall be responsible that no one of its agencies doing Government business for the time being existing shall be closed except on Sundays and on public holidays authorised by the Government within whose jurisdiction such agencies may be respectively situated.

11. The responsibility for all loss or damage to the Government which may result from any act or negligence or omission of the Bank or its agents in conducting the business of the public debt aforesaid or the payment of interest or discharge value thereon or the renewal, conversion, consolidation, subdivision or cancellation of any Government security shall rest with and be borne by the Bank, provided however that it shall not be incumbent on the Bank to verify signatures and endorsements on Government securities which *prima facie* appear to be in order and in the acceptance of which the Bank shall not be guilty of any negligence and in such cases no liability shall be incurred by the Bank in respect thereto, PROVIDED ALSO that in regard to the ordinary banking business at the offices, branches and agencies of the Bank of receiving and realising money and securities for money on account of the Government and paying cheques, orders, draft bills and other documents whether negotiable or not in the Bank's capacity of bankers for the Government and whether such business be done by the Bank or by agencies on its behalf the responsibility to the Government shall be that of the Bank and such responsibility shall be that of a banker to an ordinary customer.

12. The Bank shall remit on account of the Government between India and London such amounts as may be required by it from time to time at the market rate of the day for telegraphic transfers, subject to the proviso that if a large transfer has to be effected in connexion with the flotation or repayment of a sterling loan or analogous operation, and if it is considered by either party to be inappropriate to apply the rate of a single day, an average rate based on a longer period may be fixed by agreement between the two parties.

13. This agreement may be determined by either party giving to the other party one year's notice in writing expiring on the 31st day of March in any year, such notice if given by or on behalf of the Government to be addressed to the Governor of the Bank and to be served by leaving the same with the Head Office of the Bank or addressing the same to him at the Head Office of the Bank by registered post and if given by the Bank to be served by leaving the same with or addressing the same by registered post to the Secretary to the Government in the Finance Department and immediately upon the expiration of such notice this agreement shall absolutely cease and determine save as to rights or liabilities acquired or incurred prior to such termination.

14. In the event of any dispute arising as to the terms and conditions of this agreement, or as to the rights or obligations of the parties hereto such dispute or difference of opinion shall, in the event of the parties hereto failing to reach an agreement, be referred to the Governor-General whose decision shall be final and binding as between the parties hereto.

15. Nothing in this agreement shall operate to affect in any way the obligations imposed either on the Government or on the Bank by or under the Act or any subsequent amendment or amendments of the Act.

16. The Bank shall be entitled to perform all or any of the matters contained in this agreement through such agency or agencies as may be prescribed by the Act or any amendment thereof or as may be approved by the Government.

IN WITNESS WHEREOF Mr. Donald Gladding, C.I.E., I.C.S., Secretary to the Government of Bengal in the Finance Department, by the order and direction of

AGREEMENT BETWEEN THE RESERVE BANK OF INDIA AND THE GOVERNOR OF BENGAL.

the Governor of Bengal has hereunto set his hand and the common seal of the Reserve Bank of India pursuant to a Resolution of its Central Board has been hereunto affixed in the presence of its subscribing officials the day and year first above written.

Signed by the said Mr. Donald Gladding,
C.I.E., I.C.S., Secretary to the Government of
Bengal in the Finance Department; for and
on behalf of the Governor of Bengal in the
presence of

(Sd.) D. GLADDING,
Secretary to the Government
of Bengal, Finance
Department.

(Sd.) D. N. BHATTACHARJEA,
Deputy-Secretary to the Government of
Bengal, Finance Department.

The Common Seal of the Reserve Bank of
India was affixed hereto in the presence of
Sir Badridas Goenka, Kt., C.I.E., and Manilal
Balabhai Nanavati two of its Directors and Sir
James Braid Taylor, Kt., C.I.E., its Governor.

(Sd.) BADRIDAS GOENKA,
(Sd.) MANILAL B. NANAVATI,
Directors.
(Sd.) J. B. TAYLOR,
Governor.

Common Seal
Reserve Bank
of India.

THE INSURANCE BILL.

Mr. President (The Honourable Sir Abdur Rahim) : The House will now resume discussion of the Insurance Bill.

The amendment which Mr. Satyamurti wants to move is to lay down that protected and subsidised industries or industries applying for protection or subsidy shall not be eligible to such protection or subsidy, unless the companies engaged in such industries agree to place every class of insurance business, other than life, under their control with a particular class of insurers, namely, Indian insurers; and the question is whether such an amendment would be within the scope of this Bill. It is admitted that neither the existing insurance law nor the present Bill contains any provision akin to that sought to be inserted in the present Bill. This Bill has nothing to do, so far as the preamble and the clauses are concerned, with the question as to what class of persons or business should or should not insure with a particular class of insurers and I do not find any warrant so far as the whole tenor of this Bill is concerned to say that an amendment like this comes within the scope of the Bill. I, therefore, rule it out of order. The

12 Noon. next is No. 923 in the name of Prof. Ranga : that also is covered by the same ruling. No. 924.

STATEMENT.

The following statement gives particulars of the course which the Government of India propose to follow in respect of the Draft Convention and Recommendations adopted by the Twenty-first and Twenty-second (Maritime) Sessions of the International Labour Conference held at Geneva in October 1936 :—

Twenty-first Session.

The Convention seeks to regulate the maximum hours of work and to prescribe a

I. (a) 1. Draft Convention concerning Hours of Work on Board Ship and Manning.

(b) Recommendation concerning Hours of Work on Board Ship and Manning.

minimum manning scale for certain classes of ships engaged on international voyages. The hours of work of Indian Seamen are not at present regulated by law and are left to be settled between the ship-owners and seamen at the time of engagement, but it is understood that they work considerably longer hours than European seamen. The Government of India are of the opinion that it will not be practicable to bring down immediately the lascar's hours of work to the scale prescribed in the Convention. They, however, feel that some regulation of the hours of work of Indian seamen is necessary and for this purpose they propose to address the Principal Officers of the Mercantile Marine Department, Chambers of Commerce, Shipping Companies, Seamen's Unions, etc., in India, and to approach the British shipping companies employing lascars to secure their co-operation in the matter.

The Draft Convention concerning Hours of Work and Manning is complementary to the Convention on the subject, and recommends the regulation of hours of work and manning in the classes of vessels excluded from the scope of the Convention. It is not proposed to take any separate action on the Recommendation.

II. Draft Convention concerning the liability of the Ship-owner in case of sickness, injury or death of seamen.

III. Draft Convention concerning Sickness Insurance for Seamen.

IV. Draft Convention concerning the minimum requirement of professional capacity for Masters and Officers on board merchant ships.

V. Draft Convention concerning Annual Holidays with Pay for Seamen.

The question of giving effect to these Conventions is still under examination, and the results of that examination will be placed before the Legislature at a future session.

This Convention is designed to grant the concession of holidays with pay to seamen, and its main provision entitles a seaman after one year of continuous service with the same undertaking to a paid holiday according to a prescribed scale. The question as to how far it would be practicable to give effect to its provisions in India was referred to the Principal Officers, Mercantile Marine Department, Chambers of Commerce, Shipping Companies, Seamen's Unions, etc., in this country for their views. The replies received show that practically all the authorities, etc., consulted except the all-India Seamen's Federation, are of the opinion that the provisions are not suited to the conditions prevalent in India. They also indicate the possibility that the adoption of the Convention, far from benefiting Indian seamen, might affect them adversely in more than one way, as for instance, affecting their continuity of service, scale of wages, etc. In the circumstances, the Government of India do not propose to take any action on the Convention.

The Recommendation contains certain suggestions for the provision of welfare measures for the physical and moral well-being of seamen. Some of the measures suggested are already in force at Indian ports,

VI. Recommendation concerning the Promotion of Seamen's Welfare in Ports.

action would be possible.

but the Recommendation has been referred to the maritime Provincial Governments, the various Port Authorities, the Principal Officers, Chambers of Commerce, Shipping Companies, Seamen's Unions, etc., for their views as to what further

Twenty-second Session.

This Convention is only a revise of the Convention adopted by the Conference in 1920 fixing the minimum age of admission of children to employment at sea at 14 years. After a careful examination of the original Convention in consultation with the maritime Local Governments, it was found that the provisions of the Convention could be given effect to in India only subject to the following two reservations :—

- (i) that it should apply only to foreign-going ships and home-trade ships of a burden exceeding 300 tons, i.e., to cases where agreements with seamen were required to be entered into by the Indian Merchant Shipping law, and
- (ii) that nothing in the draft Convention should be deemed to interfere with the Indian custom, of sending young boys to sea in charge of their fathers or near relatives.

As, however, it was ruled that the ratification of a Convention cannot be accompanied by reservations, the Government of India were unable to ratify the Convention, but steps were taken to amend the Indian Merchant Shipping Act, 1923, so as to conform to the provisions of the Convention subject to the above reservations.

In the Draft Convention as revised by the 22nd Session, the minimum age of employment has been raised from 14 to 15 years. After consultation with the interests concerned the Government of India see no objection to this change, but the circumstances which necessitated the making of reservations on the former occasion still exist. It is accordingly proposed to amend the Indian Merchant Shipping Act at the next suitable opportunity so as to raise the minimum age of employment from 14 to 15 years, subject to the existing reservations.

AGREEMENT BETWEEN THE RESERVE BANK OF INDIA AND THE GOVERNOR OF BENGAL.

The Honourable Sir James Grigg : Sir, I lay on the table a copy of the Agreement between the Reserve Bank of India and the Government of Bengal.

Agreement between the Governor of Bengal and the Reserve Bank of India.

AN AGREEMENT made this twentyfifth day of August One thousand nine hundred and thirtyseven BETWEEN THE GOVERNOR OF THE PROVINCE OF BENGAL of the one part and THE RESERVE BANK OF INDIA (hereinafter called "the Bank") of the other part WHEREAS the Bank was constituted and incorporated and is regulated by the Reserve Bank of India Act, 1934 (being Act No. II of 1934) (hereinafter called "the Act") as adapted and modified pursuant to the Authority contained in Section 293 of the Government of India Act, 1935, by an Order of His Majesty in Council, dated the eighteenth day of March 1937 cited as the India and Burma (Burma Monetary Arrangements) Order, 1937, with and subject to the various powers, provisions and restrictions in and by the Act set forth and it was thereby *inter alia* particularly provided as follows, viz.,

- (1) by section 20 of the Act that the Bank should undertake to accept monies for account of Provincial Governments and to make payments up to the

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Prof. N. G. Ranga (Guntur cum Nellore : Non-Muhammadan Rural) : **Sir, I move :**

"That at the end of the Bill, the following new clause be added :

'107. Nothing in the Act shall prevent any Provincial Government from undertaking insurance business on the permission and subject to such conditions, as may be prescribed by the Governor General in Council.'

I find that in various provinces attempts have been made in the past to organise cattle insurance, crop insurance and other kinds of insurance in which peasants are immensely interested.....

The Honourable Sir Nripendra Sircar (Law Member) : May I make a statement ? I do not know why this is wanted. If a Provincial Government wants to carry on insurance business, there is nothing in this Act which prevents it, provided they are otherwise empowered. Probably my friend's idea is that as this is a Central subject this is wanted. That is as regards powers of legislation. But as regards carrying on business, I do not think this Act, in any way, prevents it from carrying on business. I do not know what the Honourable the Leader of the Opposition thinks.

Mr. Bhulabhai J. Desai (Bombay Northern Division : Non-Muhammadan Rural) : Under the definition section a Provincial Government cannot come in. It is only an individual or unincorporated body of individuals or body corporate, etc., etc. Therefore, a Provincial Government cannot come in.

The Honourable Sir Nripendra Sircar : No. A Provincial Government, as Government, may not come within the definition of insurer : but there is nothing to prevent a Provincial Government setting up anybody as insurer to carry on insurance business. It is not expected that the Government, as such, whether corporate or unincorporated—we need not go into that—would do it : but suppose a Provincial Government want to start an insurance department. Surely there will be someone who will be the insurer carrying on the insurance business. But it will be subject to all the rules and regulations of the Act. I shall be glad if the Honourable the Leader of the Opposition will give us his view as to whether this permission is wanted.

Dr. Ziauddin Ahmad (United Provinces Southern Divisions : Muhammadan Rural) : Before the Honourable the Leader of the Opposition expresses an opinion, I would like to draw attention to the fact that I have got a similar amendment No. 18 on supplementary list No. 4 : it is of the same type and they may be taken together.

The Honourable Sir Nripendra Sircar : That comes later.

Mr. President (The Honourable Sir Abdur Rahim) : This has not been put to the House yet.

Mr. Bhulabhai J. Desai : The only point is this : so far as I can see the definition of insurer is an individual or unincorporated body of individuals or body corporate incorporated under the Indian Companies Act : I am merely expressing my personal view in the matter. So far as I see, it does not include a corporation in the nature of a government ; and of course if it does not, then the question does not arise : a Government is not within the Act and, therefore, they can do precisely what they like so long as it is within their powers. The only

point I would like to put is that in the definition of insurer, you have the words "body corporate incorporated under the law of any country, other than British India carrying on insurance business.....". My own impression of this is that reading (a) and (b) of clause 2 (5) together, it does not cover a corporation like the Government—neither Central nor Provincial. It is either corporate or incorporated. It is certainly corporate but not incorporated under the Indian Companies Act.....

The Honourable Sir Nripendra Sircar : Is that necessary that it should be incorporated under the Indian Companies Act ?

Mr. Bhulabhai J. Desai : I do not know, so far as section 4 of the Indian Companies Act is concerned what the situation will be.

The Honourable Sir Nripendra Sircar : If my friend really thinks this is necessary, I do not object to the substance or the object of his amendment. I only consider it may not be necessary. If my friends feel it is necessary, I will not object.

Mr. Bhulabhai J. Desai : As a mere matter of opinion I am free to confess that a corporation like the Government is not within the Act : if they are not within the Act, they are free to carry on any functions which under the Government of India Act they are free to carry on.

The Honourable Sir Nripendra Sircar : As I said, I have no objection to the substance of the amendment.

Mr. Bhulabhai J. Desai : There is one thing which I would also like to ask : whether it would be within the functions of the Provincial Governments in future, among other things, to launch on insurance schemes.

The Honourable Sir Nripendra Sircar : If it is not permitted by the Government of India Act, this will not help them. If it is permitted by the Act, then really I do not think this is very necessary. I think we need not press this ; but I have no objection to Provincial Governments carrying on insurance business if they are authorised to do it.

Mr. K. Santhanam (Tanjore cum Trichinopoly : Non-Muhammadan Rural) : I want to make a further submission on this matter. Insurance law is a central subject and even if Provincial Governments are free to do it, they will have to conduct insurance according to the laws of this Legislature, and, therefore, provision is necessary to give them the permission to carry on this work.

Mr. President (The Honourable Sir Abdur Rahim) : I cannot have this sort of desultory conversation. If the Honourable Member wants to move it formally, he can do so.

Prof. N. G. Ranga : My object in moving this amendment is this : I want the various Provincial Governments to undertake as soon as possible cattle insurance and such other kinds of insurance as will directly benefit the cultivators in this country. There used to be a time when Provincial Governments had to insure against famines also, and it was found later on that the Central Government took it up. Again it has been provincialised, and various Provincial Governments are passing their own famine insurance laws in order to make provision

[Prof. N. G. Ranga.]

for famine insurance and relief and so on. But I want that the Provincial Governments should undertake now cattle insurance and such other things on a contributory basis, on which usually all these different kinds of insurance are undertaken and organised in this country or any other. I do not want any private companies or individuals to come and exploit this kind of insurance and it would be essentially in the interests of peasants as well as of the country as a whole that Provincial Governments alone should undertake this kind of insurance. Moreover in times to come we hope that insurance business as a whole will come to be nationalised. That will be facilitated if Provincial Governments undertake to insure people either for life, fire or for other kinds of general insurance. If they develop this kind of insurance business and gain the necessary experience and create a sufficiently large number of clientele, it may be possible for them later on to entertain the idea of buying up as many of these insurance companies as possible and thus pave the way towards the final goal of nationalisation of insurance. Therefore, I hope the Government will accept the new clause and give an opportunity to such of the Provincial Governments that desire to organize this insurance business to organize it and thus help the general public to derive the profits if there are any in such a business for themselves instead of leaving those profits to be pocketed by a few individuals. Sir, I move.

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

“ That at the end of the Bill, the following new clause be added :

‘ 107. Nothing in the Act shall prevent any Provincial Government from undertaking insurance business on the permission and subject to such conditions, as may be prescribed by the Governor General in Council ’.”

I think Dr. Ziauddin Ahmad said that he had a similar amendment.

Dr. Ziauddin Ahmad : Sir, I support this amendment, and I have three reasons to put forward in its support. My first reason is that the idea of insurance is that the loss of one individual ought to be borne by a community and I think this idea ought to be extended, it should not be borne by certain individuals only, it ought to be borne by the people at large, and, therefore, the State is the proper authority which ought to bear the losses of individuals. Therefore, the State is really the proper authority which ought to take up this insurance business. Then my second reason is this. We have discovered, in the course of our discussions here, that insurance is a very profitable business, and if it is so, then the profits ought to go to the State, and not to a few individuals. Then my third reason is, and that is the most powerful of all, we ought to make a large number of people take interest in the State itself, which will really go to stabilise the State. This has been recognised by every authority on insurance, and it is stated that the best way of securing the interests of the people in the stability of the State is to make them interested in insurance business which should be conducted by the State itself. Therefore, Sir, in the interests of the stability of the State, in the interests of having a little more income, and in the interests of natural extension of the principle of insurance, I support this motion.

The Honourable Sir Nripendra Sircar : Sir, I oppose this amendment. As I said, to the idea that Provincial Governments should carry on insurance business if they are authorised to do so under the Government of India Act, I am not opposed, but that it should be provided in this Act that they should carry on insurance business in the way in which the Governor General in Council will lay down,—those are the last words—“ as may be prescribed by the Governor General in Council,”—I submit, Sir, is simply unthinkable, and I strongly oppose this amendment.

Sir Cowasji Jehangir (Bombay City : Non-Muhammadan Urban) : Sir, I am not going into the question whether Provincial Governments by this Bill can, in the future, go in for insurance business or not, and I shall leave that point to the Honourable the Leader of the House. But I am surprised that my friend, Prof. Ranga, should trust the Central Government to such an extent as to allow it to lay down rules and regulations for Provincial Governments to carry on insurance business. That means to say, that my friend desires to take out of the hands of this House now and in the future the power to legislate for insurance work. Nor does he want the Provincial Governments to carry on insurance work under this Bill when it becomes an Act. He wants to leave it to the free will of the Central Government to lay down such rules and regulations as they may consider desirable for Provincial Governments, and he wants to deprive the representatives of the people of their right to legislate as to how the Provincial Governments shall carry on insurance work. Sir, I strongly object to depriving the Central Legislature of the power to legislate as to how Provincial Governments shall carry on insurance work. If he is prepared to agree that they shall carry on insurance work under this Bill, I have nothing further to say.

Mr. M. S. Aney (Berar : Non-Muhammadan) : Sir, I strongly oppose this amendment. I am a little surprised that an amendment of this kind should be tabled by a democrat of the type of Prof. Ranga. In fact, he gives permission to the Central Government in combination with the Provincial Governments to ignore this Act altogether and take the whole insurance business in their hands. We are by this amendment now being called upon to legislate that the Central Government may frame rules and in accordance with those rules the Provincial Governments shall carry on the work of insurance, and all the labours we have taken here all these days will be absolutely wasted. I don't think it is a proper suggestion to make for the consideration of this House. I would ask the House to reject this amendment.

Some Honourable Members : Sir, the question may now be put

Mr. K. Santhanam : Sir, I shall read item 37 of the Seventh Schedule to the Government of India Act :

“ The law of insurance, except as respects insurance undertaken by a Federated State, and the regulation of the conduct of insurance business, except as respects business undertaken by a Federated State ; Government insurance, except so far as undertaken by a Federated State, or, by virtue of any entry in the Provincial Legislative List or the Concurrent Legislative List, by a Province.”

Now, Sir, this shows that the Federal Legislature is entrusted with two tasks, firstly, it is its business to lay down the law of insurance, and secondly, Government insurance except in respect of such forms of insurance

[Mr. K. Santhanam.]

which are put down in the list as belonging to a Provincial Government. Now, life, general, fire or marine insurance are not in the Provincial list, and, therefore, when a Provincial Government or Legislature wants to take up this business, it has to do it only with the permission of the Central Government and under laws laid down by the Central Legislature; there is no other way. This is my interpretation of item 37 of the Seventh Schedule to the Government of India Act. If I am wrong, I shall be glad to be corrected. I agree, as it has been pointed out, that the clause does not give positive powers, but I think by interpretation and implication, it will permit the Provincial Governments to undertake insurance work, and perhaps if there is any difficulty it will come again before the Legislature. As it is, we want this House to be committed to the principle that the Government of India should allow the Provincial Governments to undertake all classes of insurance like life, fire, marine, accident, etc., and so long as the principle is accepted, we shall be content. We want this principle to be accepted now and here.

Some Honourable Members : The question may now be put.

Mr. S. Satyamurti (Madras City : Non-Muhammadan Urban) : Sir, I have an amendment No. 18 in the List of Amendments to Clauses 1-9 of the Bill which were held over. It is an amendment on the same subject. I want to know whether you want me to move it now or later on.

Mr. President (The Honourable Sir Abdur Rahim) : That is a different thing. The question is :

"That at the end of the Bill, the following new clause be added :

'107. Nothing in the Act shall prevent any Provincial Government from undertaking insurance business on the permission and subject to such conditions, as may be prescribed by the Governor General in Council.'

The motion was negatived.

Dr. Ziauddin Ahmad : My amendment is No. 18 on Supplementary List No. 4. The first one is barred, and I shall move the second one. I move :

"That at the end of the Bill the following new clause be added :

'107. Notwithstanding anything to the contrary in this or in any other enactment, the Central Government (I want 'shall' to be changed to 'may') may extend the scope of postal insurance to (I want to strike out the word 'all') non-official persons.'

Now the post office has got power to insure only Government servants and my amendment proposes that this power may be extended to non-official persons up to a certain limit. I do not want that the post office may insure to one lakh or two lakhs, but you may prescribe a limit, say, Rs. 10,000 or so,—that you may insure up to the extent of Rs. 10,000. This kind of business will not interfere with the business of the life insurance companies. We have seen in the case of the post office savings bank that it does not interfere with the general business of any bank.

The Honourable Sir Nripendra Sircar : May I point out to my Honourable friend that the postal insurance which is now carried on is purely an administrative matter for the Government of India. There

is no legislation, and this amendment—I do not want to take any point of order, but I do think that this is entirely outside the scope of this Bill and wholly unnecessary. The postal insurance is not done under any Act; it is an administrative matter of the Government of India in the postal department. The rules which have been made have been made by the Government of India in their administrative capacity. They have laid down that such and such person can insure and such and such other persons cannot insure, this is the limit, and so on. My Honourable friend's amendment is, "Notwithstanding anything to the contrary in this or in any other enactment the Central Government shall extend the scope"....

Dr. Ziauddin Ahmad : It is not "shall". I have changed it into "may".

The Honourable Sir Nripendra Sircar : Only "may"? Then in that case this amendment is not necessary.

Dr. Ziauddin Ahmad : This is what I want from the Government. The Government of India can do it without any clause in this Bill?

The Honourable Sir Nripendra Sircar : Yes, that is so.

Dr. Ziauddin Ahmad : Since I understand that the powers are already there, I beg leave to withdraw my amendment.

The amendment was, by leave of the Assembly, withdrawn.

Mr. President (The Honourable Sir Abdur Rahim) : Then, we come to Dr. Deshmukh's amendment—No. 2 on Supplementary List No. 10—which was left over yesterday. The Honourable Member has moved it already.

The Honourable Sir Nripendra Sircar : May I remind the House as to exact situation about Dr. Deshmukh's amendment? Dr. Deshmukh having moved his amendment, I pointed out that the general principle was acceptable not only to this section of the House but possibly to all sections of the House. One difficulty was created because there was a particular class of life insurance of which I was not aware—they said it was short term which should be excluded from his amendment. The House agreed that we should try to come to some kind of agreement as to how that is to be kept out. I believe every Member of the House agreed that that is what has got to be done, but how it has got to be done was left over for today. I understand and I have seen it, we are all agreed as to how it has got to be done, but the only question is whether you will allow the rule to be waived, as this particular form of amendment, though known to the Leaders and to some of the other Members, has not been circulated to every Member of the House.

Pandit Lakshmi Kanta Maitra (Presidency Division : Non-Muhammadan Rural) : We all want to support it,—every section of the House.

Mr. President (The Honourable Sir Abdur Rahim) : But I do not think that makes any difference. It must be circulated. It can be taken up in the afternoon. Will this be an amendment to the amendment that has already been moved, or will Dr. Deshmukh withdraw his amendment and this will be a new amendment?

The Honourable Sir Nripendra Sircar : This will be an amendment to the one which has been moved.

[1st Oct. 1937.]

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

"That after sub-clause (1) of clause 2 of the Bill, the following be inserted :

'(1a) "Policy holder" includes the person who is the absolute assignee of the benefits under the policy.'

Mr. T. Chapman-Mortimer (Bengal : European) : Before the Government give their views on this particular amendment, I should like to place one or two points of view before the House for their consideration. I draw the attention of the House to the various clauses of the Bill which require notice to be sent to policy holders. I should like to know from the Honourable the Law Member what in fact will be the position if this amendment is accepted by him and passed by the House. Sir, I should like to know from the Honourable the Law Member, if this amendment is accepted by him and passed by the House, what will then be the position in regard to all those clauses where provision is made for notice being given to policy holders? That is the point that I should like him to explain. Would the assignee also require notice, or will it be sufficient for the insurer to give notice to the policy holder?

The Honourable Sir Nripendra Sircar : Sir, I am glad to explain the position. As a matter of fact Mr. Ayyangar moved his amendment in this form because I took objection stating that I did not want mere mortgagees or persons having a charge to be included and, therefore, he has now moved it in the form acceptable to us. My Honourable friend, Mr. Chapman-Mortimer's question is completely answered by clause 33, paragraph 5 :

"From the date of the receipt of the notice referred to in sub-section (3) the insurer shall recognise the transferee or assignee as the only person entitled to benefit under the policy, and such person shall be subject to all liabilities and equities to which the policy holder was subject....."

Therefore, as the result of an absolute assignment, he steps into the shoes of the policy holder.

Mr. M. S. Aney : Sir, I should like to make a formal suggestion as to where exactly the definition of policy holder should be inserted. All the definitions in clause 2 are arranged in alphabetical order. I, therefore, suggest that the proper place for the definition of a policy holder is not after clause 1, but between sub-clause (10) and sub-clause (11), i.e., after the definition of Managing Agent and before that of "Prescribed".

The Honourable Sir Nripendra Sircar : Sir, at the end of the discussion on the Schedules and clauses—assuming we come to the end some time—I have a motion for allowing re-numbering to be made,—as is the usual practice.

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

"That after sub-clause (1) of clause 2 of the Bill, the following be inserted :

'(1a) "Policy holder" includes the person who is the absolute assignee of the benefits under the policy.'

The motion was adopted.

[1st Oct. 1937.]

THE HONOURABLE SIR NRIPENDRA SIRCAR.

2573

The Honourable Sir Nripendra Sircar : Sir, I move :
"That sub-clause (2B) of clause 2 of the Bill be omitted."

They are all connected.

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

"That sub-clause (2B) of clause 2 of the Bill be omitted."

The motion was adopted.

The Honourable Sir Nripendra Sircar : Sir, I move :

"That sub-clause (2C) of clause 2 of the Bill be omitted."

This is also on the same footing.

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

"That sub-clause (2C) of clause 2 of the Bill be omitted."

The motion was adopted.

Mr. F. E. James : Sir, I move :

"That in clause 2 of the Bill, the following new sub-clause be inserted :

'(2A). "Insurance Agent" means an Insurance Agent licensed under section 37 being an individual who receives or agrees to receive payment by way of commission or other remuneration in consideration of his soliciting or procuring insurance business.'

I understand, Sir, that this is acceptable to the House.

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

"That in clause 2 of the Bill, the following new sub-clause be inserted :

'(2A). "Insurance Agent" means an Insurance Agent licensed under section 37 being an individual who receives or agrees to receive payment by way of commission or other remuneration in consideration of his soliciting or procuring insurance business.'

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) : Today being Friday, the Assembly will now adjourn.

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

[1st Oct. 1937.]

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

Mr. Deputy President (Mr. Akhil Chandra Datta) : Amendment No. 18 on Supplementary List No. 1. This amendment has already been moved.

The Honourable Sir Nripendra Sircar : Sir, the only thing I wish to say on this amendment is this that the words 'under laws passed by the Provincial Legislatures thereof' may be omitted because laws on insurance can only be passed by the Centre. If my Honourable friend will stop at the words 'the Governor's Provinces', I shall gladly accept it.

Mr. S. Satyamurti : I accept that. The proviso will now run as follows :

"Provided that nothing in this Act shall apply to any insurance business carried on by the Governments of the Governor's Provinces."

The word 'Government' should be in plural.

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

"That to sub-clause (1) of clause 3 of the Bill, the following proviso be added :

'Provided that nothing in this Act shall apply to any insurance business carried on by the Governments of the Governor's Provinces.'

The motion was adopted.

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

"That clause 3, as amended, stand part of the Bill."

The motion was adopted.

Clause 3, as amended, was added to the Bill.

Mr. S. C. Sen (Government of India : Nominated Official) : Sir, I beg to move :

"That for sub-clause (2) of clause 4 of the Bill, the following be substituted :

'(2) If an insurer through inadvertence or otherwise, is without such consent as aforesaid registered by a name identical with that by which an insurer already in existence whether previously registered or not is carrying on business or so nearly resembling it as to be calculated to deceive the first-mentioned insurer shall on the application of the second-mentioned insurer and if called upon to do so by the Superintendent of Insurance change his name within a time to be fixed by the Superintendent of Insurance :—'

—In the proviso, I would ask your leave to substitute the word 'registered' by the words 'carrying on business'. The proviso will run as below :

"Provided that nothing in this section shall apply to any insurer carrying on business before the 26th day of January, 1937, under the Indian Life Assurance Companies Act, 1912."

Sir, the object of this amendment is obvious. It stood over for the purpose of re-drafting and we have re-drafted it. It is only a protection for avoiding confusion. Sir, I move.

[1st Oct. 1937.]

THE INSURANCE BILL.

2875

Mr. Deputy President (Mr. Akhil Chandra Datta) : Amendment moved :

"That for sub-clause (2) of clause 4 of the Bill, the following be substituted :—
(2) If an insurer through inadvertence or otherwise, is without such consent as aforesaid registered by a name identical with that by which an insurer already in existence whether previously registered or not is carrying on business or so nearly resembling it as to be calculated to deceive the first-mentioned insurer shall on the application of the second-mentioned insurer and if called upon to do so by the Superintendent of Insurance change his name within a time to be fixed by the Superintendent of Insurance :—"

Provided that nothing in this section shall apply to any insurer carrying on business before the 26th day of January, 1937, under the Indian Life Assurance Companies Act, 1912."

Sir Cowasji Jehangir : May I point out one thing to the Honourable Member ? In the proviso, the Honourable Member has put a date, 26th day of January, and if a company had got its name before that date, it cannot be challenged. Suppose there is a law suit pending and it has not been decided. What will happen to that law suit ? Such cases have occurred.

Mr. S. C. Sen : May I answer to my Honourable friend ? If there is a judgment, that will override this provision.

Sir Cowasji Jehangir : Supposing no judgment has been given.

Mr. S. C. Sen : If there is no judgment, then the two companies will go on carrying as they have been.

Sir Cowasji Jehangir : Then there will be trouble. I will just give a case to the Honourable the Law Member. Up to now it was the question of a law suit. If one company held a name which resembled an older company and this was likely to deceive, there was no other remedy but a law suit. Suppose such a law suit is proceeding after this Bill comes into force,—of course, the Superintendent will be the final authority, but up to now it has been a Court of law, suppose the case is pending, what is going to happen if you put a date like this ? Of course, once the Court decides, the Superintendent can come in. I think one or two words to that effect might be added.

The Honourable Sir Nripendra Sircar : I do not think there is any reasonable cause for fear. Unless pending suits are specifically mentioned, they do not come under the operation of the statute. But may I point out to my Honourable friend that from the practical point of view these two companies are going on without any trouble, and if there is a suit pending, my submission is that that is not hit by it, and on the top of that this Act is not coming into operation at once.

Sir Cowasji Jehangir : One party which really wants to deceive and wants to adopt the name of another insurance company will prolong the suit so that, when this Act comes into force, the suit may be barred.

The Honourable Sir Nripendra Sircar : If such an extraordinary combination of circumstances does happen, in the way mentioned by my Honourable friend, we shall amend the Act.

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Mr. President (The Honourable Sir Abdur Rahim) : We now come to amendment No. 786.

The Honourable Sir Nripendra Sircar : This is another matter which stood over under a similar arrangement, but we have been unable to come to any agreement, and as I indicated, in the absence of any agreement I shall oppose the amendment of Mr. James. I want to make that statement to the House, for certain formulas were suggested which were not acceptable. Therefore, I oppose the amendment.

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

"That in clause 53 of the Bill, the words 'or otherwise', occurring in the eighth line, be omitted."

The motion was negatived.

Mr. F. E. James (Madras : European) : I beg to move :

"That in clause 53 of the Bill, for the word 'shall', occurring in the tenth line, the word 'may' be substituted."

Very few words are necessary to place the argument for this amendment before the House in view of the speech I made when I moved my amendment No. 786. The arguments that I then used for the deletion of the words 'or otherwise' apply exactly to this amendment. The clause, as it now stands, is an extremely rigid one and the apprehensions that I expressed still remain, as my previous amendment has not been accepted by the House. I very much hope that the House will accept this proposal to give the Central Government discretion in the matter, a discretion which I am perfectly sure will be used in the future in the best interests of India. Sir, I move.

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

"That in clause 53 of the Bill, for the word 'shall', occurring in the tenth line, the word 'may' be substituted."

Mr. S. Satyamurti : I oppose this amendment. I congratulate my Honourable friends. They never say 'die' ! I thought that, after the way in which the Government opposed the earlier amendment, they would not have moved this amendment. They seem to love every country except India which gives them their bread, from day to day and from year to year. (Voices : "No, no".) You pretend you don't but we have found you out. I suggest that unless this power is there, this clause will never be automatically put into effect. It is intended to be rigid, sub-clause (3) of clause 3 refers only to individual insurers, but clause 53 deals with the general conditions to be imposed on the insurers of a discriminating country. They are entirely different in their objective. Clause 3 deals with individual applicants. Clause 53 deals with the insurers of any other discriminating country. This amendment is intended to help the foreigners in respect of discriminating against India. Therefore, I oppose this amendment.

The Honourable Sir Nripendra Sircar : I oppose the amendment. But in fairness to Mr. James, I do not see that there is any justification for saying that this amendment was based either on the love of India or hatred of India or indifference to India. Up to a certain point I was willing to sympathise with him but we could not arrive at a good formula.

It was feared 'Or otherwise' may include very trivial things which need not be made mandatory for the Governor General to impose. That is the whole argument. I oppose the amendment.

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

"That in clause 53 of the Bill, for the word 'shall', occurring in the tenth line, the word 'may' be substituted."

The motion was negatived.

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

"That clause 53 stand part of the Bill."

The motion was adopted.

Clause 53 was added to the Bill.

Mr. President (The Honourable Sir Abdur Rahim) : The House will now go on to amendments to clause 1—9.

The Honourable Sir Nripendra Sircar : With regard to these amendments, the House will remember that I moved No. 3 on the list of amendments to clauses 1—9. I made my speech. Mr. Desai also had his say. We occupied a good portion of a day. I understood the sense of the House was not opposed to mine but whatever that may be, at the present moment we have not used the words "United Kingdom insurer or Indian insurer or non-Indian insurer" in any of the sections.

Mr. Bhulabhai J. Desai : It can be omitted.

The Honourable Sir Nripendra Sircar : It can be omitted and that is my amendment that sub-clause (8A) of clause 2 of the Bill be omitted. It has already been moved. I would not add anything to it.

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

"That sub-clause (8A) of clause 2 of the Bill be omitted."

The motion was adopted.

Mr. President (The Honourable Sir Abdur Rahim) : That disposes of, I understand, all amendments down to 11.

The Honourable Sir Nripendra Sircar : Yes.

Mr. M. Ananthasayanam Ayyangar (Madras ceded Districts and Chittoor : Non-Muhammadan Rural) : I will withdraw my amendment No. 1 on the list of amendments to clauses 1—9 and move amendment No. 2.

The amendment was, by leave of the Assembly, withdrawn.

Mr. M. Ananthasayanam Ayyangar : Sir, I move :

"That after sub-clause (1) of clause 2 of the Bill, the following be inserted :

"(1a) "Policy holder" includes the person who is the absolute assignee of the benefits under the policy."

[Mr. Deputy President.]

the premium agree in writing to some other arrangement or (d) to policies in which the surrender value is automatically applied under the terms of the contract to maintaining the policy in force after its lapse through non-payment of premium."

The motion was adopted.

Mr. Deputy President (Mr. Akhil Chandra Datta) : Now, we come to Schedules. The question is :

"That the First Schedule stand part of the Bill."

Mr. K. Santhanam : Sir, I beg to move :

"That in Part I of the First Schedule to the Bill, in part (c) of Regulation 9, for the words 'as between a willing buyer and a willing seller' the words 'as calculated by the average income from that asset during the preceding three years' be substituted."

As it is, the definition of market value is given, but this is meant to apply to an asset for which there is no market quotation and, therefore, it is not a practicable thing to find out which is the price which a willing seller would give or the willing buyer would take and, therefore, I suggest that we should have some other practicable means of ascertaining the value of such an asset. This amendment tries to help us in ascertaining that value. Sir, I move.

Mr. Deputy President (Mr. Akhil Chandra Datta) : Amendment moved :

"That in Part I of the First Schedule to the Bill, in part (c) of Regulation 9, for the words 'as between a willing buyer and a willing seller' the words 'as calculated by the average income from that asset during the preceding three years' be substituted."

Mr. T. Chapman-Mortimer : Sir, I regret I have to oppose this amendment. The wording of Regulation 9 of Part I of the First Schedule is taken word for word from the Clauson Undertakings Bill and I suggest that we should stick to that Bill. The proposal here is that the market value should be as calculated by the average income from that asset during the preceding three years and this I submit might be extraordinarily misleading. You might, for instance, have an asset where the value has gone completely in the fourth year and yet it is proposed to take it in on the basis of the average income of the three preceding years. Sir, I have noticed in this House again and again in discussions on this question of the valuation of assets that there is prevalent an idea that by laying down a fixed rate or basis of valuation you can safeguard the future in regard to your assets whether for a company or for private individuals. Sir, no assets, not even Government securities, can be looked to as absolutely safe under every conceivable circumstance. You must leave some discretion to business acumen, to sound management and judgment in regard to financial matters. I am quite sure in my own mind that if this amendment is carried,—I hope it will not be carried,—it will raise unnecessary complications. If we stick to the wording of the Bill as it stands,—9 (c), which is exactly the same as the wording in the Undertakings Bill produced by the Clauson Committee consisting of some of the greatest experts in finance and accountancy in the world, we shall be wise in all the circumstances. Sir, I oppose the amendment.

The Honourable Sir Nripendra Sircar : Sir, I am not sure if my Honourable friend the Mover has got much from any previous precedent or from anything which can be regarded as reliable, but it strikes me that

there is no point in having this calculation made on this rigid basis, namely, as calculated by the average income from that asset during the preceding three years. That may or may not be a true index. I oppose the amendment.

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

"That in Part I of the First Schedule to the Bill, in part (c) of Regulation 9, for the words 'as between a willing buyer and a willing seller' the words 'as calculated by the average income from that asset during the preceding three years' be substituted."

The motion was negatived.

Mr. S. Satyamurti : Sir, I beg to move :

"That in Part I of the First Schedule to the Bill, the following be added as sub-clause (b) to Regulation 9 :

"(b) 'Outstanding premiums' mean premiums which have fallen due but the period of grace allowed for the payment of these premiums has not expired on the last date of the year for which the account has been prepared."

Sir, Honourable Members will notice that clause 9 of this Part I of the First Schedule is the ninth Regulation in which some of the phrases which occur in the earlier Regulations are defined, but "outstanding premiums" are not defined. In Regulation 7 Honourable Members will find this in sub-clause (b) :

"(b) a certificate signed by the same persons as are required by this Act to sign the balance-sheet and signed also, * * * by an actuary, certifying that the values of all the assets have been reviewed as at the date of the balance-sheet, and that in their belief the assets set forth in the balance-sheet are shown in the aggregate at amounts not exceeding their realisable or market value under the several headings", etc.

One of these headings is "Agents Balances and Outstanding Premiums". Now, Sir, the definition which I seek to put is this that "outstanding premiums" are those which have fallen due. In every insurance company a period of grace is given,—15 days or 30 days ; and these premiums should be such that the period allowed for their payment has not expired on the last day of the year for which the account has been prepared. That is to say, if the account is prepared on the 31st December, 1936, the days of grace should not have expired on the 31st December, 1936. For if they do, they are no longer outstanding premiums ; they may be recoverable or not. But on that day, that is, on the last day of the year for which the accounts have been prepared, the days of grace should not have expired. I think, Sir, it is a simple definition ; it will give rise to no difficulty, and it will also give the actuary or the person who has got to sign the certificate printed on the balance-sheet, a clear idea as to what the amount of outstanding premiums is. Sir, I move.

Mr. Deputy President (Mr. Akhil Chandra Datta) : Amendment moved :

"That in Part I of the First Schedule to the Bill, the following be added as sub-clause (b) to Regulation 9 :

"(b) 'Outstanding premiums' mean premiums which have fallen due but the period of grace allowed for the payment of these premiums has not expired on the last date of the year for which the account has been prepared."

The Honourable Sir Nripendra Sircar : Sir, if this definition were accepted I do not know what really would have happened to my friend, Mr. Sri Prakasa, as regards the two illustrations he gave, namely,

[1st Oct. 1937.]

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

“ That for sub-clause (2) of clause 4 of the Bill, the following be substituted :

- (2) If an insurer through inadvertence or otherwise, is without such consent as aforesaid registered by a name identical with that by which an insurer already in existence whether previously registered or not is carrying on business or so nearly resembling it as to be calculated to deceive the first-mentioned insurer shall on the application of the second-mentioned insurer and if called upon to do so by the Superintendent of Insurance change his name within a time to be fixed by the Superintendent of Insurance :

Provided that nothing in this section shall apply to any insurer carrying on business before the 26th day of January, 1937, under the Indian Life Assurance Companies Act, 1912.”

The motion was adopted.

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

“ That clause 4, as amended, stand part of the Bill.”

The motion was adopted.

Clause 4, as amended, was added to the Bill.

Mr. Deputy President (Mr. Akhil Chandra Datta) : There is now the amendment of Dr. Deshmukh which was allowed to stand over.

Dr. G. V. Deshmukh (Bombay City : Non-Muhammadan Urban) : Instead of the amendment which I moved yesterday, I shall move this amendment which has been circulated to the House.

Mr. Deputy President (Mr. Akhil Chandra Datta) : The Honourable Member has to withdraw the amendment which he has already moved.

Dr. G. V. Deshmukh : I beg leave of the House to withdraw my amendment.

The amendment was, by leave of the Assembly, withdrawn.

Dr. G. V. Deshmukh : Sir, I beg to move :

“ That after clause 100 of the Bill, the following new clause be added :

- 100A. (1) In cases where a definite number of premia is payable a policy on which all premiums have been paid for three consecutive years shall acquire a guaranteed surrender value and notwithstanding any contract to the contrary shall not lapse by reason of non-payment of further premium but shall notwithstanding such non-payment be kept alive to the extent of its paid up value.

Explanation.—(1) The paid up value above-mentioned will be such a proportionate part of the sum assured as the total amount of the full premiums paid bears to the total amount of the premiums payable under the policy.

- (2) A policy paid up as above will not participate in the profits of the insurer earned after such non-payment.

- (3) This section shall not apply to (a) policies in respect of which the sum assured is payable only on the happening of a contingency which may not arise or (b) where the paid up value will be less than Rs. 100 or (c) where the parties after the default has occurred in the payment of the premium agree in writing to some other arrangement or (d) to policies in which the surrender value is automatically applied under the terms of the contract to maintaining the policy in force after its lapse through non-payment of premium.”

Sir, I do not want to make any speech. Practically whatever I had to say I said the other day. I find that the House has agreed on this. Therefore, I move.

Mr. Deputy President (Mr. Akhil Chandra Datta) : Amendment moved :

“ That after clause 100 of the Bill, the following new clause be added :

- 100A. (1) In cases where a definite number of premia is payable a policy on which all premiums have been paid for three consecutive years shall acquire a guaranteed surrender value and notwithstanding any contract to the contrary shall not lapse by reason of non-payment of further premium but shall notwithstanding such non-payment be kept alive to the extent of its paid up value.

Explanation.—(1) The paid up value above-mentioned will be such a proportionate part of the sum assured as the total amount of the full premiums paid bears to the total amount of the premiums payable under the policy.

- (2) A policy paid up as above will not participate in the profits of the insurer earned after such non-payment.

- (3) This section shall not apply to (a) policies in respect of which the sum assured is payable only on the happening of a contingency which may not arise or (b) where the paid up value will be less than Rs. 100 or (c) where the parties after the default has occurred in the payment of the premium agree in writing to some other arrangement or (d) to policies in which the surrender value is automatically applied under the terms of the contract to maintaining the policy in force after its lapse through non-payment of premium.”

Mr. George Joseph (Madura and Ramnad cum Tinnevely : Non-Muhammadan Rural) : I suggest in the first line of the amendment, the word ‘premiums’ should be substituted for ‘premia’. The word ‘premiums’ occurs in all other parts of the amendment.

Mr. K. Santhanam : I suggest that in the second line after the word ‘policy’ you should insert the words ‘of life insurance’. It does not refer to anything else, but it is better to put in those words.

Dr. G. V. Deshmukh : I accept both the amendments suggested.

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

“ That after clause 100 of the Bill, the following new clause be added :

- 100A. (1) In cases where a definite number of premiums is payable a policy of life insurance on which all premiums have been paid for three consecutive years shall acquire a guaranteed surrender value and notwithstanding any contract to the contrary shall not lapse by reason of non-payment of further premium but shall notwithstanding such non-payment be kept alive to the extent of its paid up value.

Explanation.—(1) The paid up value above-mentioned will be such a proportionate part of the sum assured as the total amount of the full premiums paid bears to the total amount of the premiums payable under the policy.

- (2) A policy paid up as above will not participate in the profits of the insurer earned after such non-payment.

- (3) This section shall not apply to (a) policies in respect of which the sum assured is payable only on the happening of a contingency which may not arise or (b) where the paid up value will be less than Rs. 100 or (c) where the parties after the default has occurred in the payment of

[Sir Nripendra Sircar.]

on one occasion the period of grace had expired and he was fined Rs. 2 and on the payment of Rs. 2 that was accepted; and on another occasion he was fined Rs. 4. Possibly they are very lenient to him as all of us here are. But, Sir, supposing the period of grace has expired, it is still an outstanding debt; the company has a right to sue for it and, very often, although the period of grace has expired, monies are paid and accepted, sometimes with fine and sometimes without fine. Therefore, I submit, there is no justification for drawing a line at the expiry of the period of grace. It does not cease to be an outstanding premium because the period of grace has expired. As my Honourable friend, Sir Homi Mody, reminds me, it may be a very good debt and the company has a right to sue. Sir, I oppose the amendment.

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

"That in Part I of the First Schedule to the Bill, the following be added as sub-clause (b) to Regulation 9 :

'(b) 'Outstanding premiums' mean premiums which have fallen due but the period of grace allowed for the payment of these premiums has not expired on the last date of the year for which the account has been prepared'."

The motion was negatived.

Mr. T. Chapman-Mortimer: Sir, I beg to move :

"That in Part II of the First Schedule to the Bill, in the fifth column of Form A, for the words 'and Colonial' occurring in the third line on page 45 the words 'British Colonial and British Dominion' be substituted."

The object of this very great detail in which we set out, or propose that the company should set out, its assets is to provide the fullest possible information under the most accurately described headings. The words "and Colonial" are a little vague and that is why we suggest this amendment. Sir, I move.

Mr. Deputy President (Mr. Akhil Chandra Datta): Amendment moved :

"That in Part II of the First Schedule to the Bill, in the fifth column of Form A, for the words 'and Colonial' occurring in the third line on page 45 the words 'British Colonial and British Dominion' be substituted."

Mr. S. Satyamurti: Sir, I take it that these investments refer to the 45 per cent. of the assets of insurers which is left free under the clause as has been accepted by the House. If so, I see no serious objection.

Mr. T. Chapman-Mortimer: Not entirely. It is the form of the balance sheet. It has nothing directly to do with the question of the percentage of the assets that must be tied up in different classes of securities. It is simply setting out for the purpose of the information of policy-holders and the public the nature of the assets you hold, which of course include the 50 per cent. that you must have in certain classes of assets.

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

"That in Part II of the First Schedule to the Bill, in the fifth column of Form A, for the words 'and Colonial' occurring in the third line on page 45 the words 'British Colonial and British Dominion' be substituted."

The motion was adopted.

Mr. T. Chapman-Mortimer: Sir, I beg to move :

"That in Part II of the First Schedule to the Bill, in the fifth column of Form A, after the item 'Foreign Government Securities' on page 45, the following item be inserted :
'British and British Colonial and British Dominion Municipal and Provincial Securities'."

Here, again, there seems to have been an omission from the classified list of heads of securities and it is necessary that it should be put in, in order that companies may be able to fill them in under the proper head. I might point out again that this, of course, will not in any way affect the assets that have to be held in India cent. per cent. in the case of non-U. K. companies in either U. K. securities or approved securities or Government of India rupee securities. This will not be affected at all by our amendment. It has nothing to do with that. It is simply a balance sheet as it should be drawn up for any one who happens to hold assets of some particular class. After all, an Indian company, as to 50 per cent. of its assets will be free to invest in anything it likes, and it may hold assets in, say, municipal securities in some part of the empire as municipal securities are sometimes very good securities. Sir, I move.

Mr. Deputy President (Mr. Akhil Chandra Datta): Amendment moved :

"That in Part II of the First Schedule to the Bill, in the fifth column of Form A, after the item 'Foreign Government Securities' on page 45, the following item be inserted :

'British and British Colonial and British Dominion Municipal and Provincial Securities'."

Mr. Bhulabhai J. Desai: Do I understand my Honourable friend to say this : that as regards the proportions in which obligation is laid by law to invest in particular form of securities, that is not intended to be disturbed, and that all that is intended is to make the list as exhaustive as possible with reference to what may be called free securities subject to the approval of the Superintendent? If that is so, then you may add anything else you like : it is not going to make any difference. It is a futile amendment.

Mr. M. Ananthasayanam Ayyangar: And dangerous also for this reason : very often we read the preamble, the body of the clauses and the Schedule together ; and this might encourage people to invest in such securities whereas our own municipal securities were not thought to be as good securities. I would like to avoid this.

Mr. S. Satyamurti: Sir, I should like to oppose this amendment, because it seems to me that my Leader's question has been answered. I also raised the question earlier, whether it came within the free list : but the free list is not a free list absolutely : it is a list of securities subject to the approval of the Superintendent of Insurance. I want to know the point of this amendment. The amendment says "British and British Colonial and British Dominion Municipal and Provincial Securities". What are these municipal and provincial securities? Do they mean that all the loans which may be floated by any municipality in the far flung British Commonwealth, whatever its financial backing may or may not be or by any province whatever its provincial financial backing may be,

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[Mr. S. Satyamurti:] should all be approved automatically by the Superintendent of Insurance? I want to know exactly the significance of this amendment. This amendment seeks to amend the form of balance sheet A where under investments it says :

Deposit with the Reserve Bank of India,
 Indian Government securities,
 Provincial Government Securities,
 British and Colonial Government securities,
 Foreign Government Securities,
 Indian Municipal Securities,
 British and Colonial Securities.

That is what my Honourable friend wants to amend by adding the words "British and British Colonial and British Dominion Municipal and Provincial Securities". We had no objection to the words "British Dominion" in amendment No. 8, because that is a thing which we understand. But it does seem to me that the scope of this amendment is much wider than the House can accept just now, unless more arguments are forthcoming as to what exactly is intended. Is it intended to give the Superintendent any discretion.....

The Honourable Sir Nripendra Sircar : The Superintendent has no power of any kind as regards the portion which is free—45 per cent.—I am not trying to meet any of the Honourable Member's arguments, but merely pointing out that he has no power of approval or disapproval in respect of the 45 per cent. : as regards the 55 per cent., that is laid down in section 26.

Mr. S. Satyamurti : I may be quite wrong, but my impression is that the clause about investment is this : 25 and 30 in certain specified securities : and 45 in other securities subject to the approval of the Superintendent.....

Some Honourable Members : No, no.

Mr. S. Satyamurti : Then, I really want to know what is the kind of securities which my Honourable friend is contemplating. I do not think we ought to let them into the balance sheet, whatever they may be, unspecified, and it may be, doubtful municipal and provincial securities throughout the British Commonwealth.

Mr. F. E. James : Sir, I think my Honourable friend is under a misapprehension. This has really nothing to do with what may or may not be held actually : all we are seeking to do is to give more information, so that certain securities which are in fact held, should be specified, and not lumped with other things. It is really a desire to give more information. If Honourable Members do not want it, we shall not press it.

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

"That in Part II of the First Schedule to the Bill, in the fifth column of Form A, after the item 'Foreign Government Securities' on page 45, the following item be inserted :

'British and British Colonial and British Dominion Municipal and Provincial Securities'."

The motion was negatived.

Mr. T. Chapman-Mortimer : Sir, I move :

"That in Part II of the First Schedule to the Bill, in the fifth column of Form A, after the item 'Indian Municipal Securities' on page 45 the item 'Foreign Municipal and Provincial Securities' be inserted."

The arguments for this amendment are the same as were advanced for the earlier ones. It is merely that you want to specify, as far as is possible, the different classes of securities held. If my Honourable friends feel that we need not have them so specified, I have no more to say : we do not press the point ; but I think it is desirable that you should classify, as far as possible, the different types of securities that you hold. It has nothing whatever to do with whether you may or may not hold any class of security—that is already settled by clause 26 and nothing that we say or do here can in any way affect clause 26. Sir, I move.

Mr. Deputy President (Mr. Akhil Chandra Datta) : Amendment moved :

"That in Part II of the First Schedule to the Bill, in the fifth column of Form A, after the item 'Indian Municipal Securities' on page 45 the item 'Foreign Municipal and Provincial Securities' be inserted."

Mr. M. Ananthasayanam Ayyangar : Sir, I oppose this for this reason. There is provision made for Indian municipal securities. They wanted to have it extended to foreign municipal securities. When we were on the definition of security as regards provincial securities, we had a fight even to include in the list presidency town corporation securities ; and, therefore, this will be throwing the field wide open to other foreign municipal securities also whether they are guaranteed by their local governments or not. It is a dangerous thing and, therefore, I oppose.

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

"That in Part II of the First Schedule to the Bill, in the fifth column of Form A, after the item 'Indian Municipal Securities' on page 45 the item 'Foreign Municipal and Provincial Securities' be inserted."

The motion was negatived.

Mr. K. Santhanam : Sir, I move :

"That in Part II of the First Schedule to the Bill, in Form A, at the end of the line in the assets column 'Bonds, Debentures, Stocks and other securities whereon interest is guaranteed by the Indian Government', the words 'or a Provincial Government' be added."

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

"That in Part II of the First Schedule to the Bill, in the fifth column of Form A, after the word 'stock' occurring in the twenty-fifth line on page 45 the words 'of companies incorporated' be inserted."

The motion was adopted.

Mr. T. Chapman-Mortimer : I beg to move :

"That in Part II of the First Schedule to the Bill, in the fifth column of Form A, after the word 'shares' occurring in the twenty-eighth line on page 45 the words 'of companies incorporated' be inserted."

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

"That in Part II of the First Schedule to the Bill, in the fifth column of Form A, after the word 'shares' occurring in the twenty-eighth line on page 45 the words 'of companies incorporated' be inserted."

The motion was adopted.

Mr. T. Chapman-Mortimer : I beg to move :

"That in Part II of the First Schedule to the Bill, in the fifth column of Form A, after the word 'shares' occurring in the twenty-ninth line on page 45 the words 'of companies incorporated' be inserted."

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

"That in Part II of the First Schedule to the Bill, in the fifth column of Form A, after the word 'shares' occurring in the twenty-ninth line on page 45 the words 'of companies incorporated' be inserted."

The motion was adopted.

Mr. F. E. James : I beg to move :

"That in Part II of the First Schedule to the Bill, for footnote (h) of Form A, the following be substituted :

'(h) The aggregate amount owing by a.....'

I should like to substitute the word 'subsidiary' for the word 'controlled', which is really consequential upon the proviso which was accepted by the House to clause 26 the other day, in which the Leader of the Opposition gave some assistance. He objected to the word 'controlled' and it was substituted by the word 'subsidiary'. Therefore, the whole amendment will read thus :

"That in Part II of the First Schedule to the Bill, for footnote (h) of Form A, the following be substituted :

'(h) The aggregate amount owing by a subsidiary company or subsidiary companies is to be shown separately from all other assets and the aggregate amount owing to a subsidiary company or subsidiary companies is to be shown separately from all other liabilities.'

I beg to move this amendment. This is actually an improvement on the existing footnote and I hope the House will accept it.

Mr. Deputy President (Mr. Akhil Chandra Datta) : The question is :—
"That in Part II of the First Schedule to the Bill, for footnote (h) of Form A, the following be substituted :

'(h) The aggregate amount owing by a subsidiary company or subsidiary companies is to be shown separately from all other assets and the aggregate amount owing to a subsidiary company or subsidiary companies is to be shown separately from all other liabilities.'

The motion was adopted.

Mr. F. E. James : There is a small consequential amendment. I move :

"That in Part II of the First Schedule to the Bill, in Form A, the word 'subsidiary' be substituted for the word 'controlled' wherever it occurs; and that in Part I of the First Schedule to the Bill, Regulation 9 (b) be omitted."

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

"That in Part II of the First Schedule to the Bill, in Form A, the word 'subsidiary' be substituted for the word 'controlled' wherever it occurs; and that in Part I of the First Schedule to the Bill, Regulation 9 (b) be omitted."

The motion was adopted.

Mr. H. A. Sathar Essak Sait (West Coast and Nilgiris : Muhammadan) : Sir, I move :

"That in Part II of the First Schedule to the Bill, in Form A, the following note be added :

'(1) Under the head other accounts (if any) to be specified on the left hand side, fines realized from the staff and their contribution towards the provident fund should be shown under separate sub-heads.'

My amendment is very clear and I do not think it requires a speech in support of it. Sir, I move :

Mr. Deputy President (Mr. Akhil Chandra Datta) : Amendment moved :

"That in Part II of the First Schedule to the Bill, in Form A, the following note be added :

'(1) Under the head other accounts (if any) to be specified on the left hand side, fines realized from the staff and their contribution towards the provident fund should be shown under separate sub-heads.'

The Honourable Sir Nripendra Sircar : I have not understood what this means. Yesterday, it was said that the mention of the words 'provident fund' is taboo. If you want to say 'If there is a provident fund and if fines are realised' and so on, I suggest that the words 'if any' be added after the word 'provident fund'.

Mr. H. A. Sathar H. Essak Sait : I accept the amendment.

Mr. M. Ananthasayanam Ayyangar : There is no need for this addition.

The Honourable Sir Nripendra Sircar : No harm being on the safe side.....

Maulana Zafar Ali Khan (East Central Punjab : Muhammadan) : For once the Law Member has been taken in. The cat is out of the bag now.

[Mr. S. Santhanam.]

I move this because the Provinces also are now issuing their own loans, and so I want that the Provincial Governments also should be included in this. Sir, I move.

Mr. Deputy President (Mr. Akhil Chandra Datta) : Amendment moved :

"That in Part II of the First Schedule to the Bill, in Form A, at the end of the line in the assets column 'Bonds, Debentures, Stocks and other securities whereon interest is guaranteed by the Indian Government', the words 'or a Provincial Government' be added."

Mr. T. Chapman-Mortimer : Sir, I oppose this amendment, and I oppose it for this very good reason, that it is going to lump together bonds, debentures, stocks, etc., guaranteed by the Central Government with other stocks, bonds, etc., guaranteed by the Provincial Governments. I am perfectly certain that if the Honourable the Finance Member were here, he would have strongly opposed it. Sir, I oppose this amendment.

Mr. M. Ananthasayanam Ayyangar : Sir, the objection of my Honourable friend is futile, because he will see that the very next item refers to bonds, debentures, etc., guaranteed by British and Colonial Governments. British Government and Colonial Governments are different things. My friend can understand all those items clearly, but when it comes to including the securities of the Provincial Governments, he has objection. Sir, I say the objection is improper. Further, Sir, when this Bill was originally prepared, there was no question of issuing securities guaranteed by Provincial Governments, but it has become quite common for Provincial Governments now to raise loans, and, therefore, I support this amendment.

Mr. F. E. James : Sir, may I just explain one point? Actually we should not have had any objection to Amendment 3 P.M. No. 10 on the order paper. It was not moved by Mr. Santhanam, but it does make a distinction between securities which are guaranteed by Provincial Governments and those which are guaranteed by the Central Government.

Mr. S. Satyamurti : Sir, I want to remind my friend of the Biblical maxim—'do unto others as you would that they should do unto you'. ('Hear, hear' from European Benches.) When they were moving all their previous amendments, they were nothing but characteristically frank and generous, they were not anxious to keep back anything; so that if there are these securities, please be good enough to mention them to us since you are giving all the information. My friends on this side want that if there are securities guaranteed by Provincial Governments, they must be shown under this heading, but my friends over there say: 'Oh, it will introduce a lot of confusion'. I suppose it will introduce confusion only under this heading, whereas my friends opposite have no objection to including, under the heading to which my friend, Mr. Ayyangar, referred, namely, Bonds, Debentures, Stocks and other securities whereon interest is guaranteed by the British or any Colonial Government, including West Indies and all sorts of Colonies! I don't see why my friends should object to a provision, under which we want to put forward a heading where we wish to get

the loans of Provincial Governments included in which insurers may well invest. I believe in the loans recently issued by the Provincial Governments, provincial insurers have already invested some of their funds. I believe in Madras they have done so,—that is my information,—and if they have done so in Madras,—in other provinces too they will do the same thing. I don't see why my friends opposite should object to this.

Mr. F. E. James : We do want that; only we suggest that Amendment No. 10 would have been more useful.

An Honourable Member : That has been passed over.

The Honourable Sir Nripendra Sircar : Sir, this is a tempest in a tea pot. On the one hand, Mr. Chapman-Mortimer advances an argument which I have not been able to follow; on the other hand, my friend, Mr. Satyamurti is quoting Bible,—it is a difficult situation for me. In the Act itself there is no limitation as regards investments. I can invest my money in any securities guaranteed by the Provincial Government or by the Central Government or by any Government or by no Government. This is merely giving categorically different heads under which investments are to be made. I don't see why there should be any objection to this amendment.

Mr. Deputy President (Mr. Akhil Chandra Datta) : Amendment moved :

"That in Part II of the First Schedule to the Bill, in Form A, at the end of the line in the assets column 'Bonds, Debentures, Stocks and other securities whereon interest is guaranteed by the Indian Government', the words 'or a Provincial Government' be added."

The motion was adopted.

Mr. T. Chapman-Mortimer : Sir, I move :

"That in Part II of the First Schedule to the Bill, in the fifth column of Form A, after the word 'any' occurring in the thirteenth line on page 45 the words 'British Dominion or' be inserted."

Sir, I move :

Mr. Sri Prakasa (Allahabad and Jhansi Divisions : Non-Muhammadan Rural) : Sir, we have been hearing a little too much of British Dominions this afternoon. I object to this.

Some Honourable Members : Sir, the question may now be put.

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

"That in Part II of the First Schedule to the Bill, in the fifth column of Form A, after the word 'any' occurring in the thirteenth line on page 45 the words 'British Dominion or' be inserted."

The motion was negatived.

Mr. T. Chapman-Mortimer : I beg to move :

"That in Part II of the First Schedule to the Bill, in the fifth column of Form A, after the word 'stock' occurring in the twenty-fifth line on page 45 the words 'of companies incorporated' be inserted."

Sir, I move :

The Honourable Sir Nripendra Sircar : Where is the cat?

Maulana Zafar Ali Khan : This amendment which you have accepted was an amendment originally moved by me and there are other amendments.

The Honourable Sir Nripendra Sircar : That is not a strong objection to its acceptance.

Maulana Zafar Ali Khan : There are other amendments coming in. Those amendments, I was told, were covered by the Speaker's ruling. I pleaded the cause of the poor employees.....

Mr. Deputy President (Mr. Akhil Chandra Datta) : What is the specific proposal of the Honourable Member? Is it any point of order?

Maulana Zafar Ali Khan : Let me explain. These amendments to the schedules were intended to implement the provisions that we wanted to be placed under section 101. That amendment has gone. What is the use of these amendments.

Mr. Bhulabhai J. Desai : While this imposes no obligation on companies to have a provident fund, they are not prevented from having it and all that this amendment requires is that if there is it should be shown.

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

"That in Part II of the First Schedule to the Bill, in Form A, the following note be added :

"(1) Under the head other accounts (if any) to be specified on the left hand side, fines realized from the staff and their contribution towards the provident fund, if any, should be shown under separate sub-heads."

The motion was adopted.

Mr. K. Santhanam : Sir, I move :

"That in Part II of the First Schedule to the Bill in Form AA, after the word 'persons' in item 14 the words 'domiciled and' be inserted."

You will see, Sir, that the item in Form AA reads "Loans on Personal Security to persons resident in India". I say that this is not sufficient and that the person to whom the loan is given should not only be resident but also domiciled in India. I hope the House will accept it.

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

"That in Part II of the First Schedule to the Bill in Form AA, after the word 'persons' in item 14 the words 'domiciled and' be inserted."

The motion was adopted.

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

"That the First Schedule, as amended, stand part of the Bill."

The First Schedule, as amended, was added to the Bill.

The Second Schedule was added to the Bill.

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

"That the Third Schedule stand part of the Bill."

Mr. S. Satyamurti : Mr. Deputy President, there are two amendments in my name. One is No. 20 on the printed paper, and another in supplementary list No. 2. As a matter of fact, the House will find that the two amendments are the same, except for a small verbal change. Sir, Honourable Members will find that the amendment in supplementary list No. 2 is the same as amendment No. 20. I will move the amendment as in the supplementary list because that is the form in which I want the House to accept it. Sir, I move :

"That in Part I of the Third Schedule to the Bill, for Regulation 6 the following be substituted :

"6. As respect life insurance business the following statements shall be furnished to the Superintendent every year showing details provided for in a Form pertaining thereto :

(A) A statement in form DD as set forth in Part 2 of this Schedule.

(B) A statement in form DDD as set forth in Part 2 of this Schedule.

(C) A statement in form DDDD as set forth in Part 2 of this Schedule."

I will read the two notes which you need not put to the House, as being explanatory :

"NOTE (1).—The form DDD is the same as form J annexed to Part 2 of the Fourth Schedule.

"NOTE (2).—The form DDDD is the same as form K annexed to Part 2 of the Fourth Schedule."

Sir, it is a somewhat technical matter, but very simple if Honourable Members follow exactly what I seek to do. Regulation No. 6 in the Third Schedule reads like this as it stands :

"As respects life insurance business, a statement in Form DD as set forth in Part II of this Schedule must be appended to every revenue account relating to that class of business showing the details provided for in that form."

This Schedule is under clause 10, which provides *inter alia* for a revenue account. If Honourable Members will turn to page 53 of the Bill, they will find form DD. That form is a classified statement of life-insurance policies of so and so Company for the year ending so and so and the detailed heads are—Ordinary Policies, in India, out of India, Annuity Contracts, in India, out of India, Group insurance policies,—in India, out of India, and then new life insurance business in respect of which a premium has been paid in the year, number of policies, Sums insured and annuities per annum, single premiums (including consideration for immediate annuities and all other premiums paid at the outset where no subsequent premium is payable), Yearly renewal premium income. Then there is another heading,—Total life insurance business in force at end of the year,—number of policies, sums insured with bonuses and annuities per annum, and premium income for which credit has been taken in the revenue account. My amendment seeks to add two other forms to this statement. Those other forms are found as form J in Part II of the Fourth Schedule on page 65 of the Bill. Form J is a form which provides for Additions to and deductions from policies of the so and so Company for the year so and so and the headings are,—Policies at beginning of year, New policies issued, old

Mr. S. Satyamurti : I had been referring to a statement of the Hon. the Finance Member, and not to my Hon. friend. Policies revived, old policies changed and increased, bonus additions allotted. Then, policies discontinued during the year and the various headings are—by death, by survival or the happening of the contingencies insured against other than death, etc. There are two headings here for omitting which there are amendments. (Interruptions.) Sir, if Hon. Members are anxious to go and drink tea, they are at liberty to do so but we are doing important insurance business and either the House has to adjourn or to go on.....

The Honourable Sir James Grigg : Sir, I was trying to convey to the Hon. Member that the amendment was acceptable to the Government without his making a long speech about it.

Mr. S. Satyamurti : Sir, that sort of thing may be all right for the Hon. Member, because he has got forty votes in his pocket, but, I believe in the intelligent acceptance of my amendment by the House as a whole, and I propose to appeal to the intelligence of the House. There are two other headings. I realize there are only fifteen minutes more for the tea party! There are items in the table which must, we hope, be omitted when suitable amendments are moved, because we do not accept the dividing principle. Sir, the next addition I want to make to this statement is a statement in form DDDD set forth in form K annexed to the same Schedule, to be found at page 66 of the Bill. That form speaks of Particulars of the policies forfeited or lapsed in the last financial year under review, less those revived and reinstated for full benefits, classified according to the year in which they were issued and then various headings are given. I am suggesting that, when these forms are added, you will get in one return all the relevant information about life insurance business carried on by any insurer during any one year, including not only policies effected but the policies lapsed and the policies revived and the policies which were not revived. I, therefore, suggest that, as this information is being given in any case, this amendment does not seek to cast any fresh obligation not contemplated in the Bill, but on the other hand seeks to bring about in a convenient form, for the information of all interested, all the relevant information regarding life insurance business carried on by an insurer. I, therefore, trust, Sir, that not only the Government but the whole House will accept the amendment. I move.

Mr. Deputy President (Mr. Akhil Chandra Datta) : Amendment moved :

“ That in Part I of the Third Schedule to the Bill, for Regulation 6 the following be substituted :

‘ 6. As respect life insurance business the following statements shall be furnished to the Superintendent every year showing details provided for in a Form pertaining thereto :

- (A) A statement in form DD as set forth in Part 2 of this Schedule.
- (B) A statement in form DDD as set forth in Part 2 of this Schedule.
- (C) A statement in form DDDD as set forth in Part 2 of this Schedule.’”

The Honourable Sir Nripendra Sircar : Sir, if my Hon. friend does not get very much annoyed, I should like to say that I accept this amendment.

Mr. S. Satyamurti : I had been referring to a statement of the Hon. the Finance Member, and not to my Hon. friend.

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

“ That in Part I of the Third Schedule to the Bill, for Regulation 6 the following be substituted :

‘ 6. As respect life insurance business the following statements shall be furnished to the Superintendent every year showing details provided for in a Form pertaining thereto :

- (A) A statement in form DD as set forth in Part 2 of this Schedule.
- (B) A statement in form DDD as set forth in Part 2 of this Schedule.
- (C) A statement in form DDDD as set forth in Part 2 of this Schedule.’”

The motion was adopted.

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

Mr. President (The Hon. Sir Abdur Rahim) : Amendment No. 21. Mr. Chapman-Mortimer.

Mr. T. Chapman-Mortimer : Sir, I beg to move :

“ That in Part I of the Third Schedule to the Bill, Regulation 7 be omitted.”

Regulation 7 reads as follows :

“ The following information shall be supplied in addition to the revenue account, namely, the gross premium written in India for life, fire, marine and accident and miscellaneous insurance business.”

Now, Sir, the whole question as to whether the terms should be based on net or gross premium income was a matter that was carefully gone into by that expert committee of which we have heard so much in recent weeks, I refer to the Clauson Committee. The Clauson Committee, after having very carefully considered the *pros* and *cons*, came to the conclusion that the only accurate basis on which you could judge of the soundness or otherwise of an insurance company was on the net premiums underwritten and not on the gross premiums. The reason for this, I think, is fairly obvious even to laymen like most of us here. Out of the gross premium income you have to pay expenses, you have to pay commission, and, in addition, you have to pay away a certain portion which is re-insured with other people. What you really want to get at so far as the Superintendent is concerned and so far as those members of the public are concerned who want to keep an eye on the financial position of insurance companies,—for example, banks and so on,—is the financial soundness of the company, and that you will get most accurately by finding out what the total net premium income amounts to.

Sir Cowasji Jehangir : You do not want to show the net premium somewhere else ?

Mr. T. Chapman-Mortimer : We do.

Sir Cowasji Jehangir : But you do not show the gross premium income.

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Mr. T. Chapman-Mortimer : The only possible person to whom the information of that kind could be of the faintest use is the competitor and nobody else. It is no use to Government in ascertaining your financial soundness. The only person to whom it can be of any use is your rival round the corner, whoever he may be. It may be a European company or a Dominion company or an Indian company. Sir, I move.

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

“ That in Part I of the Third Schedule to the Bill, Regulation 7 be omitted.”

Mr. Bhulabhai J. Desai : Sir, I oppose this amendment and for a good reason. With all the facile manner in which it is sought that the soundness of the company may be judged without reference to the Regulation which is sought to be omitted, let us look at another more important aspect of the matter. Mr. Chapman-Mortimer really let the cat out of the bag to those who have carefully followed him because he said it may be useful only to those who are competing. Let me carry it a little further. Whether it was useful in England or not, has got nothing to do with the question. We in India want to know how much of premium, at all events, apart from life, under the other heads which are mentioned under this “ gross income ” you have in India for fire, marine, etc. That may take a lakh of rupees by way of premium. If they have re-insured to the extent of Rs. 90,000, they will only show the net business at Rs. 10,000. So, there could be nothing more misleading than what is plausibly supported. I oppose it.

Sir Cowasji Jehangir : Sir, I oppose this amendment. We have been hearing a good deal of this Clauson Committee's Report, but this Committee did not report for India. It reported for England having regard to the conditions prevailing there. A little common sense will show that we cannot blindly follow this report. What we lack is common sense and that has been lacking throughout. (*Honourable Members :* “ Hear, hear.”) Indian conditions are different. Here you get companies insuring and re-insuring. They may be re-insuring to the extent of lakhs of rupees and yet keep a very small percentage of premium. Well, if you only show that very small percentage, how are you ever going to know what is the total amount of premium taken in India. My Honourable friend said that the most important thing to know is the net premium and that is how you judge the stability of a company. But the net premium is shown by other provision in this Bill. This regulation only provides that the gross income should be shown in addition. The whole point is whether you should show the gross income or not. The net income is shown in other provisions of the Bill. The amendment is that the companies should not show their gross premium and that we consider not to be in the interests of insurance companies in India.

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

“ That in Part I of the Third Schedule to the Bill, Regulation 7 be omitted.”

The motion was negatived.

Mr. K. Santhanam : Sir, I beg to move :

“ That in Part I of the Third Schedule to the Bill, the proviso to Regulation 8 be omitted.”

This Regulation provides for the division of the rent of the premises in which several insurance businesses may be carried on. Of course, the idea of the proviso is that when any one class of business is done, if the rent is charged, it has to be shown both on the credit as well as the debit side and, therefore, it should be omitted. This will not show the true state of affairs. Sir, I do not want to add anything more. I move.

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

“ That in Part I of the Third Schedule to the Bill, the proviso to Regulation 8 be omitted.”

Mr. T. Chapman-Mortimer : Sir, I oppose this amendment.

Mr. Mohan Lal Saksena (Lucknow Division : Non-Muhammadan Rural) : Tit for tat !

Mr. T. Chapman-Mortimer : No, no. My Honourable friends, the Leaders of the Opposition, know, that I was going to oppose it and they also know why I am opposing it. I prefer the Bill as it stands, because it provides for the case of composite offices. If you delete the proviso, that provision will no longer remain in the Bill. On these grounds, I suggest that the amendment should not be accepted.

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

“ That in Part I of the Third Schedule to the Bill, the proviso to Regulation 8 be omitted.”

The motion was adopted.

Mr. K. Santhanam : Sir, I beg to move :

“ That in Part I of the Third Schedule to the Bill, for Regulation 9, the following be substituted :

“ 9. Where an insurer carries on business of life insurance in conjunction with any other class of insurance business the expenses of management charged to the life insurance Revenue Account must not include more than a reasonable proportion of the common expenses and in particular, no such account must be charged with more than a fair sum for the use of any office premises having regard to the income from the various classes of business carried on and to the extent to which the premises are used for the purposes of each class of business.”

I have tried to make the intention of regulation 9 clearer and put it in better words. There is no difference in the substance of the regulation. Sir, I move.

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

“ That in Part I of the Third Schedule to the Bill, for Regulation 9, the following be substituted :

“ 9. Where an insurer carries on business of life insurance in conjunction with any other class of insurance business the expenses of management charged to the life insurance Revenue Account must not include more than a reasonable proportion of the common expenses and in particular, no such account must be charged with more than a fair sum for the use of any office premises having regard to the income from the various classes of business carried on and to the extent to which the premises are used for the purposes of each class of business.”

The motion was adopted.

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{1st Oct. 1937.

Mr. K. Santhanam : Sir, I beg to move :

"That in Part II of the Third Schedule to the Bill in Form D, for the words 'commission (less that on re-insurances)' the following be substituted :

'Commission to Licensed Agents :

On first year's premium ..	..	..	..
On renewal premium ..	..	..	..
		Total	..
less commission on re-insurances ..	..	..	..
		Balance	..

Sir, this amendment is meant to find out whether the provision relating to limitation of commission, etc., is strictly adhered to. We want these particulars for that purpose. Sir, I move.

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

"That in Part II of the Third Schedule to the Bill in Form D, for the words 'commission (less that on re-insurances)' the following be substituted :

'Commission to Licensed Agents :

On first year's premium ..	..	..	..
On renewal premium ..	..	..	..
		Total	..
less commission on re-insurances ..	..	..	..
		Balance	..

Mr. T. Chapman-Mortimer : Sir, I oppose this amendment. I think it is asking for a good deal more information to be given in this return than is really called for in the circumstances. The object of the Mover, I have no doubt, is, quite properly, this that the Superintendent should know how much commission is being disbursed by an insurer in connection with the first year's premiums and the renewal premiums. I should point out that it is perfectly possible for the Superintendent of Insurance to do exactly the same as the Income-tax Inspectors do, when, having received a return which is not very satisfactory, so far as they can see, or where they feel that a good deal more information is required than has in fact been given, they come along and say, "Please supply us with the following information". In that case the insurer would have to provide whatever information was required and the Superintendent would then be able to decide for himself whether or not too much was being spent by way of first year's premiums or on renewal premiums. On the other hand, to put it in the return will broadcast to all the rivals of the company exactly what is being spent by them on their first year's premiums, and by a simple process of calculation it will be possible to find out exactly what each different rival is spending on his various agents, the rate of commission, etc. And it is obvious that such a thing would lend itself to abuses and would be more inquisitorial than is necessary. As I said, if the Superintendent with the very wide knowledge that will be at his disposal and all the detailed information which he will now get feels that there is something unsatisfactory here, he will then be able to call upon the

insurer to provide him with this or any other information that in his opinion is necessary to enable him to decide what action should be taken. Sir, I suggest that this amendment should not be accepted.

Mr. Bhulabhai J. Desai : Sir, one of the services which we claim has been rendered by this Bill, when passed, would be the limitation of commissions, and I do not see why this is opposed. My friends say that the information is otherwise available and that if only a suspicion is created in the mind of the Superintendent, then the insurers will proceed to explain themselves. Sir, the very objections raised to it explain the motives behind it. I need say no more.

The Honourable Sir Nripendra Sircar : Sir, what I feel about this matter is that although it will be very useful to know what amount of commission is being paid, the result of the publicity of all the different

companies as to the exact percentage which is being paid to licensed agents, is that really good and will it not lead to every company being forced to pay the maximum. Company A says they have given 27 per cent., company B says they have given 28 per cent., company C says they have given 33 per cent....

Mr. Bhulabhai J. Desai : So much the better, because we have provided the maximum and not the minimum.

The Honourable Sir Nripendra Sircar : That is a matter of opinion as to whether it is better or worse. I really do not think it is better for each one to publish, so that the Licensed agents may know that they will get one per cent. more if they go to company B and proceed to company B and that they will get two per cent. more if they go to company C. I do not agree that it will be all to the good.

Mr. S. Satyamurti : Sir, I hope Government will reconsider their attitude. After all, as our Leader explained, one of the most beneficent provisions of this Bill, when it becomes law, will be the limitation of commissions paid to licensed agents, and we have made elaborate and careful provisions in that behalf ; that is to say, that insurers carrying on business of life insurance shall pay only so much as maximum commission for licensed agents on the first year's premium, and so much on renewal premiums. We have also provided a different percentage for insurers carrying on other than life business, i.e., general business. We have given a further concession to life insurers carrying on life business for the first ten years of their existence. If this clause were to become part of the law of the land and is to be enforced, I plead with the Honourable the Law Member to exercise his fertile imagination on behalf of the new Superintendent of Insurance. He has got cast upon him so many statutory duties and obligations that, even if he were a superman, as my Honourable friend is, he will not be able to carry on his duties, unless all the relevant information is placed before him in a readily digestible form. I plead, Sir, for this information being given, in order that there may be no temptation on his part to take his duties more or less as formal duties, but to discharge them with a keen eye to see that the provisions of this law are strictly enforced.

The Honourable Sir Nripendra Sircar : Sir, I ask my friend to consider this whether this will not really force everybody to go up to the maximum.

Mr. F. E. James : Sir, I beg to move :

“ That in Part I of the Third Schedule to the Bill, in Regulation 10, after the words ‘ all income-tax ’ occurring in the second line the words ‘ charged on such income ’ be inserted.”

It is presumed that the income referred to in regulation 10 really relates to the tax charged on income, and this amendment seeks to make it clear that all tax on income must be shown, although some tax is not actually deducted at the source. It is a very small amendment and I hope the House will accept it. Sir, I move.

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

“ That in Part I of the Third Schedule to the Bill, in Regulation 10, after the words ‘ all income-tax ’ occurring in the second line the words ‘ charged on such income ’ be inserted.”

The motion was adopted.

Mr. K. Santhanam : Sir, I beg to move :

“ That in Part I of the Third Schedule to the Bill, in Regulation 10, for the word ‘ or ’, occurring in the sixth line, the word ‘ of ’ be substituted.”

This is merely a correction of a printer's devil. Sir, I move.

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

“ That in Part I of the Third Schedule to the Bill, in Regulation 10, for the word ‘ or ’, occurring in the sixth line, the word ‘ of ’ be substituted.”

The motion was adopted.

Mr. M. Ananthasayanam Ayyangar : Sir, I beg to move :

“ That in Form D of Part II of the Third Schedule to the Bill :

- (a) extend columns relating to business within British India and outside British India further down to the end so as to apply to all items on either side of the form of the revenue account ;
- (b) omit the asterisks in the body of the form and asterisks note at the bottom ; and
- (c) omit also the word ‘ British ’ from the head notes of the columns on either side of the form and also omit the word ‘ British ’ where it occurs a second time in Note ‘ a ’.”

Sir, the object of this amendment is to make this Form D conform to the provisions that we made in clause 12. Sir, clause 12 relates to actuarial valuation. It is also provided there, only after the Bill came out from the Select Committee, for the bringing of accounts that have to be produced or filed or to be made up by Indian insurers on a line with other insurers who carry on business in India and whose principal place of business is elsewhere. Indian insurers have to keep two different accounts now, one relating to the entire business, not only the transactions in India but all over the world, another account separately in so far as it relates to the business transacted by them exclusively in India. So far as foreign insurers are concerned, before my amendment they were asked to give only one kind of account relating to their

business in India. But by our amendment we made that their total business elsewhere and their business in India also should be given. The business transacted by Indian insurers in India and those transacted all over the world should be given separately. After that amendment was made by the House this Form D requires to be modified in the light of that amendment. I would request Honourable Members just to look at Form D on page 52 of the Bill. The amendment suggested in part (a) is extended the columns right up to the bottom so that business within British India may be mentioned regarding expenses of management. The business outside British India may relate to expenses of management. You will see that is the form as it stands at present. You will see that there is differentiation between the business transacted in British India from the business transacted out of British India. The column stops a little above the column relating to expenses of management. I want the expenses of management to be split up into these columns, not only expenses of management, but had debts. United Kingdom, British Indian, Dominion and Foreign Taxes. The other items follow below. Therefore, that is the object of the first part (a) of my amendment. Likewise the right hand side of the column has to be pushed down to the end to give details so that details might be given of business transacted here and elsewhere.

Part (b) of my amendment relates to the omission of asterisks. If these columns are pushed down so as to include or cover all the items that are noted on one or the other side of this Form D, then there is no need for these asterisks.

Part (c) of my amendment relates to the deletion of the word ‘ British ’ wherever it occurs in the head lines of these columns. ‘ Business within British India ’, ‘ Business out of British India ’, ‘ Total ’—the same headings on the other side. I want ‘ British ’ to be omitted in all these headings. My reason for this amendment is this. Clause 12 provides that business in the whole of India, whether in British India or non-British India—has to be put in one category, and business outside India has to be put in another category. In view of that amendment which the Select Committee made, the word ‘ British ’ no longer needs to find a place in the head notes of the one or the other column. Similarly the consequential amendment is, in note ‘ a ’, the word ‘ British ’ should be omitted. Sir, I move.

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

“ That in Form D of Part II of the Third Schedule to the Bill :

- (a) extend columns relating to business within British India and outside British India further down to the end so as to apply to all items on either side of the form of the revenue account ;
- (b) omit the asterisks in the body of the form and asterisks note at the bottom ; and
- (c) omit also the word ‘ British ’ from the head notes of the columns on either side of the form and also omit the word ‘ British ’ where it occurs a second time in Note ‘ a ’.”

The motion was adopted.

Mr. S. Satyamurti : No, Sir. I will try to answer that argument to the best of my ability. These insurers are very clever people. Is it suggested that today they cannot get the information, if they want, of the commissions paid by their rivals to the licensed agents? I should like to know from any insurer here, whether he is so impotent or resourceless that he cannot find out, if he wants, what these commissions are?

Mr. T. Chapman-Mortimer : Sir, on a point of personal explanation, my firm has the honour to represent quite a number of insurers; and although I feel that our firm has considerable resources—or at least a certain amount of resource—and is fairly active in one way or another in safeguarding its interests, I can honestly assure my Honourable friend that we never trouble to find out what our rivals are paying their agents!

Mr. S. Satyamurti : I am not going to walk into my Honourable friend's parlour. I have too much respect for his business acumen and his business capacity to believe what he said. I hope I have not misunderstood him when I say that he uses it for the sake of argument, and not because he believes it to be true. I suggest that the arguments of my Honourable friend were that, if the Superintendent wanted, he could find out all these things. The only possible objection to this can be that it will cast an onerous obligation on insurers that they cannot discharge, and that it will serve no useful purpose. I deny all these things. Firstly, it does not cast an onerous obligation which the insurers cannot discharge; they can discharge the obligation. Secondly, it will serve two useful purposes. If we know how much they are paying to licensed agents on the first year's premiums and on renewal premiums, we shall then know how much of the first year's premium is being spent by these various insurers, and how much of the renewal premiums is spent. After all, the Law Member's argument that they will lead to unhealthy competition is answered by the healthy provision of this Bill. Whatever they may say, they cannot go beyond the maximum.

The Honourable Sir Nripendra Sircar : They will all come to the maximum.

Mr. S. Satyamurti : Sir, I want to know what exactly the position of the Law Member or the Finance Member is. Will this information being given lead to under-cutting or over-cutting?

The Honourable Sir Nripendra Sircar : Call it over-cutting.

Mr. S. Satyamurti : I want to know what my Honourable friend calls it.

The Honourable Sir James Grigg (Finance Member) : Increased commission.

Mr. S. Satyamurti : Whatever the increased commission may be, it cannot go beyond 45 per cent. on the first year's premium, and 55 per cent. in the case of young insurers, and 25 per cent. in the case of those

doing general business. And I want to know whose interests are being sought to be protected, by opposing this amendment. I do not believe that merely publishing the actual results or figures of their expenditure will lead to everybody putting up the commission. On the other hand, I take it that among the insurers who carry on the business there is a healthy rivalry; they want really to capture more and more business. As I read the provisions of this Bill, when it becomes law, and if we get the proper man as Superintendent of Insurance, and if the Act is worked properly, I look forward confidently to the future when commissions will come down, expenses will, therefore, come down, and I hope premiums will come down also for bonuses will increase. Therefore, I look forward to the limitations of commissions working in the direction of limiting the expenses of management of these insurers.

If we are in favour of limitation of commission, we are in favour of limitation of expenses, to ultimately benefit the policy holders and to spread the insurance habit in this country. I want to ask another question: how is this section, when it becomes law, limiting commissions going to be worked, unless in all cases where the Superintendent wants information, he is to get information of this kind? The clause contemplates limitation of commission on two bases, that is, the first year's premium and the renewal premiums. Therefore, information has got to be given to him whenever he wants it: considering human nature, considering the enormous responsibilities and duties placed upon the Superintendent, this demand is not unreasonable, will give him all relevant information, will not have the effect by itself of unhealthy competition, or of increasing commissions among the insurers. I do not see how the mere fact of publicity given in the returns to the Superintendent will have this unhealthy result. I want to know what is the motive behind the opposition. I really do not understand it. Our friends constantly say "Fair field: no favour: open competition." If so, then have everything open: what is the secrecy behind this? What are the interests which are being affected adversely? Why do you fight shy of the light of God's day? Every time we want more information, you want to do something or other and object: you want to keep off something. That confirms my suspicion that there is something wrong in the state of Denmark. You may deny it, but I judge people by their deeds and not by their words. I want to know why my Honourable friends are so anxious that this information ought not to be given. I say that Indian insurers will have nothing to fear from this. If non-Indian insurers, as I believe, are under-cutting and paying more, it is right and proper that they should give this information. I am enthusiastically in favour of the limitation of commission, particularly in the field of general business, where I know what my friends are doing; and I want them to be brought in here, so that I may catch them by the throat and teach them their place. That is why they object to this. I see that. The Superintendent will then publish and say: "You are not carrying on the business soundly and satisfactorily", and will bring into force the provisions of this Act against those people who are doing things prohibited by the law. Therefore, it seems to me that this amendment is a healthy amendment, helps publicity, and will help all genuine insurers, while only handicapping those who are resorting to underhand methods. I expect all those, who want honest insurance business in this country to be done and nothing else, to support this amendment.

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

"That in Part II of the Third Schedule to the Bill in Form D, for the words 'commission (less that on re-insurances)' the following be substituted :

'Commission to Licensed Agents :

On first year's premium

On renewal premium

Total

less commission on re-insurances

Balance

The Assembly divided.

AYES—46.

Abdul Ghani, Maulvi Muhammad.
Abdul Qaiyum, Mr.
Abdur Rasheed, Chaudhury, Maulvi.
Aney, Mr. M. S.
Anwar-ul-Azim, Mr. Muhammad.
Asaf Ali, Mr. M.
Ayyangar, Mr. M. Ananthasayanam.
Chalitha, Mr. Kuladhar.
Chaudhury, Mr. Brojendra Narayan.
Chettiar, Mr. T. S. Avinashilingam.
Chunder, Mr. N. O.
Das, Mr. B.
Desai, Mr. Bhulabhai J.
Deshmukh, Mr. G. V.
Essak Sait, Mr. H. A. Sathar H.
Gadgil, Mr. N. V.
Govind Das, Seth.
Gupta, Mr. K. S.
Hans Raj, Raizada.
Hosmani, Mr. S. K.
Jehangir, Sir Cowasji.
Jogendra Singh, Sirdar.
Joseph, Mr. George.
Kailash Behari Lal, Babu.

Lalchand Navalrai, Mr.
Malaviya, Pandit Krishna Kant.
Mangal Singh, Sardar.
Misra, Pandit Shambhu Dayal.
Modaliar, Mr. C. N. Muthuranga.
Muhammad Ahmad Kazmi, Qazi.
Pande, Mr. Badri Dutt.
Raghubir Narayan Singh, Choudhri.
Ramayan Prasad, Mr.
Ranga, Prof. N. G.
Rao, Mr. Thirumala.
Saksena, Mr. Mohan Lal.
Santhanam, Mr. K.
Satyamurti, Mr. S.
Sham Lal, Mr.
Sheodass Daga, Seth.
Siddique Ali Khan, Khan Sahib Nawab.
Singh, Mr. Gauri Shankar.
Singh, Mr. Ram Narayan.
Sinha, Mr. Satya Narayan.
Sri Prakasa, Mr.
Zafar Ali Khan, Maulana.

NOES—52.

Abdul Hamid, Khan Bahadur Sir.
Ahmad Nawaz Khan, Major Nawab Sir.
Aikman, Mr. A.
Asghar Ali, Sheikh.
Bajoria, Babu Baijnath.
Bajpai, Sir Girja Shankar.
Banerjee, Dr. P. N.
Bhagchand Soni, Rai Bahadur Seth.
Boyle, Mr. J. D.
Buss, Mr. L. C.
Chanda, Mr. A. K.
Chapman-Mortimer, Mr. T.
Chattopadhyaya, Mr. Amarendra Nath.
Dalal, Dr. R. D.
Dalpat Singh, Sardar Bahadur Captain.
DeSouza, Dr. F. X.
Fazl-i-Ilahi, Khan Sahib Shaikh.
Ghulam Muhammad, Mr.
Gidney, Mr. C. W. A.
Griffiths, Mr. P. J.
Grigg, The Honourable Sir James.

Hudson, Sir Leslie.
James, Mr. F. E.
Jawahar Singh, Sardar Bahadur Sardar Sir.
Kamaluddin Ahmed, Shams-ul-Ulema.
Kushalpal Singh, Raja Bahadur.
Lang, Mr. J. C.
Lloyd, Mr. A. H.
Mackeown, Mr. J. A.
Maitra, Pandit Lakshmi Kanta.
Manavedan Raja, Rao Bahadur K. C.
Mani, Mr. R. S.
Mehta, Mr. S. L.
Mody, Sir H. P.
Mudie, Mr. R. F.
Nayudu, Diwan Bahadur B. V. Sri Hari Rao.
Ogilvie, Mr. C. M. G.
Parsons, Lieut.-Colonel A. E. B.
Purssell, Mr. R. S.
Rahman, Lieut.-Colonel M. A.

NOES—contd.

Boy, Mr. S. N.
Scott, Mr. J. Ramsay.
Sen, Mr. S. C.
Sher Muhammad Khan, Captain Sardar Sir.
Sircar, The Honourable Sir Nripendra.
Spence, Mr. G. H.

Staig, Mr. B. M.
Stewart, The Honourable Sir Thomas.
Sukthankar, Mr. Y. N.
Sultan Ahmad, The Honourable Sir Saiyid.
Thorne, Mr. J. A.
Tylden-Patterson, Mr. A. E.

The motion was negatived.

Mr. M. Ananthasayanam Ayyangar : Sir, I move :

"That in Part II of the Third Schedule to the Bill, in Form D, the 'expenses of management' be split up under the following heads :

'1. Commission and allowances to persons other than licensed agents :

On first year's premiums,

On renewal premiums.

2. Salaries, etc. (other than to agents and those contained in item No. 1).
3. Travelling expenses.
4. Directors' fees.
5. Auditors' fees.
6. Law charges.
7. Advertisements.
8. Printing and Stationery.
9. Other expenses of management (accounts to be specified).
10. Other payments (accounts to be specified).
11. Rents for offices belonging to and occupied by the insurer.
12. Rents of other offices occupied by the insurer."

This does not require an elaborate argument. I only want to clear one doubt. With respect to the other amendment which we have just now debated, evidently Honourable Members have not voted on our side under a mistaken impression. It is primarily to put the shareholders and policy holders on the same footing and to give them information as to the exact situation of the company, and also to see that these documents are not tempered with, and for sending these papers to them simultaneously as and when they are sent to the Superintendent of Insurance that these details are required in the accounts. That is the object. Therefore, let us not be under the mistaken impression that it is for an extraneous body. It is primarily in the interests of the insurers themselves that these documents have to be filed.

Then as regards expenditure, how is a person who attends a shareholders' meeting to know the actual expenditure. On the one hand, we have heard speeches that the expense ratio should be decreased, and, therefore, it is necessary that we should know the details of the actual expenditure, Sir, I move.

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

"That in Part II of the Third Schedule to the Bill, in Form D, the 'expenses of management' be split up under the following heads :

- '1. Commission and allowances to persons other than licensed agents :
On first year's premiums,
On renewal premiums.
2. Salaries, etc. (other than to agents and those contained in item No. 1).
3. Travelling expenses.
4. Directors' fees.
5. Auditors' fees.
6. Law charges.
7. Advertisements.
8. Printing and Stationery.
9. Other expenses of management (accounts to be specified).
10. Other payments (accounts to be specified).
11. Rents for offices belonging to and occupied by the insurer.
12. Rents of other offices occupied by the insurer."

The Honourable Sir Nripendra Sircar : Sir, I shall be very brief in my opposition. If the Chair will kindly turn to amendment No. 31 which has just been lost, it will see that the House has ruled that this is not what is going to be done, namely :

"That in Part II of the Third Schedule, in Form D, for the words 'Commission (less that on re-insurances)' the following be substituted :

- 'Commission to licensed agents ;
On First Year's premium.....
On Renewal, etc. '."

Therefore, the House has ruled just now that this has not got to be shown as commission less first year's premium or renewal premium.

Then, about the other items, what I am objecting to is this. I am not objecting to items beginning with two and ending with 12. I shall gladly accept them. My only objection is directed to item 1. I won't take up much time of the House because I have already advanced my arguments, and the other side have advanced theirs, and the House has voted on it, and I submit, Sir, that No. 1 cannot be put to the vote again.....

Mr. Bhulabhai J. Desai : My friend is entirely under a wrong impression.

The Honourable Sir Nripendra Sircar : No, no. I have seen the language.

Mr. Bhulabhai J. Desai : I think it will simplify matters if you omit the words from "to persons to premiums" in No. 1.

The Honourable Sir Nripendra Sircar : Then, it will read only Commission and allowances.

Mr. Bhulabhai J. Desai : Certainly.

The Honourable Sir Nripendra Sircar : I don't object to that.

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

"That in Part II of the Third Schedule to the Bill, in Form D, the 'expenses of management' be split up under the following heads :

- '1. Commission and allowances.
2. Salaries, etc. (other than to agents and those contained in item No. 1).
3. Travelling expenses.
4. Directors' fees.
5. Auditors' fees.
6. Law charges.
7. Advertisements.
8. Printing and Stationery.
9. Other expenses of management (accounts to be specified).
10. Other payments (accounts to be specified).
11. Rents for offices belonging to and occupied by the insurer.
12. Rents of other offices occupied by the insurer."

The motion was adopted.

Maulana Zafar Ali Khan : Sir, I move :

"That in Part II of the Third Schedule to the Bill, in Form D, the following be added to note (b) :

- 'Under this item the salary paid to the managing agent or managing director shall be shown separately from the total amount paid as salaries to the remaining staff '."

I will make a very brief speech in moving this amendment because we want to get through this Bill as soon as possible. The object of this amendment is to see to it that the employees of insurance companies are treated as part and parcel of that great system and that they are not going to be denied their right. That is all I have got to say. Sir, I move.

The Honourable Sir Nripendra Sircar : I accept it.

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

"That in Part II of the Third Schedule to the Bill, in Form D, the following be added to note (b) :

- 'Under this item the salary paid to the managing agent or managing director shall be shown separately from the total amount paid as salaries to the remaining staff '."

The motion was adopted.

Maulana Zafar Ali Khan : I beg to move :

"That in Part II of the Third Schedule to the Bill, in Form D, after note (d), the following note be added :

- '(e) under the head 'other income' fines realised from the staff be shown separately '."

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

" That in Part II of the Third Schedule to the Bill, in Form D, after note (d), the following note be added :

' (e) under the head ' other income ' fines realised from the staff be shown separately '."

The Honourable Sir Nripendra Sircar : The House accepted No. 18 and we have got also to accept Maulana Zafar Ali's amendment.

Mr. Sri Prakasa (Allahabad and Jhansi Divisions : Non-Muhammadan Rural) : You will have to accept also the words " if any " after " fines ".

The Honourable Sir Nripendra Sircar : Yes.

Maulana Zafar Ali Khan : I accept the addition.

Mr. M. S. Aney : The addition of the words " if any " does not seem necessary. In No. 18, the words " if any " are not joined to ' fines ' but to provident fund.

Dr. P. N. Banerjee (Calcutta Suburbs : Non-Muhammadan Urban) : Why should we take it for granted that there will always be fines ?

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

" That in Part II of the Third Schedule to the Bill, in Form D, after note (d), the following note be added :

' (e) under the head ' other income ' fines, if any, realised from the staff be shown separately '."

The motion was adopted.

Mr. M. Ananthasayanam Ayyangar : I beg to move :

" That in Form D of Part II of the Third Schedule to the Bill, the following new note be added :

' (e) All the amounts received by the insurer directly or indirectly whether from his head office or from any other source outside British India shall also be shown separately in the revenue account.....'."

Sir, with your permission, may I add the words at the end, " except such sums as properly appertain to the capital account ". We have also accepted this principle under clause 15, and I am only trying to carry it out in the Schedule.

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

" That in Form D of Part II of the Third Schedule to the Bill, the following new note be added :

' (e) All the amounts received by the insurer directly or indirectly whether from his head office or from any other source outside British India shall also be shown separately in the revenue account, except such sums as properly appertain to the capital account '."

The Honourable Sir Nripendra Sircar : I understand, I am almost sure that I heard my Honourable friend to say that he is quoting the words of clause 15 (d) ?

Mr. M. Ananthasayanam Ayyangar : Yes, I am quoting the words of clause 15 (d).

The Honourable Sir Nripendra Sircar : In that case I have no objection.

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

" That in Form D of Part II of the Third Schedule to the Bill, the following new note be added :

' (e) All the amounts received by the insurer directly or indirectly whether from his head office or from any other source outside British India shall also be shown separately in the revenue account, except such sums as properly appertain to the capital account '."

The motion was adopted.

Mr. F. E. James : I beg to move :

" That in Part II of the Third Schedule to the Bill, in Form E, at the end of last footnote the words ' but need not include income-tax of the country in which the company is constituted or incorporated ' be added."

If Honourable Members will turn to Form E, they will see that the last foot-note refers to clause 15 (2) (b), which relates to the revenue accounts with reference to insurance business transacted in British India. The footnote says, " Against all other items the total amount for the business as a whole may be given ". It is possible that income received outside India may be paid tax-free and there is a difficulty in ascertaining the actual amount of tax which has been paid in respect of that income. Therefore, this seeks to remove that difficulty. If it is difficult to ascertain the total amount, it is difficult to show the total amount of the whole business. We suggest that these words may be added so that the result would be that the net amount would be shown. Sir, I move.

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

" That in Part II of the Third Schedule to the Bill, in Form E, at the end of last footnote the words ' but need not include income-tax of the country in which the company is constituted or incorporated ' be added."

Mr. Bhulabhai J. Desai : Where does the amendment fit in ? The last foot-note says :

" Where the account is furnished under the provisions of section 10 of the Insurance Act, 1937, separate figures for claims paid to claimants in British India....."

Mr. F. E. James : The last foot-note is the asterisked, which runs as follows :

" Where the account is furnished under the provisions of clause (b) of sub-section (2) of section 15 of the Insurance Act, 1937....."

Mr. Bhulabhai J. Desai : You mean in the item of expenditure if an income-tax is paid it is not to be shown ? Then I object to it. It is an obvious objection. If income-tax is, in fact, paid and is not to be shown as part of the expenditure, it is an obvious objection. Such an amendment must not be allowed.

Mr. K. Santhanam : It is also against Regulation 10 of the Third Schedule.

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

"That in Part II of the Third Schedule to the Bill, in Form E, at the end of last footnote the words 'but need not include income-tax of the country in which the company is constituted or incorporated' be added."

The motion was negatived.

Mr. M. Ananthasayanam Ayyangar : Sir, I move :

"That in Form E of Part II of the Third Schedule to the Bill, the following new note be added :

'(d) All the amounts received by the insurer directly or indirectly whether from his head office or from any other source outside British India shall also be shown separately in the revenue account',"

and, with your permission, I shall add the same words as were added to the previous amendment "except such sums as properly appertain to the capital account". Sir, I move :

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

"That in Form E of Part II of the Third Schedule to the Bill, the following new note be added :

'(d) All the amounts received by the insurer directly or indirectly whether from his head office or from any other source outside British India shall also be shown separately in the revenue account, except such sums as properly appertain to the capital account',"

The motion was adopted.

Mr. F. E. James : Sir, I move :

"That in Part II of the Third Schedule to the Bill, in Form F, at the beginning of the item 'Premiums, less Reinsurance (d)', occurring in the third column, an asterisk be inserted."

I am advised that this is a purely accidental omission.

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

"That in Part II of the Third Schedule to the Bill, in Form F, at the beginning of the item 'Premiums, less Reinsurance (d)', occurring in the third column, an asterisk be inserted."

The motion was adopted.

Mr. F. E. James : Sir, I move :

"That in Part II of the Third Schedule to the Bill, in Form F, at the beginning of the item 'Other income (to be specified)', occurring in the third column, an asterisk be inserted."

This is exactly the same point as the previous amendment.

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

"That in Part II of the Third Schedule to the Bill, in Form F, at the beginning of the item 'Other income (to be specified)', occurring in the third column, an asterisk be inserted."

The motion was adopted.

Mr. M. Ananthasayanam Ayyangar : Sir, I move :

"That in Form F of Part II of the Third Schedule to the Bill, the following new note be added :

'(e) All the amounts received by the insurer directly or indirectly whether from his head office or from any other source outside British India shall also be shown separately in the revenue account, except such sums as properly appertain to the capital account',"

I have added the words 'except such sums, etc.' as in the case of previous amendments.

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

"That in Form F of Part II of the Third Schedule to the Bill, the following new note be added :

'(e) All the amounts received by the insurer directly or indirectly whether from his head office or from any other source outside British India shall also be shown separately in the revenue account, except such sums as properly appertain to the capital account',"

The motion was adopted.

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

"That the Third Schedule, as amended, stand part of the Bill."

The motion was adopted.

The Third Schedule, as amended, was added to the Bill.

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

"That clause 10, as amended, stand part of the Bill."

The motion was adopted.

Clause 10, as amended, was added to the Bill.

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

"That the Fourth Schedule stand part of the Bill."

Mr. S. Satyamurti : Sir, I move :

"That in Part I of the Fourth Schedule to the Bill, after Regulation 2 the following be added :

'2A. Before arriving at the surplus the actuary shall deduct amounts shown in the balance sheet as organisation expenses or as deferred revenue expenses.

2B. For the purposes of paragraph 5A of Part II of the Schedule the percentage of renewal expenses will be calculated by allowing as the cost of the new business of the year $7\frac{1}{2}$ per cent. of single premiums and purchase price of annuities and 90 per cent. of first year's premium falling due in the year after deduction of those unpaid under policies allowed to lapse',"

With your leave, I shall draw the attention of the House to Amendment No. 59 standing in the name of myself and my Honourable friend, Mr. Sham Lal, which reads like this :

"That in Part II of the Fourth Schedule to the Bill, after paragraph 5 the following be added :

'5A. Percentage of expenses incurred on renewal premium income for each of the year covered by the valuation',"

[Mr. S. Satyamurti.]

I am moving only 55 now, but I am drawing attention to 59 in order to show the purpose of this amendment. If Honourable Members will kindly turn to the Fourth Schedule to the Bill, they will notice that this Schedule contains regulations and tables and forms for the preparation of abstracts, actuaries' reports, and so on. This actuarial valuation is provided for in clause 12 of the Bill, to which I shall invite the attention of the House :

" Every insurer carrying on life insurance business shall, in the case of an insurer specified in sub-clause (a) (ii), or sub-clause (b) of clause (8) of section 2 in respect of all life insurance business transacted by him, and in the case of any other insurer in respect of the life insurance business transacted by him in India, once at least in every five years cause an investigation to be made by an actuary into the financial condition of the life insurance business "

and so on.

In order to carry out the purpose of this actuarial valuation, this Fourth Schedule contains regulations and forms. Regulation 2 provides :

" In showing the proportion which that part of the annual premiums reserved as a provision for future expenses and profits bears to the total of the annual premiums, in accordance with the requirement of paragraph 3 of Part II of this Schedule, no credit is to be taken for any adjustments made in order to secure that no policy is treated as an asset."

Sir, in addition to that, I want in 2A that, before arriving at the surplus, the Actuary shall deduct the amounts shown in the balance sheet as organization expenses or as deferred revenue expenses. I submit that the amendment speaks for itself. As regards 2B, that is to be taken along with 5A. Regulation 5 provides :

" For the purposes of this Schedule the following expressions have the meanings hereby respectively assigned to them, namely : "

etc., etc.

Taking it along with 2B, it comes to this :

" That the percentage of renewal expenses will be calculated by allowing as the cost of the new business of the year 7½ per cent. of single premiums and purchase price of annuities and 90 per cent. of the first year's premium falling due in the year after deduction of those unpaid under policies allowed to lapse."

I submit this amendment is in the interest of sound insurance business. I am told that in the case of some insurers starting this business, this may work as a hardship ; but it will not, if the company is working on sound and healthy lines, because it simply means that there shall be no surplus without making a proper allowance for these items which must be appropriately debited, before a surplus is arrived at. And I believe the anxiety of some insurers to spend overmuch in the early years of their business has been amply made out. I want to see to it that young insurers are not allowed to distribute, either as bonuses or as profits, what they have not actually earned. They ought rather to depend upon the good will and the reputation of their business, than on small monetary attractions not actually earned. Sir, I believe this amendment will not hurt any healthy and sound companies. No insurer is allowed to distribute, as bonuses or profits, what he has not earned. Sir, it seems to me that this idea that you must have some bonus to show is introducing an element of unhealthy competition in life insurance business, and I am

anxious that that element ought to be completely rooted out ; and this amendment seeks to see that the actuarial valuation bears a relation to the actual profits of the business and that the expenses of all insurance companies young and old are reduced. Sir, I move.

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

" That in Part I of the Fourth Schedule to the Bill, after Regulation 2 the following be added :

" 2A. Before arriving at the surplus the actuary shall deduct amounts shown in the balance sheet as organisation expenses or as deferred revenue expenses.

2B. For the purposes of paragraph 5A of Part II of the Schedule the percentage of renewal expenses will be calculated by allowing as the cost of the new business of the year 7½ per cent. of single premiums and purchase price of annuities and 90 per cent. of first year's premium falling due in the year after deduction of those unpaid under policies allowed to lapse."

Dr. P. N. Banerjee : Sir, I oppose this amendment. In the first place I wish to point out that this Fourth Schedule to this Bill follows generally the Fifth Schedule which is given in the Clauson Committee's draft Bill. But the amendment which my Honourable friend, Mr. Satyamurti, has moved is not to be found anywhere in the Schedule attached to the Clauson Committee's Report. Where, then, is the necessity for it ? This amendment seeks to place restrictions on the power of the actuary with regard to valuation. Now is that necessary ? Then, Sir, I wish to point out that every company in its early days has to incur certain expenses which come from the pockets of the shareholders. Where is the necessity for showing its expenses ? In this connection I wish to point out that the older companies will not be hit at all because they have outgrown that stage in which they were compelled to incur these preliminary expenses. It will be only the young companies which will be touched, and my Honourable friend, Mr. Satyamurti, admits that it will hit some companies. Well, that admission is quite enough for my purpose.

Sir, I am afraid if we accept this amendment, the young companies will be hit very hard. The shareholders incur these expenses, and the policy holders are not compelled to contribute towards these expenses. What harm, then, would ensue to the policy holders if these expenses are not calculated at the time of the valuation ? This is not going to hit the policy holders in any way ? Sir, I think it will introduce an unhealthy rivalry between young companies and the older companies and the young companies will necessarily go to the wall. On these grounds I oppose this amendment.

The Honourable Sir Nripendra Sircar : Sir, I oppose the amendment.

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

" That in Part I of the Fourth Schedule to the Bill, after Regulation 2 the following be added :

" 2A. Before arriving at the surplus the actuary shall deduct amounts shown in the balance sheet as organisation expenses or as deferred revenue expenses.

[Mr. President.]

2B. For the purposes of paragraph 5A of Part II of the Schedule the percentage of renewal expenses will be calculated by allowing as the cost of the new business of the year 7½ per cent. of single premiums and purchase price of annuities and 90 per cent. of first year's premium falling due in the year after deduction of those unpaid under policies allowed to lapse."

The motion was negatived.

Mr. F. E. James : Sir, I beg to move :

"That in Part I of the Fourth Schedule to the Bill, in Regulation 3 (1), after the words 'income-tax', occurring in the sixth line, the words 'charged thereon' be inserted."

This is merely consequential to amendment No. 24 which has already been accepted by the House.

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

"That in Part I of the Fourth Schedule to the Bill, in Regulation 3 (1), after the words 'income-tax', occurring in the sixth line, the words 'charged thereon' be inserted."

The motion was adopted.

Mr. F. E. James : Sir, I beg to move :

"That in Part I of the Fourth Schedule to the Bill, in Regulation 3 (1), after the words 'income-tax', occurring in the seventh line, the words 'in respect of expenses of management' be inserted."

This is merely a clarification of the actual meaning intended to be conveyed by that regulation. I move.

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

"That in Part I of the Fourth Schedule to the Bill, in Regulation 3 (1), after the words 'income-tax', occurring in the seventh line, the words 'in respect of expenses of management' be inserted."

The motion was adopted.

Mr. K. Santhanam : Sir, I move :

"That in Part I of the Fourth Schedule, in the proviso to Regulation 4, for the words 'insert on' the words 'include in' be substituted."

This is only a verbal amendment, and I move.

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

"That in Part I of the Fourth Schedule, in the proviso to Regulation 4, for the words 'insert on' the words 'include in' be substituted."

The motion was adopted.

Mr. S. Satyamurti : Sir, I beg to move :

"That all items in Form G (consolidated Revenue Account) of Part II of the Fourth Schedule be split up into two columns (i) business within British India, and (ii) total, and the expenses of management be split up under the following heads :

- Agents' and canvassers' allowance.
- Salaries, etc., (other than to Agents and Canvassers).
- Travelling expenses.
- Directors' fees.

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- Auditors' fees.
- Medical fees.
- Law charges.
- Advertising.
- Printing and Stationery.
- Other expenses of management (accounts to be specified).
- Other payments (accounts to be specified).
- Rents for offices belonging to and occupied by the company.
- Rents of other offices occupied by the company."

I stop there, and do not move the rest of it. The principle of the amendment has already been accepted, and I will not repeat those words. I hope the House will accept it. Sir, I move.

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

"That all items in Form G (consolidated Revenue Account) of Part II of the Fourth Schedule be split up into two columns (i) business within British India, and (ii) total, and the expenses of management be split up under the following heads :

- Agents' and canvassers' allowance.
- Salaries, etc., (other than to Agents and Canvassers).
- Travelling expenses.
- Directors' fees.
- Auditors' fees.
- Medical fees.
- Law charges.
- Advertising.
- Printing and Stationery.
- Other expenses of management (accounts to be specified).
- Other payments (accounts to be specified).
- Rents for offices belonging to and occupied by the company.
- Rents of other offices occupied by the company."

The motion was adopted.

Mr. S. Satyamurti : Sir, I beg to move :

"That in Part II of the Fourth Schedule to the Bill, in Form J, omit columns pertaining to dividing insurance principle and shift the form as form DDD to Part 2 of the Third Schedule. Shift form K as form DDDD to Part 2 of the Third Schedule."

Sir, it is a consequential amendment. I move.

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

"That in Part II of the Fourth Schedule to the Bill, in Form J, omit columns pertaining to dividing insurance principle and shift the form as form DDD to Part 2 of the Third Schedule. Shift form K as form DDDD to Part 2 of the Third Schedule."

The motion was adopted.

Mr. M. Ananthasayanam Ayyangar : Sir, I beg to move :

"That in Part II of the Fourth Schedule to the Bill, Form K be shifted as Form DDD to Part II of the Third Schedule and the following foot note be added thereto :

"Business having their principal place of business in British India shall give the information required in the form separately for business transacted in India and business transacted outside India and the insurers having their principal place of business outside British India will furnish information only for business transacted in India only."

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

" That in Part II of the Fourth Schedule to the Bill, Form K be shifted as Form DDD to Part II of the Third Schedule and the following foot-note be added thereto :

' Insurers having their principal place of business in British India shall give the information required in the form separately for business transacted in India and business transacted outside India and the insurers having their principal place of business outside British India will furnish information regarding business transacted in India only '."

The motion was adopted.

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

" That the Fourth Schedule, as amended, stand part of the Bill."

The motion was adopted.

The Fourth Schedule, as amended, was added to the Bill.

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

" That the Fifth Schedule stand part of the Bill."

The motion was adopted.

The Fifth Schedule was added to the Bill.

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

" That clause 12, as amended, stand part of the Bill."

The motion was adopted.

Clause 12, as amended, was added to the Bill.

The Sixth Schedule was added to the Bill.

Clause 1 was added to the Bill.

The Title and the Preamble were added to the Bill.

(Applause.)

The Honourable Sir Nripendra Sircar (Leader of the House) : Sir, before we disperse, I may be allowed to inform the House that there are two very short but urgent Bills. One is Mr. Lloyd's Bill which is to amend the Indian Tariff Act and the other is by Sir James Grigg for amending the Indian Securities Act.

Mr. F. E. James : I hope it has nothing to do with the insurance.

The Honourable Sir Nripendra Sircar : Not directly. We have got to put these two short Bills in front of the Insurance Bill tomorrow. They are very urgent.

The Assembly then adjourned till Eleven of the Clock on Saturday, the 2nd October, 1937.

LEGISLATIVE ASSEMBLY.

Saturday, 2nd October, 1937.

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

STARRED QUESTIONS AND ANSWERS.

(a) ORAL ANSWERS.

RAISING OF PLATFORM AND CONSTRUCTION OF WAITING ROOMS AT PURAB SARAI STATION ON THE EAST INDIAN RAILWAY.

983. *Mr. Sri Prakasa : Will the Honourable the Railway Member
state :

- (a) if it is a fact that there is more booking of passengers at Purab Sarai, a suburban station of Monghyr, than at Monghyr, on the East Indian Railway ;
- (b) if he is aware that the platform of Purab Sarai is very low and causes much inconvenience to passengers ;
- (c) if the stoppage of trains at Purab Sarai is only three minutes ; and
- (d) if Government are prepared to consider the necessity of raising the platform at Purab Sarai and constructing waiting rooms there ?

The Honourable Sir Saiyid Sultan Ahmad : (a) and (b). Government have no information.

(c) The maximum stop is three minutes.

(d) The matter is within the discretion of the Railway Administration, to whom copies of this question and my answer are being sent.

STOPPAGE OF TRAINS AND INTERMEDIATE CLASS WAITING ROOM AT KIUL JUNCTION.

984. *Mr. Sri Prakasa : Will the Honourable the Railway Member
state :

- (a) the average amount of time for which mail and express trains stop at Kiul junction on the East Indian Railway ;
- (b) if, in view of the importance of the station, Government are prepared to recommend to the Railway to give longer stoppage to their mail and express trains at this station ;

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- (c) if he is aware that the platform of the Kiul railway station is very low and causes much inconvenience to passengers ;
- (d) if it is a fact that there are no separate intermediate class waiting rooms for ladies and gentlemen, and that no lavatory is attached to the existing intermediate class waiting rooms ; and
- (e) if Government are prepared to recommend to the Railway to provide separate intermediate class waiting rooms (with the necessary lavatories attached to them) for ladies and gentlemen ?

The Honourable Sir Saiyid Sultan Ahmad : (a) About five minutes.

(b) No.

(c) The Honourable Member is referred to the reply given to question No. 118 asked by Sir A. H. Ghuznavi on 19th July, 1934.

(d) and (e). There is a general intermediate class waiting room. The matter is within the entire discretion of the Agent who should be approached either direct or through his Local Advisory Committee. A copy of the Honourable Member's question has been sent to the Agent, East Indian Railway, already.

INCONVENIENT TIMINGS OF TRAINS ON THE LOOP LINE OF THE EAST INDIAN RAILWAY BETWEEN KIUL AND HOWRAH via BHAGALPUR.

985. ***Babu Kailash Behari Lal :** Will the Honourable the Railway Member be pleased to state :

- (a) if complaints have been made by the public regarding inconvenient timings of trains on the loop line of East Indian Railway between Kiul and Howrah via Bhagalpur ;
- (b) if it is not a fact that passengers travelling in the Punjab Calcutta Down Mail and bound for any station on the loop line have no connecting train and have to wait at Kiul from quarter past eleven in the night till quarter to six next morning ;
- (c) if it is not a fact that the last train leaving Kiul via loop line is the Dinapur Express at twenty past one in the night and there is no train after that for the whole night for a person arriving at Kiul by the main line trains and going to Bhagalpur which is an important station on the loop line ; and
- (d) if the Railway authorities have remedied this grievance or propose to remedy this grievance by changing the timings in the time table to be enforced from the next month ?

The Honourable Sir Saiyid Sultan Ahmad : (a) Government are not aware of any such complaints.

(b) In the time table in force from 1st October, 1937, the Punjab Mail arrives at Kiul at 3-2 instead of 23-16 as formerly and the connecting train leaves at 5-37 hours.

(c) The following gives the timings from October 1st of Main Line train arrivals at Kiul and the time of departure of trains from Kiul via the loop towards Bhagalpur :

Train No.	Arrivals of trains from Main line at Kiul.	Train No.	Departure of trains from Kiul via Loop line.
56 Down Arr.	12-25	56 Down	12-30 Through train.
26 " "	15-7	106 " "	13-40
24 " "	19-52	24 " "	19-57 Through train.
12 " "	20-6		
4 " "	3-2		
16 " "	23-11	54 " "	5-37
20 " "	23-59		
22 " "	5-17		
14 " "	9-24	66 " "	9-40

(d) The Honourable Member is referred to the replies to parts (b) and (c) above.

Mr. Sri Prakasa : Is it a fact that the speed of the Punjab Mail has been lessened since 1st October, 1937, by three hours ?

The Honourable Sir Saiyid Sultan Ahmad : I do not think so.

Mr. Sri Prakasa : Is it not a fact that while the train used to arrive in Calcutta at about seven o'clock now arrives at ten o'clock ?

The Honourable Sir Saiyid Sultan Ahmad : The starting time is different now.

Babu Kailash Behari Lal : Do I understand that there is no inconvenience to the loop line passengers as regards the timings ?

The Honourable Sir Saiyid Sultan Ahmad : Since the new timings came into force only yesterday, the question of inconvenience does not arise. We do not know about the inconvenience.

Babu Kailash Behari Lal : Is it a fact that according to the new timings the loop line express which used to run via Bhagalpur has been stopped ?

The Honourable Sir Saiyid Sultan Ahmad : I cannot give any further information on that point more than what I have given. I have not got the time table before me.

DEPARTURE OF THE INDIAN TRADE DELEGATION FROM ENGLAND.

986. ***Mr. S. Satyamurti :** Will the Honourable the Railway Member be pleased to state :

- (a) whether it is a fact that the Indian Trade Delegation are leaving England early in October ;

- (b) the reasons for their early departure ;
- (c) whether there is any hitch or there are any hitches in the Indo-British trade negotiations ;
- (d) whether Government will place a copy of the reports of the Indian Trade Delegation on the table of this House ;
- (e) whether Government propose to consult the House and abide by its verdict before coming to any agreement with England as a result of these or independently of these negotiations ; and
- (f) if not, why not ?

The Honourable Sir Saiyid Sultan Ahmad : (a) Government have no information.

(b) Does not arise.

(c) The Honourable Member is referred to the replies given by me to parts (b) to (h) of his question No. 880 on the 29th September.

(d) The question will be considered after the Report is received.

(e) and (f). The Honourable Member is referred to the replies to part (j) of his question No. 880 and its supplementaries.

Mr. S. Satyamurti : May I know whether the attention of the Government has been drawn to the statement published in the newspapers, within the last two or three days and even today, that Sir Purshotamdas Thakurdas, Mr. G. D. Birla and Mr. Kasturibhai Lalabhai, the Indian non-official advisers are leaving by a specific Italian Boat from Venice on 7th October, 1937 ?

The Honourable Sir Saiyid Sultan Ahmad : Yes, I have seen.

Mr. S. Satyamurti : Have Government no information on this matter, as to the date of their departure, official or non-official ?

The Honourable Sir Saiyid Sultan Ahmad : No.

Mr. S. Satyamurti : Are the Government keeping themselves in touch with these non-official advisers at all ?

The Honourable Sir Saiyid Sultan Ahmad : Yes.

Mr. S. Satyamurti : Have the Government heard from them recently, about the time of their departure to India ?

The Honourable Sir Saiyid Sultan Ahmad : No.

Mr. S. Satyamurti : With reference to part (c), may I know whether, since the last answer was given two days ago, Government have heard anything further about the progress of the negotiations ?

The Honourable Sir Saiyid Sultan Ahmad : No.

Mr. S. Satyamurti : Has the attention of the Government been drawn to the Lunch given by His Majesty's Government to Sir Muhammad Zafrullah Khan ?

The Honourable Sir Saiyid Sultan Ahmad : Yes, I have seen in the papers.

Mr. S. Satyamurti : Was it a farewell lunch ?

The Honourable Sir Saiyid Sultan Ahmad : I do not know.

Mr. T. S. Avinashilingam Chettiar : When did the Government last hear from England about these negotiations ?

The Honourable Sir Saiyid Sultan Ahmad : About a week ago.

Mr. T. S. Avinashilingam Chettiar : Is there any inkling that it will be finished so soon or that it will continue ?

The Honourable Sir Saiyid Sultan Ahmad : No.

EXPENDITURE OF STAFF AREA COUNCILS OF THE NORTH WESTERN RAILWAY.

987. ***Bhai Parma Nand :** Will the Honourable the Railway Member be pleased to state the total yearly expenditure of staff area councils including salaries of staff warders and allowances of members attending councils and staff warders of the North Western Railway ?

The Honourable Sir Saiyid Sultan Ahmad : The information asked for is not readily available and Government do not consider that the cost and labour involved in its compilation would be justified by the results to be obtained.

Mr. Lalchand Navalrai : Wherefrom can we get the information ?

The Honourable Sir Saiyid Sultan Ahmad : From the different reports and books you will have to compile them.

Mr. Lalchand Navalrai : Who is to guide us in this compilation ? Can we ask the Agent to give us that information ?

The Honourable Sir Saiyid Sultan Ahmad : I think so.

ALLEGED VICTIMISATION OF THE MEMBERS OF THE NORTH WESTERN RAILWAY UNION.

988. ***Bhai Parma Nand :** (a) Will the Honourable the Railway Member be pleased to state whether Government are aware that a North Western Railway Union of the North Western Railway employees has been registered under Trade Union Act and recognised by the Railway Administration ?

(b) Are Government aware that this Union is required to prepare representations and stands in need of circulars issued by the Agent, North Western Railway, concerning the railway employees and that the Agent has refused to supply the copies of such circulars to this Union ?

(c) Are Government aware that ever since the chowkidars of the General Stores, North Western Railway, Mughalpura, have joined this Union, the Senior Inspector, Watch and Ward, has turned hostile to them and threatens them with dismissal and that their complaints written and laid by the Secretary of the Union to the Agent have been unheeded ?

(d) Is it a fact that the Secretary of the Union made a complaint on behalf of the staff working in the Loco. Shed, Lahore, that their foreman refused them leave even in cases of serious sickness and of deaths of their relatives, but no action has been taken on this complaint ?

(e) Is it a fact that Fazal Elahi, a representative of the *chaukidars*, was suspended for the offence of making such complaints and that one Sher Mohammad, tin-smith of Loco. Shed, was transferred and re-transferred involving a loss of Rs. 20 a month; and that on account of taking part in the Union blacksmith Abdul Aziz, fitter Amar Singh and cleaner Amar Nath were transferred? If the answer to the question is in the affirmative, are Government prepared to see that the members of a recognised Union are not victimised?

The Honourable Sir Saiyid Sultan Ahmad : (a) Yes.

(b) The reply to the first part is in the negative. As regards the latter part Government have no information.

(c) to (e). Government have no information. These are matters of detailed administration within the discretion of the Agent, North Western Railway, to deal with, to whom I am sending a copy of this question for such action as he may consider necessary.

Mr. Lalchand Navalrai : With reference to part (b), may I know why when these Unions are registered they are not supplied with the circulars, if there are any in existence, especially in view of the fact that these will be very useful to them?

The Honourable Sir Saiyid Sultan Ahmad : I said the Government have no information.

Mr. Lalchand Navalrai : Have Government no information as to whether the circulars are being issued or whether circulars are not being supplied?

The Honourable Sir Saiyid Sultan Ahmad : The question is :

"Are Government aware that this Union is required to prepare representations and stands in need of circulars issued by the Agent, North Western Railway, concerning the railway employees and that the Agent has refused to supply the copies of such circulars to this Union?"

The reply I gave was, we have no information.

Mr. Lalchand Navalrai : Will the Honourable Member get this information from the Agent? This is an important matter. May I ask whether the Government, on getting this information, will pass orders thereon?

The Honourable Sir Saiyid Sultan Ahmad : We will try to get the information.

Mr. Lalchand Navalrai : With reference to part (c), will the Honourable Member get the information because the charges mentioned therein are so serious?

The Honourable Sir Saiyid Sultan Ahmad : I said already that a copy of this question and answer will be sent to the Agent for such action as he may consider necessary.

Mr. Lalchand Navalrai : Generally when questions are sent to the Agent, he does not take any action; nor does the Railway Board take any further action. I would therefore request the Honourable Member, that if the Agent takes any action, he should inform the Honourable Member of the Government?

The Honourable Sir Saiyid Sultan Ahmad : I will see that it is done.

LUGGAGE PASSES GRANTED TO INFERIOR STAFF ON THE NORTH WESTERN RAILWAY.

989. ***Bhai Parmu Nand :** Will the Honourable the Railway Member be pleased to state whether Government are aware that prior to the introduction of the revised Pass Rules, promulgated with Railway Board's notification No. 9132-F.S.R.-14-Ry., dated the 13th October, 1936, the inferior staff on the North Western Railway was granted luggage passes on transfer for goats or sheep up to two, kids up to four, poultry as asked for and luggage up to 20 maunds; and staff drawing Rs. 50 per mensem was treated as superior staff and granted passes accordingly, but the Agent has now issued orders that no extra luggage shall be allowed to an inferior servant? Do Government propose to have this order cancelled?

The Honourable Sir Saiyid Sultan Ahmad : The Honourable Member is referred to the answer given in this House to Mr. Lalchand Navalrai's question No. 682 on the 21st September, 1937. The status of the staff drawing Rs. 50 per mensem has not been altered by the notification referred to by the Honourable Member.

Mr. Mohan Lal Saksena : May I know if any action has been taken regarding the pass rules?

The Honourable Sir Saiyid Sultan Ahmad : How does that arise on this question?

Mr. Mohan Lal Saksena : It relates to the changes in the new pass rules.

The Honourable Sir Saiyid Sultan Ahmad : The matter is under consideration, and I hope to make a statement on Tuesday next, the 5th or 6th October.

1990*—996*.

CHINA'S REPRESENTATION TO THE LEAGUE OF NATIONS AND DEVELOPMENTS IN THE FAR EAST.

997. ***Mr. Mohan Lal Saksena :** (a) Will the Honourable the Law Member be pleased to state whether China has made any representations to the League of Nations regarding action being taken by the League against the aggressor country Japan? If so, did the Government of India support this request of China? If not, why not?

(b) What are the latest reports regarding the developments in the Far East? Is there any possibility of their developing into a world conflagration as reported in certain quarters?

(c) Do Government propose to consult this House in the event of a world conflagration?

The Honourable Sir Nripendra Sircar : (a) China appealed to the Council of the League under Articles 10, 11 and 17 of the Covenant, and the Council referred the appeal to the Advisory Committee set up to deal with the Sino-Japanese conflict under a Resolution adopted by the Assembly of the League on February, the 24th, 1933. The Advisory

*For these questions and replies thereto, see pages 2921—23 of these debates.

Committee adopted a Resolution expressing profound distress at the loss of innocent civilian lives as the result of the aerial bombardment of open towns in China and declaring that no excuse can be made for such acts. This Resolution was laid before and unanimously adopted by the Assembly. In these circumstances, no question arose of the Government of India supporting China's appeal otherwise than through their Delegates to the Assembly whose conduct in supporting the Resolution has the full approval of Government.

(b) On the first point I have no information beyond what has appeared in the press. On the second point I must leave the Honourable Member to form his own appreciation of future possibilities.

(c) I cannot attempt to forecast the course which Government would take in the contingency referred to.

Mr. Mohan Lal Saksena : May I know if Government are aware of the proposal to boycott Japanese goods ?

Mr. President (The Honourable Sir Abdur Rahim) : That does not arise out of this question

(b) WRITTEN ANSWERS.

PRICES OF PIG IRON.

990. *Dr. Ziauddin Ahmad : (a) Will the Honourable the Commerce Member please state what is the cost of production of pig iron per ton in the Tata Iron Steel Factory ?

(b) At what price is pig iron sold to Japan and other foreign countries and how much quantity has been exported since April, 1937 ?

(c) At what price is it sold to smaller Indian industries ?

(d) At what price is it sold to Government ?

(e) What was the fair selling price of pig iron calculated by the Tariff Board ?

The Honourable Sir Saiyid Sultan Ahmad : (a) The Honourable Member's attention is invited to paragraph 38 of the Tariff Board's Report on the Iron and Steel Industry, 1934.

(b) I lay a statement on the table giving the average declared values, quantities and total values of pig iron exports from India to Japan and other foreign countries from May to July, 1937.

(c) Government have no definite information on the point. I would, however, refer the Honourable Member to the *Indian Trade Journal* which gives current market quotations of pig iron from week to week. Copies of the *Journal* are in the Library.

(d) It is presumed that the Honourable Member refers to purchases of pig iron on behalf of Government from the Tata Iron and Steel Company since April, 1937. No purchases of pig iron have been made from

the firm since April, 1937, as they informed the Indian Stores Department that they were unable to supply.

(e) The Honourable Member's attention is invited to paragraphs 232 to 245 of the Tariff Board's Report on the Iron and Steel Industry, 1934.

Statement showing the Quantity and Value of Exports of Pig Iron for the months of May, June and July 1937.

		Japan.	China.	U. S. A.	Other Countries.
May 1937	Q (tons)	24,026	942	5,189	1,895
	V (Rs.)	4,99,675	20,727	1,19,033	46,653
	Average declared value per ton.	20.8	22.0	22.9	24.6
June 1937	Q (tons)	24,816	867	6,683	3,115
	V (Rs.)	5,64,388	18,847	1,54,037	83,776
	Average declared value per ton.	22.7	22.0	23.0	26.9
July 1937	Q (Tons)	27,258	703	5,755	2,570
	V (Rs.)	8,66,096	26,778	1,87,084	79,740
	Average declared value per ton.	31.8	38.1	32.5	31.0

IMPORT DUTY ON PIG IRON.

991. *Dr. Ziauddin Ahmad : (a) Will the Honourable the Commerce Member please state what is the import duty on pig iron ?

(b) Are Government aware that pig iron is now exported from India and is sold at an abnormally high price to the smaller industries, and are Government prepared in the interests of smaller industries to remove the import duty on pig iron altogether ?

The Honourable Sir Saiyid Sultan Ahmad : (a) The rate is 20 per cent. *ad valorem* standard and 10 per cent. *ad valorem* Preferential for the produce of the United Kingdom.

(b) The reply to the first part of the question is in the affirmative. As regards the latter part, the Honourable Member's attention is invited to the reply given by my predecessor to his question No. 275 during the last Delhi Session.

DISMISSAL OF THE BENGAL NAGPUR RAILWAY EMPLOYEES AFTER THE TERMINATION OF THE STRIKE.

190. Mr. Mohan Lal Saksena : (a) Will the Honourable Member for Commerce and Railways state :

(i) how many employees of the Bengal Nagpur Railway have been dismissed from service from the date of the termination of the strike ;

(ii) whether appeals were preferred against the original order to the Agent, Bengal Nagpur Railway ; and

(iii) whether the Agent instead of dealing with the matter personally as an appellate authority left the same to be disposed of by the subordinate officers, viz., the Chief Mechanical Engineer, Khargpur, District Locomotive and Carriage Superintendent, Khargpur, Commercial Traffic Manager, Bengal Nagpur Railway, Calcutta or other officers who had already dealt with and disposed of the matter personally against the memorialists ?

(b) Is the Honourable Member prepared to see that things are done consistently with the rules of the Government framed in their behalf ?

The Honourable Sir Saiyid Sultan Ahmad : (a) Government have no information.

(b) No, as the rules framed by Government are not applicable to staff of the Bengal Nagpur Railway which is a Company-managed Railway.

FRANCHISE QUALIFICATIONS FOR LANDHOLDERS CONSTITUENCY IN THE UNITED PROVINCES FOR THE FEDERAL LEGISLATIVE ASSEMBLY.

191. Raja Bahadur Kushalpal Singh : Will the Honourable the Leader of the House be pleased to state the franchise qualifications for electors and candidates in the special constituency of landholders in the United Provinces of Agra and Oudh formed for the Federal Legislative Assembly ?

The Honourable Sir Nripendra Sircar : The franchise qualifications for electors and candidates for the United Provinces Landholders constituency in the Federal Assembly have yet to be prescribed, c.f., paragraphs 23 (b) and 25 (ii) of Part I of the First Schedule to the Government of India Act, 1935. The Honourable Member may, however, like to refer to the recommendations contained in Chapter XVII of the Report of the Indian Delimitation Committee, a copy of which is in the Library of the House.

FRANCHISE QUALIFICATIONS FOR LANDHOLDERS CONSTITUENCY IN THE UNITED PROVINCES FOR THE FEDERAL COUNCIL OF STATE.

192. Raja Bahadur Kushalpal Singh : Will the Honourable the Leader of the House be pleased to state the franchise qualifications for electors and candidates in all the constituencies in the United Provinces of Agra and Oudh formed for the Federal Council of State ?

The Honourable Sir Nripendra Sircar : The franchise qualifications for electors have yet to be prescribed, c.f., sub-paragraph (4) of paragraph 6 of Part I of the First Schedule to the Government of India Act, 1935. But the Honourable Member's attention is invited to the White Paper published in October, 1935, and particularly part IV thereof, a copy of which is in the Library of the House.

The qualifications for candidates are laid down in paragraph 11 (b) of Part I of the First Schedule to the Act.

CREATION OF A POST OF AN ECONOMIC ADVISER TO THE GOVERNMENT OF INDIA.

193. Mr. Amarendra Nath Chattopadhyaya : (a) Will the Honourable Member for Commerce and Railways be pleased to state if the Government of India has resolved to create a new post of an Economic Adviser to the Government of India ?

(b) If so, will the Honourable Member be pleased to state the subject in detail on which the proposed adviser will have to advise ?

(c) Will the Honourable Member be pleased to state whether the Honourable the Finance Member along with the Honourable the Commerce Member could not do the duties of the proposed Economic Adviser ?

(d) If the answer to part (c) be in the negative, will the Honourable Member be pleased to state the qualifications required for this post and if the post will be advertised ?

(e) Will the Honourable Member be pleased to state what remuneration has been fixed for that post and if this post will be given to any deserving Indian who has the necessary qualifications ?

(f) Will the Honourable Member be pleased to state if it is a fact that the Government of India have any particular person in view for the post ? If so, will he state his name and qualification and his knowledge about India and her economic situation ?

(g) Will the Honourable Member be pleased to state if the duties of the Economic Adviser will not be overlapping with the duties of both the Honourable the Commerce Member and the Honourable the Finance Member ?

The Honourable Sir Saiyid Sultan Ahmad : (a) Yes.

(b) I would invite the attention of the Honourable Member to pages 124-126 of the Proceedings of the meeting of the Standing Finance Committee held on the 11th February, 1937, a copy of which is in the Library.

(c) No.

(d) The Honourable Member's attention is invited to the reply given to part (b) of his question.

(e) The pay of the Economic Adviser has been fixed at Rs. 3,000 per mensem. The post has already been offered to a candidate who is considered by Government to have the necessary qualifications.

EQUALISING OF EXTERNAL AND INTERNAL PRICES OF PIG IRON.

992. *Dr. Ziauddin Ahmad : Will the Honourable the Commerce Member please state whether in view of the fact that the manufacture of pig iron is a protected industry, Government are prepared to force the Tata Iron Steel Company to equalise the external and internal prices ?

The Honourable Sir Saiyid Sultan Ahmad : Pig iron is not one of the protected items of iron and steel.

PRICE OF INGOTS.

993. *Dr. Ziauddin Ahmad : (a) Will the Honourable the Commerce Member please state what the fair selling price of ingots calculated by the Tariff Board was ?

(b) What is the price of ingots at present ?

(c) What profit per annum did the Tariff Board recommend for the Tata Iron Steel Company ?

(d) What was their profit last year ?

The Honourable Sir Saiyid Sultan Ahmad : (a) I would invite the Honourable Member's attention to Table XXI in paragraph 92 of the Report of the Tariff Board on the Iron and Steel Industry, 1934.

(b) Except in very special cases steel in the ingot stage is not a marketable commodity and no market prices of steel ingots are available.

(c) The Honourable Member's attention is invited to paragraph 80 of the Tariff Board's Report already referred to.

(d) The published accounts of the Tata Iron and Steel Company show that the net profits of the Company for the year ending the 31st March, 1937, amounted to Rs. 1,83,56,464-13-9.

PRICE OF B. PREFERENTIAL TATA SHARES.

994. *Dr. Ziauddin Ahmad : (a) Will the Honourable the Commerce Member please state what the value of B. Preferential Tata Shares in June 1934 was ?

(b) What is the price of B. Preferential Tata Shares at present ?

The Honourable Sir Saiyid Sultan Ahmad : (a) and (b). The Honourable Member can obtain the information by a reference to the commercial journals and newspapers for the respective periods.

PROFITS GIVEN BY THE TATA IRON AND STEEL COMPANY ON ITS SHARES.

995. *Dr. Ziauddin Ahmad : (a) Will the Honourable the Commerce Member please state what profit has Tata Iron Steel Company given in the year 1936-37 on the face value of the shares ?

(b) Did the Tata Iron Steel Company keep a portion of their profits in reserve ? If so, how much ?

(c) Was the Steel Act passed by the Government of India in 1934 to encourage the iron and steel industry in this country in general or was it only intended for the benefit of the shareholders of Tata Iron and Steel Company ?

The Honourable Sir Saiyid Sultan Ahmad : (a) The Honourable Member presumably refers to the amount disbursed as dividends by the Tata Iron and Steel Company during the year 1936-37. The published accounts of the Company show that a sum of Rs. 1,62,09,676-7-0 was distributed.

(b) It is presumed that the Honourable Member is referring to the amount kept in reserve to cover depreciation. The published accounts of the Company show that a sum of Rs. 93,00,000 was kept in reserve to cover depreciation.

(c) The Honourable Member's attention is invited to the Statement of Objects and Reasons to the Iron and Steel Duties Act, 1934.

TRAINING OF INDIANS BY THE TATA IRON AND STEEL COMPANY.

996. *Dr. Ziauddin Ahmad : (a) Will the Honourable the Commerce Member please state the number of persons employed by the Tata Iron and Steel Company drawing over Rs. 1,000 per mensem and how many of these are Indians ?

(b) Has the Tata Iron and Steel Company taken any steps to train Indians for smaller industries ? If so, what is the method of their training, and how many persons have they trained ?

The Honourable Sir Saiyid Sultan Ahmad : (a) and (b). The finding of the Tariff Board in 1934 on the subject was that satisfactory progress had been made in technical training and Indianisation of the staff by the Tata Iron and Steel Company. I would in this connection also invite the Honourable Member's attention to paragraphs 143-145 of the Report of that Board. Government have no further information on the subject.

UNSTARRED QUESTIONS AND ANSWERS.

LEAKAGE OF ROOFS OF THE THIRD CLASS CARRIAGES ATTACHED TO THE GRAND TRUNK EXPRESS.

189. Dr. Ziauddin Ahmad : Will the Honourable Member for Commerce and Railways state whether :

(a) Government are aware that the roofs of the third class carriages attached to the Great Indian Peninsula Grand Trunk Express leak freely during rains ?

(b) Do Government propose to direct the Great Indian Peninsula Railway Administration to appoint an officer or officers to see that the windows and roofs do not permit water to come inside the compartment while it is raining ?

The Honourable Sir Saiyid Sultan Ahmad : The question and its answer will be forwarded to the Agent, Great Indian Peninsula Railway, for such action as he may consider necessary.

Information promised in reply to part (b) of starred question No. 672 asked by Mr. Mahan Lal Saksena on the 21st September, 1937.

ACTION TAKEN ON MOTIONS FOR ADJOURNMENT CARRIED IN THE INDIAN LEGISLATIVE ASSEMBLY.

Serial No.	Date on which moved in the Legislative Assembly and carried.	By whom.	Subject of the Motion.	Action taken by Government.
1	23rd March, 1936.	Pandit Nilakantha Das.	The decision of the Government of India conveyed to Mr. Subash Chandra Bose through the British Consul at Vienna to the effect that Mr. Bose could not expect to remain at liberty if he returns to India.	No action was taken by the Government.
2	31st August, 1936.	Mr. S. Satyamurti	The attitude and action of the Government of India in respect of the new rules for recruitment to the Indian Civil Service in London and in India.	A copy of the debates was forwarded to the Secretary of State for information.
3	31st March, 1937.	Mr. M. Ghiasuddin	The racial discrimination against the Indian members of the Military Medical Services in India as set forth in the Government communique of the 25th March, 1937.	Government took no action. The reason is that as pointed out by the then Defence Secretary in his speech on the motion Government does not admit that the alleged discrimination exists.
4	2nd April, 1937	Mr. M. Asaf Ali ..	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.	No action was taken by the Government.
5	24th August, 1937.	Mr. S. Satyamurti	The amendments to the rules of the Indian Legislative Assembly published in the Gazette of India of the 24th of July, 1937, without even consulting the Assembly.	No action has been taken by the Government.
6	25th August, 1937.	Mr. S. Satyamurti	The callous attitude of the Government of India in respect of the recent hunger-strike of the political prisoners in the Andamans.	No action was taken by the Government.

Information promised in reply to starred question No. 674 asked by Dr. P. N. Banerjee on the 21st September, 1937.

INSUFFICIENCY OF WATERWAYS IN THE RAILWAY EMBANKMENTS ON CERTAIN LINES OF THE EASTERN BENGAL RAILWAY.

(a) There was a great flood in the districts mentioned in 1936.

(b) It is understood that a small area of land was eroded owing to the insufficiency of waterway at one of the bridges on the Sara-Serajganj Railway. There was no insufficiency of waterway on the main line of the Eastern Bengal Railway.

(c) Yes, suggestions were made in regard to the particular bridge referred to in (b).

(d) It has been decided to provide an additional bridge of two 40 ft. spans on the Sara-Serajganj Railway.

Information promised in reply to parts (d) and (e) of starred question No. 728 asked by Mr. K. M. Jedhe on the 22nd September, 1937.

OVERSEERS OF THE KASAUJI CANTONMENT.

(d) and (e). No. The allegations are baseless.

Information promised in reply to part (c) of starred question No. 816 asked by Mr. K. M. Jedhe on the 27th September, 1937.

FEE CHARGED BY THE DOCTOR OF THE CANTONMENT HOSPITAL AT DAGSHAI FROM MILKMEN AND HAWKERS OF FOODSTUFFS.

The Military Sub-Assistant Surgeon holds charge of the Cantonment Outdoor Dispensary, Dagshai, in addition to his normal military duties, and is allowed to charge fees for medical examination of milkmen and other hawkers of foodstuff under the byelaws of the Cantonment which were authorised by the Provincial Government. The reply to the second part is in the affirmative.

THE INDIAN COMPANIES (AMENDMENT) BILL.

PRESENTATION OF THE REPORT OF THE SELECT COMMITTEE.

The Honourable Sir Nripendra Sircar (Law Member) : Sir, I beg to present the Report of the Select Committee on the Bill further to amend the Indian Companies Act, 1913, for certain purposes.

THE INDIAN TARIFF (SECOND AMENDMENT) BILL.

Mr. A. H. Lloyd (Government of India : Nominated Official) : Sir, I beg to move :

"That the Bill further to amend the Indian Tariff Act, 1934, for a certain purpose, be taken into consideration."

As has been explained in the Statement of Objects and Reasons, the object of the Bill is to remove a doubt as to the interpretation of the tariff which has arisen in circumstances which I shall now explain.

[2ND OCT. 1937.]

WORKING HOURS OF GUARDS AND DRIVERS.

194. Mr. Mohan Lal Saksena : (a) Will the Honourable the Railway Member be pleased to state what are the normal working hours for the railway employees particularly the guards and engine drivers ?

(b) Is it not a fact that the eight hours' working day has been accepted by Government for railway workers in India ? If so, what steps do Government take to see that the rule is not defied ?

The Honourable Sir Saiyid Sultan Ahmad : (a) I would refer the Honourable Member to the reply given to unstarred question No. 123 asked by Maulvi Muhammad Abdul Ghani in this House on the 21st September, 1937. The Hours of Employment Regulations do not apply to guards and engine drivers whose hours of work on different links vary *inter alia* according to the exigencies of service. As far as practicable, their hours of work are, however, regulated within the limits laid down in the Hours of Employment Regulations.

(b) The reply to the first part of the question is in the negative. The second part does not arise.

PURCHASE AND MANUFACTURE OF WAGONS.

195. Mr. Mohan Lal Saksena : Will the Honourable Member for Railways be pleased to state :

- the total number and cost of railway wagons purchased by the railways in India during 1936-37 ;
- the number and cost of the wagons manufactured in the railway workshops ;
- the number and cost of wagons manufactured by other firms in India ; and
- the names of the various firms, with the number and cost of wagons manufactured by each of them separately ?

The Honourable Sir Saiyid Sultan Ahmad : The information is being collected and will be laid on the table in due course.

STATEMENTS LAID ON THE TABLE.

Information promised in reply to unstarred question No. 31 asked by Mr. Abdul Qaiyum on the 27th August, 1937.

RE-NOMINATION OF THE SAME MUSLIM MEMBER TO THE PESHAWAR CANTONMENT BOARD.

(a) The answer to the first part is in the affirmative and to the second in the negative. The gentleman concerned was nominated to the late Cantonment Committee, Peshawar, from October, 1916, to September, 1918, and not as stated in the latter part of the question.

(b) Yes, because the person concerned was considered to be the most suitable.

(c) Yes.

(d) Government do not propose to interfere in the discretionary powers of the Officer Commanding the Station.

Information promised in reply to starred question No. 390 asked by Mr. Kaladhar Chaliha on 8th September, 1937.

LAVATORIES IN THIRD AND INTERMEDIATE CLASS CARRIAGES OF THE ASSAM BENGAL RAILWAY.

(a) 520 intermediate and third class carriages of the Assam Bengal Railway have been provided with lights in lavatories and the sizes of 64 lavatories of such carriages have been increased to the standard size of 12 sq. ft.

(b) No mirrors and wash basins are provided in the lavatories of third and intermediate class carriages. It is, however, proposed to provide such amenities in intermediate class carriages when carriages are being rebuilt.

Information promised in reply to starred question No. 498 asked by Mr. Badri Dutt Pande on the 14th September, 1937.

OCCUPATION OF "RAMSAY HOUSE" IN THE ALMORA CANTONMENT BY CERTAIN OFFICERS.

(a) and (b). Yes.

(c) No.

(d) No medical certificate was demanded from the officials concerned whom the Board considered it justifiable to assume would not be on the active list were they suffering from tuberculosis. The action of the Cantonment Board was, however, not in accordance with the bye-laws and this is being brought to their notice.

(e) No.

Information promised in reply to starred question No. 583 asked by Mr. Ram Narayan Singh on the 16th September, 1937.

GRIEVANCES OF THE PATNA PUBLIC REGARDING SHUTTING UP OF THE WESTERN LEVEL CROSSING GATES.

(a) Railway officials met the Director of Industries, Bihar, and some members of the public interested in the improvement of facilities for crossing the railway lines at Patna on the 23rd June, 1937.

As a result of the meeting orders have been issued which it is hoped will reduce detention to road traffic.

(b) The members of the public were generally of the opinion that an additional crossing was necessary for the convenience of people living in bungalows constructed during recent years, on the south side of the line. The Railway Administration has no objection to this proposal provided the Government of Bihar agree to find funds for the purpose.

It is understood the Director of Industries, Bihar, decided to put up the proposal to the Minister-in-Charge of that Province.

Information promised in reply to starred question No. 606 asked by Mr. Sri Prakasa on the 20th September, 1937.

GRAVEYARDS IN NEW DELHI.

(a) Yes.

(b) The New Delhi Municipal Committee have power to control and regulate the use and management of burial grounds.

(c) Graveyards actually in use on land belonging to Government are cared for either by Government or by the community concerned.

(d) None that Government are aware of.

Before March 31, wheat flour was covered by item 68 of Schedule II to the Indian Tariff Act, 1894, and wheat by item 1A. These read :

“ 68. Flour (except Sago flour).” Duty 15 per cent.

“ 1A. Grain and Pulse, all sorts, including broken grains and pulse, but excluding flour (see Nos. 1B and 68).” Free.

In March, 1931, a protective duty of Rs. 2 per cwt. was imposed, both on wheat and on wheat flour, by the Wheat (Import Duty) Act, 1931. This protective duty was continued by fresh legislation from year to year, with certain modifications, and, during the year 1936-37 stood at Re. 1 per cwt. for both wheat and wheat flour.

The protective duties were allowed to lapse on the expiry of the latest extension, i.e., on the 31st March, 1937.

The effect of this decision was, in the view of the Customs authorities in India, to throw the articles back into the appropriate entries in the Indian Tariff Act, 1934, namely, *wheat flour* into entry No. 11 which reads “ flour not otherwise specified ” and has the normal revenue duty of 25 per cent. attached to it and *wheat* into entry No. 10 which reads “ grain and pulse, not otherwise specified, including broken grains and pulse, but excluding flour ” and carries no duty, that being a free item. This view has been acted upon by the Custom Houses in India and has not been challenged by any of the merchants who have made the comparatively small imports of wheat flour that have occurred.

The authorities in Burma took a different view. They held that the result of the lapsing of the protective duty was to leave both wheat flour and wheat duty-free, for the following reason. Section 11 (1) of the Indian Tariff Act, 1934, reads :

“ 11. (1) When the duty specified for any article in the First Schedule is characterised as protective in the third column of that Schedule, that duty shall have effect only up to the date, if any, specified in the seventh column of that Schedule.”

The Burma view is that this only effects the cancellation of the entries in the fourth and seventh columns of the First Schedule to that Act, which relate to “ standard rate of duty ” and “ duration of protective rates of duty ” and that the entries in columns one and two of that Schedule, which relate to “ item no.” and “ name of article ”, still remain part of the law. That is to say, wheat and wheat flour are still shown in the tariff, but without any duty attached ; consequently, they have to be admitted free. This view is, we cannot deny, entitled to respect ; and we cannot put our own case higher than to say that both views are arguable.

The Government of India have decided, therefore, to introduce this Bill which is designed to confirm the course of action taken in the Custom Houses in India, both for the future and also with a view to forestalling the possibility of any challenge being made now of the validity of the assessments which have been made since the 1st April last and which, as I have said, have hitherto passed unchallenged.

The revenue significance of the matter is small, at least up to date, since the imports of wheat flour up to the end of July have only amounted to 50 tons, valued at Rs. 8.744 ; while, so far as wheat is concerned, no substantive change will be made and our object is merely to tidy up the tariff. Our most important reason for promoting the legislation is to

be found in the consideration that unless our own law is such as to remove all doubts, we cannot hope that Burma will follow suit and restore the revenue duty on wheat flour. That Burma should do so is desirable both in the interests of the administration and of the Indian milling industry—in the interests of the administration because it is desirable to avoid a situation in which an article that is dutiable in India is free on import into Burma, which involves the inconvenience of having to levy a countervailing duty in British India on imports from Burma under paragraph 6 of Part II of the India and Burma Trade Regulation Order, 1937 ; and in the interests of the Indian milling industry because the products of that industry will, if the duty is restored in Burma, have the advantage of its shelter in the Burma market. The importance of this last consideration may be gauged by the fact that exports of wheat flour from India to Burma during the first four months of the current year amounted in value to 12½ lakhs. I am glad to be able to say that the Government of Burma have indicated their willingness to introduce the necessary legislation in due course, although it will not be possible for them to do so simultaneously with the action that is being taken in this country. Sir, I move.

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.”

Mr. B. Das (Orissa Division : Non-Muhammadan) : Sir, the hectoring attitude of the Burma Government and the repudiation of the Burma Government in regard to the Indo-Burma Trade Agreement has been....

The Honourable Sir James Grigg (Finance Member) : Sir, is the Honourable Member in order in referring to the action of another Government in those terms ?

Mr. President (The Honourable Sir Abdur Rahim) : What is the language which the Honourable Member used ?

Mr. B. Das : I used the words “ hectoring attitude ”. What I was going to say is that although there was an Indo-Burma Trade Agreement and Burma was allowed certain concessions and to profiteer at India's cost to the extent of a crore of rupees, as soon as Burma was separated from India she enhanced the postal rates whereby, although Burma added to her own coffers, the Indian trades people and the Indian workers that work in large numbers in that country suffer terribly because they cannot write letters on the old postal rates.

The Honourable Sir James Grigg : I again rise to a point of order, Sir. Is it in order to discuss the Indo-Burma Trade Agreement on a Bill to amend the Indian Tariff Act ?

Mr. President (The Honourable Sir Abdur Rahim) : I myself do not see the relevancy of it. The Honourable Member had better come to the Bill.

Mr. B. Das : This is the second instance when Burma.....

Mr. President (The Honourable Sir Abdur Rahim) : I do not want any recital of previous instances. I only want that this Bill should be discussed.

Mr. B. Das : This is the second loophole which Burma has taken advantage of, although I was pleased to hear from my Honourable friend, Mr. Lloyd, that the Burma Government has condescended that they will legislate on the line suggested by the Government of India. The attitude of the Burma Government has all along been to deprive the Indian Government of its proper revenues, to deprive Indian traders and Indian businessmen of their fair right of business and trade in Burma. This is one of the instances. My Honourable friend, the Finance Member, does not want to hear of the instances : but he is not merely concerned with the collection of taxes but also with the development of Indian trade and commerce ; and if a certain agreement were entered into for three years, the Government of Burma ought to have fulfilled it and my Honourable friend, the Finance Member, ought not to have suffered the humiliation of approaching the Burma Government, to legislate on the lines of the speech delivered by my Honourable friend, Mr. Lloyd. I have no alternative but to give my support to this Bill ; but I only want to point out to the House the way Burma is treating not only the Government of India, but is also causing trouble to Indian trade and commerce, and this is one of the most sinister instances. With these observations, I support the Bill.

Prof. N. G. Ranga (Guntur cum Nellore : Non-Muhammadan Rural) : Sir, I welcome the Bill and the principles underlying it. I am glad for once the Government propose to take timely action to help the Indian agriculturists, even though it is to a very small extent. But I want to know why Government fight shy of placing information in the possession of this House in regard to some of the most important things. It is true that the Governor General in Council is entitled, according to section 11(2), to make an inquiry into the need for the continuation of any protective duty and to remit it if he were to find it unnecessary or excessive, and so on. But when they thought it advisable to remit or abolish this wheat import duty, I do not know why they did not take the House into their confidence and state why, and, on the basis of what facts, they came to that conclusion, and what were the results of their inquiry, and so on. When I put a short notice question in the last Budget Session, it was refused by the Honourable Member concerned, and the House lost an opportunity of discussing whether Government were rightly advised or not in dropping that protective duty for wheat and wheat flour. Now, I find by the necessity of Government to continue this *ad valorem* revenue duty on wheat flour, there are certainly some imports of wheat flour into this country : we want to know—and I think the House has a legitimate right to know—how much of wheat imports are coming into this country and how much of revenue of the Government are able to get from such *ad valorem* revenue duty. We are not given any such information. The House has a right to be satisfied that there are not any more imports of wheat flour than can be properly checked and controlled by this revenue duty alone, and that there are not any more imports which really mitigate (conflict with) the wheat flour industry and wheat growers in this country. We have not had that information, and I would like the Honourable Member in charge of this Bill to enlighten the House in regard to these points. Coming to this particular provision in the Bill that item 11(1) should be dropped, we recognise that if there were to be any loophole at all, it should be removed immediately, so that our agriculturists can again export wheat

THE INDIAN TARIFF (SECOND AMENDMENT) BILL.

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and wheat flour to Burma and can try to compete on more favourable terms with other countries such as Australia. Therefore, I am in favour of this Bill and the principle underlying it ; but I would like the Government to state the facts, as they are, whether we are having too much of imports into this country of wheat flour, and whether there is any danger at all of outside wheat flour coming in here in spite of the 25 per cent. *ad valorem* duty and compete with the local industry to the disadvantage of our own peasants in this country. Sir, I support this Bill.

Mr. A. H. Lloyd : Sir, the observations which fell from the lips of my Honourable friend, Mr. B. Das, seem to me to be so irrelevant to the Bill that I do not propose to detain the House by discussing them...

Mr. B. Das : You are wrong there.

Mr. A. H. Lloyd : As regards what my Honourable friend from Madras said, he asked for a definite statement as to whether we were satisfied that the import of flour was not taking place to any considerable extent in spite of the imposition of the 25 per cent. duty. I have already given the figures for the imports of wheat flour for the first four months of this year, namely, something like 50 tons—quite a negligible figure. As regards the second part of his question, I think it will probably satisfy him, and even please him, if I mention that it so happens that the standard revenue duty of 25 per cent. *ad valorem* will work out at something like 50 to 100 per cent. higher than the protective duty which has lapsed.

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.

Mr. A. H. Lloyd : 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 SECURITIES (AMENDMENT) BILL.

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

“ That the Bill further to amend the Indian Securities Act, 1920, for a certain purpose, be taken into consideration.”

This is a matter of pure routine. Certain duties were, under the original form of the Indian Securities Act, thrown upon the ‘ prescribed officer ’, and the ‘ prescribed officer ’ was prescribed under rules made

[Sir James Grigg.]

by the Government of India. The officer prescribed was the Controller of Currency, and he has, until recently, been doing the particular duties required to be performed by this Act. Now, Sir, a great part of the Controller of Currency's work disappeared with the inception of the Reserve Bank, and there has not been since then really a full time job.....

Pandit Lakshmi Kanta Maitra (Presidency Division : Non-Muhammadan Rural) : When is this post going to be abolished ?

The Honourable Sir James Grigg : I will tell you. As I was saying, there has not been really full time work for the Controller of Currency, hence the decision of the Government to transfer the whole of the work to the Reserve Bank and wind up his duties entirely, and he has, since the inception of the Reserve Bank, been engaged on the process of transferring those duties to the Reserve Bank. As the Indian Securities Act requires the function which I have referred to, to be performed by the prescribed officer, and as the Reserve Bank can in no sense be described as an officer, it has been necessary to amend the Indian Securities Act so as to substitute the word ' authority ' for the word ' officer ' and the word ' it ' for ' him '. This might appear slightly ridiculous on the surface, but I cannot imagine that there can be any difference of opinion on this, and I hope that the House will regard it as a matter of pure routine.

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

" That the Bill further to amend the Indian Securities Act, 1920, for a certain purpose, be taken into consideration."

There is an amendment, I think, in the name of Prof. Ranga.....

Prof. N. G. Ranga (Guntur *cum* Nellore : Non-Muhammadan Rural) : I don't propose to move it, Sir.

Mr. K. Santhanam (Tanjore *cum* Trichinopoly : Non-Muhammadan Rural) : Sir, there can be no dispute about this Bill, but I should like to make just one remark. If the post of Controller of Currency had been abolished a year ago, the Indian Exchequer would have been saved a good lot of money. I am afraid the Government has unnecessarily delayed this matter for a considerable length of time.

Mr. Sri Prakasa (Allahabad and Jhansi Divisions : Non-Muhammadan Rural) : Sir, the Honourable the Finance Member with the recklessness that always characterises him.....

Mr. President (The Honourable Sir Abdur Rahim) : I must object to this.

Mr. Sri Prakasa : Very well, Sir. I will say with the good humour that always characterises him, or, may I say, optimism, light heartedness.....

Mr. President (The Honourable Sir Abdur Rahim) : The Honourable Member should be serious in his observations.

Mr. Sri Prakasa : As I was going to say, the Honourable the Finance Member, with the good humour, which makes him so popular in

this House, has really tried to do something that no Legislature has ever tried to do before. My own memory of studies of constitutional law tells me that though a Legislature including the British Parliament can do everything, it cannot change the sex of an individual ; and that is exactly what the Honourable the Finance Member is trying to do. If you will please refer to clauses 2, 4, and 5, you will find that the one constant refrain in all these is that ' him ' should be changed into ' it '. It reminds me of the story one used to hear of the medieval Turkish Sultan who used to employ eunuchs to keep their unlimited harems in check.....

Mr. Muhammad Azhar Ali (Lucknow and Fyzabad Divisions : Muhammadan Rural) : Sir, I rise to a point of order. It was not the Turkish Sultans who did so, but it was a heritage of the old despots of the Bysentine Empire that the Turkish Sultan had inherited.

Mr. Sri Prakasa : I do not dispute what my friend says, but the heritage—and a very convenient one too—was there all the same.

Dr. G. V. Deshmukh (Bombay City : Non-Muhammadan Urban) : Is it changing the sex or unsexing ?

Mr. Sri Prakasa : I am glad, Sir, that the Indian Legislature, under the guidance of the Finance Member, has more powers than any other Legislature in the world, except the old despots.

Now, Sir, to come to the more relevant part of my objection. I see that the powers of the Controller of Currency, his duties and his obligations, are all going to be transferred to the Reserve Bank. I know that once a mistake is made, one must go through all the gamut of its implications and disabilities, and once we have established the Reserve Bank, we must suffer the consequences ; but I should like the Honourable the Finance Member to consider this question from just one important standpoint and to give such relief as he or his Government may be able to give in this behalf. There are laws which make it incumbent on various parties to keep large sums of money with Government. The Insurance Bill which is still fresh in our memory, requires large sums of money to be kept by the insurers with Government in its securities. All this money so far was kept with the Controller of Currency ; and the Controller of Currency gave interest on these securities without any extra charge in the form of commissions. Now, Sir, when all this money will be kept with the Reserve Bank, the Reserve Bank will be charging a certain amount of commission. It is a funny thing that they should have the right to coin the currency, the whole of the finance of the country should be practically in their hands ; that they should have to take no extra trouble in making these payments, and still, should be permitted to charge a certain amount of commission for the payment of interest on the securities that they, themselves, keep and for the payment of interest on which they have to take no trouble at all. I do think, Sir, when all these powers are being sought to be transferred to the Reserve Bank, the Finance Member should see to it that the public does not suffer and is not put under the obligation of any extra payment. I have absolutely no objection to the money being kept with the Reserve Bank instead of with the Controller of Currency, though, I have a general sort of objection to any money being kept with this

[Mr. Sri Prakasa.]

Government at all. For the present I only want to be assured that the Reserve Bank will keep our money on the same terms that the Controller of Currency did : and, if the Finance Member cannot make the Reserve Bank keep money on the same terms, I hope he will consider the desirability of withdrawing this Bill. But if he feels that he can make the Reserve Bank give us all the facilities that the Controller of Currency formerly gave, and specially to give us interest on the securities that are kept in safe custody with it on the same terms that the Controller of Currency did, I for one will have no objection to this Bill.

Mr. B. Das (Orissa Division : Non-Muhammadan) : Sir, I would like to know from the Honourable the Finance Member whether, with the abolition of the institution of Controller of Currency, the annual report will be published as usual by the Reserve Bank. The annual report of the Controller of Currency has not been published since 1935, and we do not want to transfer power to an outside authority over which the Honourable the Finance Member does not appear to have adequate control, because, Sir, it is found that, whenever we ask questions relating to the Reserve Bank, the Finance Member does not want to impart any news to this House. Sir, I was a member of the Reserve Bank Select Committee and was present on the floor of this House when the Reserve Bank Bill was passed, and I think the Finance Member is entitled to enlighten this House on the actions and on the operations of the Reserve Bank. Now that the work of the Controller of Currency is completely passing over to the Reserve Bank, I would like to know from the Finance Member whether he will exercise adequate control over the minting of currency or whether it is the Governor of the Reserve Bank who is to be permitted to change the silver tokens, to fix the quantity of silver or nickel in silver and nickel coins. The Controller of Currency is an old and historic institution which has served this great purpose, but it has not helped us so much as it has helped different Finance Members in their hours of need in their past acts of commissions and omissions to supply them with silver coins that they drew away from the masses by issuing currency notes. Of course, I do not lay any charge against the present Finance Member. He did not dabble in any such dangerous financial policy as some of his predecessors did. However, the House is entitled to know, the country is entitled to know that, with the passing away of this great institution, the Reserve Bank will not be reserved always, but will supply information to this House and the country at large about the currency policy of the Government. Particularly, I do hope that the salutary practice of publication of the annual report of the Controller of the Currency will be continued, so that the public may avail itself of the information about the currency and finance of the Government of India which we do not find anywhere else. With these observations, I support the motion.

Prof. N. G. Ranga : I am also in favour of the suggestion made by my Honourable friend, Mr. B. Das, that the report of the Controller of Currency which has been published till now should find its counterpart even from the Reserve Bank of India which is to discharge the Controller's functions hereafter. On the whole, I am not at all in favour of transferring any more power from the Government to the Reserve Bank of India over which, unfortunately, the Government of India has

no direct control. I am not one of those who advocate the so-called quasi or complete independence of the Reserve Bank of India or the Central Bank from the Government of the day. It was all right in those days when we had no control over our Government, for people to talk of the need for the establishment of an independent bank. Very soon, we hope to gain complete control over this Government, and then it will be found what a mistake we had made in establishing this Reserve Bank completely independent or quasi-independent of the Government of India. Even as it is, although we do not agree with this Government of India, at least we can content ourselves with having a certain amount of influence over it and its decisions through this Legislature. As things are at present, we are not able, even through this Legislature, to exercise any influence, whatsoever, upon this wonderful Reserve Bank. It is worse than the Government of India, and even worse than His Majesty's Government. We can at least have some occasions of criticising the actions of His Majesty's Government, but not of this great institution, the Reserve Bank, whose headquarters is not kept even at Delhi, but at Calcutta, very conveniently, I suppose, in the interests of British industrial magnates and other magnates also. This Reserve Bank of India has failed so far, according to me, to discharge the functions which have been charged to it even by this House. It was expected to advance cheap credit.....

Mr. President (The Honourable Sir Abdur Rahim) : The Honourable Member cannot go into all that on a Bill like this—what are their acts of commission or omission, or what they have done or failed to do.

Prof. N. G. Ranga : My only submission is this. We are asked now to transfer some more powers which till now have been exercised by the Controller of Currency, over whom the Government of India has had direct control, to this Reserve Bank. I submit for your consideration that it is relevant to discuss whether till now to the extent that any powers have been delegated to the Reserve Bank by this House—whether this Bank has discharged its functions.

The Honourable Sir James Grigg : May I remove a misapprehension that the Honourable Member seems to labour under ? It is not proposed to transfer any powers in regard to the control of currency or credit whatever ; those have already been completely transferred by the decision of this House. Now it is proposed to transfer certain residuary powers in the management of the Public Debt, certain almost routine powers. If it is in order for me to confirm or to agree with the view of the President, any question of control of currency or credit certainly does not arise on this Bill.

Prof. N. G. Ranga : If you look at the Indian Securities Act of 1920, section 24, you will find that very important powers are sought to be conferred upon this Reserve Bank in regard to sections 10, 11, 12, 13, 15, 19 and 21. These sections confer really a tremendous amount of discretion upon the Reserve Bank of India in regard to the transfer of securities and the settlement of disputes over these securities as between different holders of securities. I personally, am not in favour of transferring so much of power to an institution over which, as things are today, neither this House nor the Government of India have any direct control or authority. And, it was only in support of that that I was

[Prof. N. G. Ranga.]

saying that till now the Bank has failed to discharge its functions, and only to instance it, I simply wanted to say, and, I say, as far as the rural credit is concerned, this Reserve Bank of India.....

Mr. President (The Honourable Sir Abdur Rahim) : Order, order. The Honourable Member must confine himself to the Bill.

Prof. N. G. Ranga : I want to know what sort of control in so far as this particular Bill is concerned and the powers which the Government of India seek to confer upon the Reserve Bank—what sort of control they do expect to have over the activities of the Reserve Bank. I want to know whether they are going to have the same amount of control over its activities in regard to the discharge of its functions as they have had, till now, upon the activities of the Controller of Currency. If they are not going to have that much of control, there is no good transferring this power to the Reserve Bank. It does not matter if the country has today to incur some expenditure upon this office of Controller of Currency or any other office that has to discharge this function, provided the Government can have direct control over that particular office. If, on the other hand, Government were to transfer all these powers to the Reserve Bank and then to sit quiet here and simply trust to some indirect influence that the Finance Member may come to have either over the Governor directly or through the Governor General here or the Secretary of State, then I for one cannot think of supporting this Bill.

Mr. Muhammad Azhar Ali : We have been hearing complaints about the Reserve Bank of India, but I have to ask a very simple question, and it is in connection with the securities contained in big notes, for instance, notes of the value of Rs. 1,000 or more.

The Honourable Sir James Grigg : Currency notes ?

Mr. Muhammad Azhar Ali : Yes.

The Honourable Sir James Grigg : This does not apply to currency notes at all.

Mr. Muhammad Azhar Ali : Then, I have nothing to say.

Some Honourable Members : Let the question be now put.

Mr. T. S. Avinashilingam Chettiar (Salem and Coimbatore *cum* North Arcot : Non-Muhammadan Rural) : May I know when they propose to amend the rules ? If they take time to amend the rules there will be a lacuna in the law, and there will be a difference between the rules and the Act. I hope that they will amend it soon, for, if they do not do so, it will create trouble for the public. I would like to make a suggestion in the matter of amending the rules. At present all applications under sections 10 and 11 to which this amending Bill applies are made to the Controller of Currency. Now that the Reserve Bank has branches all over India, in Calcutta, Bombay and Madras, I would suggest to the Government that in the amendment of the rules scope should be given to applicants under these rules that they may apply in their own particular presidency so that it will be convenient for them. With this suggestion I support the Bill.

Mr. S. Satyamurti (Madras City : Non-Muhammadan Urban) : I want to ask one question of the Honourable the Finance Member. I want to know, if it is his intention that all these functions of a routine nature are to be transferred to the Reserve Bank, why is not the Act sought to be amended by substituting the word ' Reserve Bank ' for the ' prescribed officer ', instead of seeking to put in the word ' authority ', which leaves it to the Government to make rules or not, or amend them, from time to time ? Is there any purpose behind it, or is it merely bad drafting ?

The Honourable Sir James Grigg : I will deal with the last point first. I am not of course an authority on drafting, but I made inquiries on the very point which the Honourable Member has raised, and I am assured that this is the orthodox way of dealing with the matter, and if the Honourable Member will excuse me for following orthodoxy in this instance, that is all I can say about it.

I do not propose, nor would it be in order for me to follow the various Honourable Members who have sought to deal with the question of the control of the Government over the Reserve Bank in the matter of currency and credit. The question of that control is irrelevant because in this matter the Reserve Bank is performing, not its own functions conferred upon it by statute but will operate as the agent of Government and of course Government will have control over its functions in that matter and propose to regulate them by an informal agreement with the Bank. I hope that will re-assure Honourable Members who think that this Bill means a further lessening of the control of the Central Government. The Bill merely transfers certain routine functions in regard to certain aspects of the management of the public debt to the Reserve Bank.

Perhaps I may deal here with the point raised by Mr. Santhanam who said that it ought to have taken place a year ago. He is entitled to his opinion but the process of transferring the functions to the Reserve Bank has necessarily taken some time and, moreover, the Controller of Currency has, during the last year and in fact ever since the Reserve Bank was set up, been acting as the Government director on the Board of the Reserve Bank and has been acting as the liaison officer with the Bank. Other arrangements would obviously have to be made to fulfil that part of his duties in future.

Prof. N. G. Ranga : Will an informal agreement be enough ?

The Honourable Sir James Grigg : If that is not enough we will have something more formal. Mr. Das raised the point of the annual report of the Controller of Currency. I do not think it is quite in order but, of course, the Reserve Bank will issue an annual report on matters of interest in connection with currency and credit during the year. In fact, they have already started doing so. The only other point that was raised during this debate was raised by Mr. Sri Prakasa and if he will allow me to retaliate in kind, I might say that with his customary irrelevance he dragged in a point which was disposed of in connection with the Insurance Bill and asked if that is going to be put right. He said that if we don't put it right, he will oppose the Bill. I am very sorry I must leave him to oppose the Bill. That is all I have to say.

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

"That the Bill further to amend the Indian Securities Act, 1920, for a certain purpose, be taken into consideration."

The motion was adopted.

Clauses 2, 3, 4, 5, 6 and 7 were added to the Bill.

Clause 1 was added to the Bill.

The Title and the Preamble were added to the Bill.

The Honourable Sir James Grigg : Sir, I move :

"That the Bill be passed."

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

"That the Bill be passed."

Mr. Sri Prakasa : Sir, I am sorry that my Honourable friend, the Finance Member, instead of taking a sympathetic view of the problem that I raised, has thrown out a sort of challenge ; and has asked me to oppose the Bill, if I so wanted. Well, as an honourable man, I am bound to take up the challenge. I can only put down this bad temper on his part, so unusual in him, to his disappointment at tea yesterday, (Laughter) at the Viceroy's Party. When the Insurance Bill, to which my Honourable friend referred, was being discussed, he will probably remember that I had actually an amendment to the effect that there should be no charge of commission for the payment of interest on securities deposited with the Reserve Bank. There is just time now to save ourselves. I was informed by a high legal authority that in case the Reserve Bank has no authority to charge the commission, even if we put that clause in the Bill, they could not charge. Therefore, Sir, I thought I would make sure, now that this Bill was before the House, that the Honourable the Finance Member, when he is exercising that informal control, of which he was just talking, over the Reserve Bank, will see informally that they do not charge any commissions that the Controller of Currency was not charging. That is all I have to say and I hope that the Honourable the Finance Member will relent.

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

"That the Bill further to amend the Indian Securities Act, 1920, for a certain purpose, be passed."

The motion was adopted.

THE INSURANCE BILL.

Mr. President (The Honourable Sir Abdur Rahim) : The House will now resume consideration of the Insurance Bill.

Mr. Bhulabhai J. Desai (Bombay Northern Division : Non-Muhammadan Rural) : Before you call upon the Leader of the House to speak, I wish to say a few words. I owe a duty as regards an inadvertent omis-

sion of an amendment which was on the Order Paper, amendment No. 42. It only seeks to do this, that the expenses of management in the case of foreign companies need not be split up if in their own country no such requirement exists. There was a great rush of work yesterday and we did not appreciate that my friends, of the European Group had not given notice of a similar amendment, though I am bound to confess that it was understood, between us, that an amendment to that effect would be supported. That is an inadvertent omission. There is a precedent to which my attention has been very kindly called by the Secretary of the Assembly.

Mr. President (The Honourable Sir Abdur Rahim) : Is it a clerical error ?

Mr. Bhulabhai J. Desai : In this instance it was a clerical error but it is obvious what the facts were. It says that the matter which was set right by the Chair could only have been set right by the Chair and not otherwise. I am reading from the proceedings of the Assembly, 1934, on page 2284, 29th August, 1934 :

"**Mr. President** (Sir Shanmukham Chetty) observed as follows :

"It has been brought to the notice of the Chair that in the Bill to consolidate the law relating to customs duties as supplied to Honourable Members, in the printed form there has been a clerical omission, that is, in page 37, relating to Item No. 63 'All sorts of Iron and Steel and manufactures thereof not otherwise specified'. Of course there is no change in the customs duty, but they forgot to print the actual duty in columns 3, 4 and 5. Therefore, the Chair has ordered that the clerical omission may be rectified."

Mr. President (The Honourable Sir Abdur Rahim) : What happened was that the Bill, as moved, did not contain this provision at all, and, therefore, it is not a question of omission of any kind ?

Mr. Bhulabhai J. Desai : I quite agree it could have been rectified.

Mr. President (The Honourable Sir Abdur Rahim) : Was there an amendment ?

Mr. Bhulabhai J. Desai : There was none. I make the suggestion and I hope it will commend itself to the Chair, that there is what may be called a rule of inadvertent omission and that is a rule which has been adopted in reference to proceedings of a similar nature in all the courts. In other words, if it is brought home to the Chair that it was a case of inadvertent omission and there is no controversial matter in issue, then it is a matter that should be corrected by the House. If, Sir, you will look at it in this way that in the Bill as modified columns 3, 4 and 5 contained no reference to the duty whatever, it is no use saying it was inadvertent ; undoubtedly they intended to maintain the same duty as before, but the Bill, as brought in, never contained that and it could only be corrected. The way in which the Honourable the President dealt with it was that you must bring it within a recognised statute to give relief in a matter of inadvertent omission—that was precisely a case of inadvertent omission.

Mr. President (The Honourable Sir Abdur Rahim) : The inadvertent omission was an omission to move an amendment ?

Mr. Bhulabhai J. Desai : In the first instance, no notice was given that columns 3, 4 and 5 substitute so much as duties under these heads. At that stage the Bill was about to be passed. The position is this. If you turn to amendment No. 42 to Part II of the Third Schedule to the Bill, you will see it is merely a new foot-note to be added. You will see that the expenses of management are provided for in form D. All that is intended to be added by the footnote is that :

‘ (c) in the case of an insurer having his principal place of business outside British India the expenses of management for total business need not be split up into the several sub-heads, if they are not to split up in his own country.’

Mr. President (The Honourable Sir Abdur Rahim) : Is it a case in which the rule-making power can be involved ?

Mr. Bhulabhai J. Desai : It is a case in which we are not altering, in the language of Sir Shanmukham Chetty, what I would call the substance of a matter which was passed by the House. This form D was passed.

Mr. President (The Honourable Sir Abdur Rahim) : Passed in that form ?

Mr. Bhulabhai J. Desai : This is not inconsistent with any clause, nor is it inconsistent with form D, because all that it is intended to provide for is that if in the country of origin and in the place of business the expenses are not split up, then we do not, by form D, require them to be split up—because form D, *prima facie*, by suggestion, would show that they must be split up.

Mr. President (The Honourable Sir Abdur Rahim) : I take it that the amendment did not attract notice of any one and it has not been moved—without this amendment the result is an omission ?

Mr. Bhulabhai J. Desai : What happens is that the form as it stands may involve, by implication, that they must be split up.

Mr. President (The Honourable Sir Abdur Rahim) : I quite sympathise with the Leader of the Opposition but I do not think that the ruling quoted applies.

Mr. Bhulabhai J. Desai : As the form now stands, it is purely by implication : there is no provision of law that it may be split up or may not be split up. It is only by virtue of the form prescribed that by implication—it may be argued—it should be split up.

Mr. President (The Honourable Sir Abdur Rahim) : I am afraid I cannot, by any rule of procedure at this stage, allow amendment No. 42, to be moved, which, as pointed out by the Leader of the Opposition, was not moved through a pure inadvertence. A ruling has been cited of Sir Shanmukham Chetty on page 2284 of Volume VIII of the Debates of 1934. That ruling does not lay down any principle according to which the Chair should act in cases of that character. What he said was that in that particular case there had been a clerical omission. Whether he meant what is suggested by the Leader of the Opposition I cannot say, but that is the reason that was given,—that there was a clerical omission which was sought to be supplied and apparently nobody thought at the

time—at any rate so far as that case was concerned—that an amendment for the purpose was necessary. In this particular case, the words sought to be inserted as a note at the foot of Form D of Part II of the Third Schedule cannot be added without an amendment being moved and adopted by the House. It may be absolutely non-controversial and I agree, as suggested by the Leader of the Opposition, that it was by inadvertence that the amendment was not moved. But all the same, the Schedule has been adopted in the form as it stands and as amended by other amendments. I am afraid it is too late now for amendment No. 42 to be moved.

The Honourable Sir Nripendra Sircar (Law Member) : Sir, I beg to move :

“ That the Bill to consolidate and amend the law relating to the business of insurance, as amended, be passed.”

I do not desire to make two speeches, and I would like to make my observations, if any,—and I hope I shall not be too long—when I give my reply to the speeches which are going to be made now. Sir, I move.

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

“ That the Bill to consolidate and amend the law relating to the business of insurance, as amended, be passed.”

Sir Cowasji Jehangir (Bombay City : Non-Muhammadan Urban) : Sir, needless to say that I rise to support the third reading. But my real object in speaking now is to bring a few points to the attention of the Honourable House. In the very lucid speech that my Honourable friend, the Leader of the House, made on the general discussion, he criticised certain companies and their accounts, and I honestly and sincerely believe that inadvertently, he placed a few facts before the House about one company in particular, which is a general insurance company and not a life insurance company, which, I think, did not do justice to that company.

The Honourable Sir Nripendra Sircar : I have discovered that, and I wanted to correct the mistake myself.

Sir Cowasji Jehangir : I am much obliged to the Honourable Member. Then, I will just put the facts before the House. He did not name the company, and I am not going to name it either. But as I am connected with that company, I consider it my duty.....

Mr. S. Satyamurti (Madras City : Non-Muhammadan Urban) : Then you have named it.

Sir Cowasji Jehangir : How ! Could you tell me the name of that company ?

Mr. S. Satyamurti : I shalln't tell you.

Sir Cowasji Jehangir : I consider it my duty to place these facts before the House. The Honourable the Law Member said that although the agents' commission in the revenue account showed that for a certain year—I think it was 1936—it was only Rs. 29,500, yet it appeared to him, from the revenue account, that the agents had really drawn Rs. 1,25,000.

The Honourable Sir Nripendra Sircar : No, no.

Sir Cowasji Jehangir : I have got the speech and I will just point it out to him.

The Honourable Sir Nripendra Sircar : In correcting my mistake you are making three mistakes.

Sir Cowasji Jehangir : I will leave it to the Honourable Member to correct me but I am placing the facts as I know them. In the revenue account of that company, the Honourable Member pointed out, that there was an amount of commission of Rs. 96,620-15-0 paid, and there was a foot-note, that two directors were interested.

The Honourable Sir Nripendra Sircar : Not two, but the directors were interested.

Sir Cowasji Jehangir : As a matter of fact that 96,000 odd rupees went to the insurance agents, and chief agents, and those two directors were not *ex-officio* directors, and had nothing to do with the firm of agents and got only five per cent. of that amount, as they were the chief agents in two provinces, and they were appointed directors with the special sanction of the shareholders according to the new Companies Act. The only agency commission, that these agents had drawn was Rs. 29,500, and not Rs. 1,25,000 as some Honourable Members may have believed.

The Honourable Sir Nripendra Sircar : I never said all that.

Sir Cowasji Jehangir : Please see your speech. Now, Sir, there was another statement made which showed, that in the particular agency agreement of this firm, if they ceased to be agents, they were to be compensated by five times the amount of the profit which the Honourable Member suggested came to Rs. 6,50,000.

The Honourable Sir Nripendra Sircar : I said five times the commission.

Sir Cowasji Jehangir : You gave the amount to be Rs. 6,50,000. The real facts are that the agreement shows, that if the agents ceased to be agents, they had to be compensated by five times the amount of the commission, which will only come to Rs. 1,25,000 and not Rs. 6,50,000.

The Honourable Sir Nripendra Sircar : I won't interrupt you any more, but that is not the clause.

Sir Cowasji Jehangir : That is the clause. We have seen it. The amount mentioned was Rs. 6,50,000. As a matter of fact, it will be only Rs. 1,25,000, which was the commission drawn for the last five years by the agents. Those are the only two points, which I would like to bring to the attention of the Honourable House with regard to that particular company.

Now, Sir, my Honourable friend, the Law Member, gave an impression to this House, that Indian general insurance companies were doing remarkably well. That was the impression he had and he conveyed that impression to the Honourable House. But the real facts are very different. He quoted some figures, which were perfectly correct. He said that the European companies—I won't say foreign companies—the English companies, which were doing business in India, got about two crores of premium.

The Honourable Sir Nripendra Sircar : May I on a point of personal explanation remind my Honourable friend that possibly he was not here when attention was drawn by Mr. Satyamurti to that part of my speech and I stood corrected.

Sir Cowasji Jehangir : Thank you. I am very much obliged to my Honourable friend. It is entirely in keeping with his great sense of justice, which he has already exhibited throughout the proceedings in this House, and I will take an opportunity to allude to that just in a minute or two. But the Indian general insurance companies are not doing at all well. You cannot judge them by the amount of premium they take. You have to judge the prosperity of a company, firstly, by its working cost, and, secondly, by the profits it makes. I will only take the liberty of reading out to this House, just a few lines from the *Review* of London, dated the 10th January, 1936. It is an insurance journal in London, which reviews the working of 13 Indian general insurance companies in this country. Lest any of my Honourable friends may believe that I am quoting from a number of the *Review* which is over a year old, let me immediately say, that the position is worse today, than it was in January, 1936, and if the figures are changed in any way, they are on the wrong side. This is what the *Review* says :

"Eight of the thirteen companies do not show a profit. Five obtained an average profit of 4.9 per cent., and the others returned an aggregate under-writing loss of 5.05 per cent."

Then, it goes on :

"Judging by the claims ratio, the business is of very good quality."

It, then, further goes on :

"The accounts break down on excessive costs and particularly on excessive commission, but it is obvious that in certain instances, the companies are not writing the volume of business, necessary to carry overhead and inevitable working charges economically."

Now, Sir, this is an English journal, a journal that carries considerable weight in the insurance world, and this is what it says about the 14 Indian insurance companies doing general insurance business in India. We are not jealous of the prosperity of our English companies. By no means. We have copied them, we follow in their footsteps. All we desire, is that our companies should thrive and prosper just as theirs have done in the past and that we should be given opportunities of developing our companies, of starting new companies, and if possible, in the future of getting all the premium that is available in our own country. These are sentiments that have been expressed by Englishmen in England ; "buy English goods" is a sentiment well known in England. We are only expressing the sentiment expressed by Englishmen in England, and by other men in all parts of the world. But it is a very different thing to say that our companies, general insurance companies, are in a very flourishing condition. They are not. From what I will say later on, this House will see that as things stand at present, we see few prospects of any great improvement. A great deal has been said in this House about the energy displayed by insurance companies, their managers and agents during the discussion of this Bill, and even prior to its coming before this House, when committees were sitting to investigate the subject. I agree, that "this parliamentary mentality" has come to stay, and that all classes of people look to the Legislatures for justice, and that they come to their

[Sir Cowasji Jehangir.]

Members to place their claims before them, and even press their claims upon Honourable Members. That is exactly what we want them to do. If businessmen take an interest in legislation, which concerns them, they are only following the excellent example set by Englishmen in England, and in this country, and I think there is nothing to criticise, if a few dozens do come and sit at Simla to watch our proceedings, and take a keen interest, in what we say and do and give us, in pamphlet forms of all colours, all the information available. But, Sir, have the Englishmen been backward during this Bill (Hear, hear)? No. They have done their duty by their interests. Two Englishmen have made their journey, all the way from England to India, one having remained in India since the days of the Advisory Committee in Delhi. Two representatives of Lloyd's have been in Simla, one of them, specially came from London.

Mr. Sri Prakasa (Allahabad and Jhansi Divisions : Non-Muhammadan Rural) : They have come to seal the fate of the Insurance Bill.

Sir Cowasji Jehangir : Surely, if they come out all the way from England to instruct us, and give us advice, and show us the right path, to show us light when we were in darkness, our own people in India doing business, are more than entitled to come and instruct us and show us, what to do. (Hear, hear.) If they have done so, all the more credit to them, and they should not be criticised. (Applause.)

Allusion was also made to the high salaries paid by Indian companies to some of their general managers, and two instances were alluded to. Two big insurance companies in India have general managers and they are both Englishmen and we are very glad to have them, and they are paid fairly high salaries. You must not compare the salaries to the salaries paid to Englishmen who are branch managers of British companies in India, but you must compare them, with the salaries paid to general managers of big insurance companies in England, and if, then, the salaries appear to be extravagant, I will plead guilty. But, believe me, Mr. President, whether we have Indians, or Englishmen, as general managers of companies that deal in crores of money, you will have to pay them a reasonable salary, if you want to get proper work done. The secret of success of America, followed by England in big companies, is to have their general managers well paid, well qualified, with the greatest experience that it is possible to get in a man. Unless you do that, you will not succeed. Why then criticise poor Indian companies if they do pay to their general managers a certain amount of money that they really deserve? Compare them with the general managers in England, not with the Branch managers in this country. As a matter of fact, Branch managers of English companies in India get a much higher salary than the Branch managers of Indian concerns in India.

The Honourable Sir Nripendra Sircar : How can we compare them unless you give us the figures?

Sir Cowasji Jehangir : I am quite prepared to give you any number of figures, if my Honourable friend, who is very knowledgeable, takes out the figures from his pocket and places them before the House, I have no objection. We are not ashamed of that. I have not the slightest objection. As a matter of fact, it is my Honourable friend, who said, that

Indian companies were more guilty than the English companies by way of high salaries, and because of that remark, I have made the few statements that it is my privilege to do today.

I will now come to what I consider to be one of the most important matters to which I wish to draw the attention of the House. I readily admit that all sections in this House, and all schools of thought, have done their very best to make this Bill as good a Bill as it is possible to get. But there is one point, which has caused considerable uneasiness in important insurance circles, and I consider it my duty to voice that uneasiness in this House at this moment. There are differences of opinion as to the limitation of commissions. There are some of my Honourable friends, who sit behind me, who believe that limitation of commissions is a bad thing for small companies, and they have not been backward in voicing their opinion in this House. But there are many insurance people, who believe that this limitation of commission is the most vital provision in this Bill. I regret that this House has accepted an amendment from the European Group—what they call defining chief agents, which amendment I will again repeat the phrase, 'drives a coach and four' through all the clauses that provide for limitation of commissions. The amendment is, that any person, who employs an agent, licensed under clause 37, shall get an unlimited commission. The real object, I believe, of my Honourable friend was to provide, that all the "big" agents of "big multi-millionaire" companies in England, should get unlimited commission. With that I have complete sympathy. There should be no limit upon the commissions paid to Bird & Co. and Andrew, Yule and Co. for being Chief Agents of very big companies in England. But as the amendment is worded and now accepted by the House, I am afraid that a great deal of the good of the limitations clauses have been done away with.

The Honourable Sir Nripendra Sircar : But you never objected.

Sir Cowasji Jehangir : I did, strongly. It was the time when I was supposed to have obstructed the House for 20 minutes. I got up and stopped the proceedings of the House. I did my very best. I went further; I suggested an alternative definition. It was in the hands of the European Members in the morning.

The Honourable Sir Nripendra Sircar : May I remind my Honourable friend that the definition of "insurance agent", as proposed by Mr. Desai, was accepted without any discussion, and the only protest which was made, at an earlier stage, was by a gentleman who once belonged to a Party and has now come over here? (Laughter.)

Sir Cowasji Jehangir : I may point out that the Honourable Member is confusing the amendments. I am not talking of the amendment to the definition of "insurance agent" at all; I am talking of the amendment which was accepted by this House whereby it is clearly laid down that anybody who employs an insurance agent, licensed under clause 37, shall get unlimited commission. That is the amendment I am alluding to, and that is the amendment on which I spoke for 20 minutes. That is the amendment on which, as the House will remember, I put up for their consideration an alternative amendment. But due to certain circumstances over which I personally had no control, I was, unfortunately, not able to put it before the House for a vote; and I am not going to allude

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[Sir Cowasji Jehangir:] I am going to voice the great uneasiness that has been caused in important insurance circles, all over India, by the acceptance of this amendment; and I firmly believe that the object of the European Group could have been gained by other words and other definitions. But if they did it deliberately, if they did wish to have a big loophole in limitations, then of course they are their own masters and they know best. But, so far as I know, that was not their object and, therefore.....

Mr. F. E. James (Madras : European) : Not even a little rickshaw !

Sir Cowasji Jehangir : I trust that there is some hope of remedying matters, if not in another place, in a year or two. But I do prophesy this, Sir, that if this clause remains as it is, this Act will have to be amended within the next three or four years, and I also express the opinion that there will be a change of views in some quarters even before this Bill reaches another place.

The Honourable Sir Nripendra Sircar : If it is three or four years, I am quite safe.

Sir Cowasji Jehangir : The Leader of the House may not be here, I may not be here, but this House or its successor under the new reforms will have to amend this clause because it will work to the ruin of both English companies and ourselves. That I do prophesy and that I believe will come true, and that will be brought to the attention of the Leader of the House very pointedly and very soon.

Now, Sir, I have nothing further to say. I have only to voice what I believe are the feelings on every side of the House, and that is to thank the Leader of the House (Applause) for his courtesy, for his patience and, above all, for his great sense of justice throughout the proceedings of this Bill. (Applause.) We may not have agreed with him but we could not help but feel that he was trying to do his best, that whatever his conclusions were, they were arrived at by him after weighing all the *pros* and *cons* of the question and that he was trying to do his very best in the interests of the country to which we are proud he belongs. Sir, the Honourable the Law Member has one great quality shared by many eminent lawyers,—patience.

Mr. F. E. James : A stout Bengali.

Sir Cowasji Jehangir : No, a stout Indian. He is not a stout Bengali, I would not insult him by calling him a stout Bengali,—I will call him a stout Indian; and I trust he will get no thinner. (Laughter.) I am afraid that we have tried his patience on many occasions, and let it be remembered that he steered this Bill through this House when he was not in the best of health (Applause) and when, on many occasions, he was suffering physically from pain. And this was only because he was a stout Indian and I trust he will regain all that he may have lost during the last few days by the rest he well deserves. It is only because he was a stout Indian that he sat throughout on that Bench, patient, trying to do justice, trying to do the right thing in the interests of the country.

Mr. Sri Prakasa : Emphasis on stoutness or Indian ? (Laughter.)

Sir Cowasji Jehangir : On both. Sir, I again repeat my own personal thanks to him and I am certain those thanks will be repeated by other Honourable Members.

Sir Leslie Hudson (Bombay : European) : Sir, quite a large part of the speech of my Honourable friend, Sir Cowasji Jehangir, expresses my own views on this Bill. I think the House should be allowed to congratulate itself upon the energy of many of its Members who spent much time and considerable midnight oil in going into the intricacies of this very technical Bill to the extent that the Notice Office have received, I believe, over two thousand amendments. I think, also, the House may congratulate itself upon the alacrity with which many of those Members withdrew their amendments when it came to the point. Well, Sir, the Bill as it has emerged may be criticised from many angles. It probably will be criticised, but I think it may be described in broad outline as a sound measure. It should certainly serve its main purpose, namely, of cleaning up an unsound and even dangerous position to which Indian life insurance had arrived up to the date of this Bill. It should also go far to ensure that in the future insurance in India will develop on sound lines. But while the general structure is sound the Bill contains, I am inclined to think, the defects inevitable where an attempt is made to reconcile two conflicting systems of legislation. As originally introduced by the Honourable the Law Member, the Bill was based on the English model; as it has emerged it contains considerable evidence of the influence of Canadian legislation which is, in many respects, contrary to the United Kingdom practice of insurance. The English Act is based mainly on publicity with a minimum of control, whilst the Canadian Act is, I think, based mainly on control alone. The Bill has gone a long way from the original Bill and some part of the change can be ascribed to the attempts made in one or two quarters to place difficulties in the way of non-Indian insurers. I venture to say that if there had been rather less endeavour in that direction the position of insurance, generally, including the small Indian insurers, would have been better under the resulting Bill.

There are a certain number of points where we think that steps should be taken to improve the Bill in another place. Without attempting to refer to all of them, I may say that we should have preferred to see the words "companies incorporated in British India" substituted for "Indian national" in clause 3 (3). The use of these words would not, in any way, affect the intention of the clause, but it would have been more exact and that in law making is an important point to be kept in mind. We should also have preferred the permissive character of the original clause restored.

There are also one or two amendments which have been passed as the result of the discussions in the House in which the requirements of law and theory have been the guiding principles, but which it appears to some of us will be found to be at variance and conflict with sound insurance practice; and, we think, that further consideration of these is essential.

Sir, I cannot end without saying a word about my Honourable friend the Law Member. Some hard things have been said about him during the course of these debates.....

Sir Cowasji Jehangir : No, not in this House at any rate.

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Sir Leslie Hudson : and he himself has had some hard words to say (Laughter) not only about his pet aversion the Managing Agents, or as I expect he would prefer to call them, mismanaging agents, but about critics in almost every quarter of the House. Indeed his impartiality in this matter, no doubt, accounts for the unanimity which every section feels that it has not had all that it feels it ought to have received. But let me say at once that we, in this Group, recognise that even where my Honourable friend gave us his hardest knocks he did so in what he sincerely believed to be the best interests of India and of Indian insurance, and we accept them in the same spirit, for we have no right to expect, nor did we expect, special treatment or favours at the hands of Government, since we did not share the view of some Honourable Members opposite that the Government of India seeks only to defend European interests at the expense of Indian interests. All we did expect to receive from my Honourable friend, the Law Member, was a fair hearing and equitable treatment, and I say, unhesitatingly, that we received both (Cheers) and that not only from my Honourable friend, Sir Nripendra Sircar, but from Honourable Members in other sections of the House ; and in that connection I should like to acknowledge with appreciation on behalf of my Group the great courtesy of the Leader of the Opposition in seeking to rectify an inadvertent omission which occurred yesterday. I should like also to pay a tribute on behalf of my Group to Mr. Susil Sen (Cheers) whose industry and research produced what, I think, my Honourable friend, Mr. Desai, called a commendable report upon which the original Bill was based. At all times we have received the greatest courtesy from Mr. Sen. For our own part we have endeavoured, at all times, to base our arguments on the grounds of principle and to seek to do what we sincerely believed to be in the best interests of insurance in India. Naturally in doing so, we have endeavoured to protect the interests of those whom we represent. That is what Honourable Members, in all parts of the House, are here to do. But I take this opportunity to endorse what my Honourable friend, Mr. Chapman-Mortimer, said on more than one occasion when he denied certain unfair charges made against us and, in particular, the charge that we sought at any time to wreck the Bill. We can well understand the natural desire of Honourable Members belonging to other parties that the interests of India in this measure should be paramount, and I hope that Honourable Members opposite who have listened to our arguments during the course of these debates will credit us with the same desire in this matter to advance the best interests of insurance in India that they claim for themselves. Sir, I support the motion.

✓ **Mr. S. Satyamurti :** Mr. President, we have gone through some weeks of strenuous discussion on this Bill. Before I proceed to say a few things on the merits of the Bill as such, I seek your leave to point out some difficulties in the procedure with regard to legislation of this important kind in this House. It does seem to me that we have to work under great pressure ; and since we have nothing like a committee stage of the whole House, it does happen that things, such as my Honourable friend, the Leader of the Opposition, pointed out, this morning, cannot be rectified at this stage. Moreover, I think the House does feel handicapped that we have got to vote for the passing of the Bill, without looking at the Bill with all the amendments passed by the House carried out, and having a conspectus of the whole Bill as amended, before it. I quite recognise that the factor of time is against us, but I do suggest to you, Sir, and to all sections of this

✓ House to look into this somewhat important matter, and see if we cannot make some improvement in procedure, with regard to legislation which may enable the House more effectively to discharge its very responsible duties in connection with legislation of this character.

Mr. President (The Honourable Sir Abdur Rahim) : I did not quite follow what the Honourable Member was saying.

Mr. S. Satyamurti : My Honourable friend, the Leader of the Opposition, wanted an amendment moved this morning,—and you ruled, Sir, rightly, if I may say so without impertinence, that it cannot be done at this stage,—I was suggesting that we might have a committee of the whole House, as it were, to go through the second reading stage, as it is called elsewhere, so that any inconsistencies and any omissions may be repaired ; and my second suggestion is this : that, before we are asked to vote for the motion that the Bill be passed into law, copies of the Bill with all the amendments made by the House incorporated in the various clauses and arranged seriatim may be placed in the hands of Honourable Members for two or three days at least so that we may have an opportunity of looking at the whole Bill, and of pronouncing our opinion finally on the whole Bill as it has emerged. I know legislation is a somewhat difficult task and we cannot realise—even the most acute among us—unless the actual words are transported in their proper context and printed, and Honourable Members are enabled to read them for themselves for some time in their own houses. They would then be able to give their considered vote in favour of the Bill, as one would expect of a legislature of this responsibility. Of course, we take many things on trust, and we have no doubt we shall be justified by events ; but it does seem to me that this matter requires very careful consideration at the hands of the Honourable the President and the Leaders of Parties to see if we cannot evolve some means of improving our procedure, in regard to legislation of this kind.

Now, Sir, I should like to pay unreservedly, on behalf of myself and the great Congress Party which I have the honour to serve here, our unstinted tribute of admiration for the great ability and the great industry, which the Honourable the Law Member has brought to bear on this measure. (Applause.) Sir, I have had the privilege of working with him on two Select Committees connected with the Companies Act and the Insurance Bill, and also in the House ; and in his case, I have always increasingly felt the truth of the dictum that ability is character. The Honourable the Law Member is so able that he cannot do anything wrong consciously. He will begin to lose his self-respect if he allows anything to go into a Bill of which he is in charge, if it does not commend itself to his high intelligence. (Applause.) More than that, Sir, I was pleased to hear on the floor of this House, as I am sure all Indian Members were, when he spoke, as any Congressman would have spoken, for the protection of Indian rights against non-Indians. (Applause.) I trust it was not a lapse on his part, but I believe, and profoundly believe, it was a genuine expression of the feeling in his mind that,—as he sees day after day the workings of the Government of India in its innermost secrets, his heart is becoming changed, and he realises that,—if the best interests of the country are to be served, they should be served by our being Indians first and Indians last. ✓

[Mr. S. Satyamurti.]

Of his work in this Bill, reference has been made to his cynicism, but one thing has struck me more than anything else, and that is his keen sense of humour. Sir, work in this House becomes dreary, almost invariably dreary, when we have to deal with a problem of this complicated nature, but, on this occasion, his sarcasm and wit encouraged us to go on with the work day after day and week after week.

Sir, I should also like to associate myself with the tribute to the industry and ability of his able assistant, Mr. Sushil Sen. (Applause.) I do not know, Sir, who the superman is, who is going to be appointed Superintendent of Insurance. Soon the Insurance Bill is going to become an Act. But, if I may give a chit to the Honourable the Law Member or to the Honourable the Commerce Member, I would like to give a chit for Mr. Sen. I do not think he will care to accept it, but if this Act is to function properly, and if we ought to place Indian insurance on a safe footing, I can think of no better man, but unfortunately, Sir, I am told he is not an actuary! (Laughter.)

The Honourable Sir Nripendra Sircar: His uncle is an actuary.

Mr. S. Satyamurti: I have no use for uncles and nephews.

Sir, as to the progress of the Bill, on the floor of this House, I should like, if I may, Mr. President, with your leave, to acknowledge the intensity of the hard work done by the Secretary and his able office in dealing with the two thousand and odd amendments sent to them, day after day, sometimes very late in the day. I think, Sir, it did require great industry and it does deserve to be acknowledged.

Perhaps it is not usual, Sir, to praise one's own Party, on the floor of the House; but, if you will bear with me and the House will bear with me, I should like to say a word about the manner in which the Congress Party has worked on this Bill. I want to tell the House as a bare statement of fact, that often we met at 10 A.M. in the morning here, and went on till 8 P.M. in the night and often at lunch time, we used to meet and work on this Bill. That is why the Leader of the European Group was able to congratulate the House on the alacrity with which many of the amendments were withdrawn. Hard work was done in our Party, with a more rigorous Chairman than even you, saying 'You can't move this, that should not be moved' and so on and so forth; so that I think the pleasant words came to you when you called on amendment, and Members said 'Not moving, not moving'. That was the result of hard work, and I may also add this. On this Bill there were strong differences of opinion among us based on strong convictions as to what was best for Indian insurance, and yet it speaks volumes for the solidarity and the sense of discipline of the Congress Party which was able to thrash out all differences, and I say that we had no scene on the floor of the House of Members of our Party, speaking one way and voting another way or the Leader supporting a motion, the Deputy Leader, speaking against it, and the Party voting against it. That never happened. I think, Sir, it is an example of team work which deserves the commendation of this House. Particularly, Sir, to the three musketeers, as my Madras friends are called, Mr. Ananthasayanam Ayyangar, Mr. Santhanam and Mr. Sami Vancatachalam Chetty and many other Members whose names I need not

mention, I must pay a tribute,—we had a series of good and carefully thought out amendments given notice of, which enabled the House to dispose of almost all important clauses with great alacrity, and to the satisfaction of all. Particularly, Sir, I should like to acknowledge publicly the generous assistance which the Leader of our Party placed at our disposal from his long, wide and rich experience of law and of facts; and last, but not least, I must also acknowledge the great assistance which the Chief Whip, Sardar Jogendra Singh, rendered to us, and with an alacrity and a charm peculiarly all his own, he was able to guarantee the smooth passage of many amendments on the floor of this House which otherwise would have tried our patience.

Some Honourable Members: What about yourself?

Mr. S. Satyamurti: Now, Sir, coming to the clauses of the Bill, I want to tell the Honourable the Law Member that he should see the wounds in our hearts, when we agreed to clause 26, as he placed it before this House. Do you know what we have done, Sir? We have put in clause 26, the words to which we most object in the Government of India Act, 1935. We have agreed to swallow the bitter pill, and we have suggested that the subjects of the United Kingdom shall be the same as Indians for the purposes of clause 26. It cost us a great deal, Mr. President. We feel that section 113 of the Government of India Act is a standing insult to the self-respect and the progress of this nation. In spite of it, Mr. President, we have agreed to this proposal. Why? The Honourable the Law Member made no secret of it. He said, on the floor of the House, more than once, that under the Government of India Act and the Instrument of Instructions to the Governor General in Council, the Governor General has been advised to reserve this Bill for His Majesty's assent, if any doubt arises in respect of our attempt to define Indian, Non-Indian or U. K. insurers. We did our best, and our Leader produced a definition which seemed to commend itself, for the time being, even to the Government, but, unfortunately, other forces were at work, and we were told, ultimately, that if we forced a definition, the fate of this Bill was in the balance. We came to the conclusion, Mr. President,—and I repeat it deliberately,—that, in spite of this sacrifice on our part, there were enough elements in the Bill to justify our not taking the responsibility of risking this Bill becoming an Act. We felt, and we still feel that the good features in the Bill are such that we ought to eat this bitter pill. Therefore, we agreed, and I want to state publicly, the big price that we have paid for allowing clause 26 to go as it is. But I want to remind my Honourable friends of the European Group of one thing. My honourable friend, the Leader of the European Group, speaks so charmingly as if we have only to follow him and India will be a land flowing with milk and honey tomorrow,—but his able lieutenants, who sit behind him, know how to sting, when to sting, and how effectively to sting whenever they can. I want to tell my friends that section 113 of the Government of India Act is not going to be permanently on the Statute-book of this country, if we have our way. I would rather ask them to read section 118 a little more than they do, and try to take advantage of those friendly provisions, and not to rely upon this broken read of section 113. You may be happy to day that you have got this, but he laughs best who laughs last. And I suggest, Mr. President, that when they have made us eat this bitter fruit of humiliation

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of treating strangers on the same footing as Indians, when we felt cribbed, cabined and confined when we wanted to protect Indian insurers as against non-Indian insurers and U. K. insurers, when we felt we were handicapped,—I want my Honourable friends to remember that it has left a feeling in our hearts which will fructify sooner or later. Then, throughout the discussions and the voting, there was another feature. Whenever we said something reasonable and the Government thought and publicly stated that we were reasonable, and whenever Government said or moved something reasonable and we thought and said they were reasonable, there was a cry in some parts of this House, "Look at this unholy alliance. Both Sir N. N. Sircar and Mr. Bhulabhai Desai say two and two is four. How dare they say two and two is four? They must always differ even on these fundamental matters. But those very sections of the House, when they thought we were unreasonable and did not respond to the Government, called the heavens to witness, and said, "Look at these Congress fellows. They are unreasonable. They will never see and the Government is right." It comes to this, as Bhartrihari has said :

Mounanmukaha : Pravachanapaturvachako jalpako Va.

If a man does not speak he is dumb ; if he speaks, he is garrulous. (Laughter.)

Mr. F. E. James : You are not dumb.

Mr. S. Satyamurti : Nor are you (Laughter), although there is 1 P.M. greater reason for you to be dumb, because of section 113. Sir, from my point of view, a very satisfactory feature of the Bill is in clauses 15 (c) and (d). I want to say, Mr. President, that the amendment of the European Group to delete sub-clauses (c) and (d) of clause 15 was not moved, as a result of an understanding between the European Group and the Congress Party in this House. I have reason to believe that the European Group will keep that honourable understanding and will not seek other means to undo what has been done here, in another place. But I learn that there are some people who are more loyal than the King, who feel for European interests even more than the European interests feel for themselves, and are trying to exert themselves and see, if they cannot get this thing upset. I want to make an appeal, and, if I may do so respectfully, utter a warning to the Honourable the Law Member. On this matter we have gone as far as we can go and there can be no more monkeying with those clauses, and I want to tell the Honourable the Law Member, in a spirit of friendliness and not in a spirit of threat, that, if anything of that sort is done, it will have tried the patience of this House beyond endurance. Those clauses must stand as they are.

Other welcome features of this Bill are with regard to deposits, working capital, full returns and accounts, limitation of commissions, licensing of agents, and proper actuarial valuation. But, before I say a few words on those very good features, I want to draw the attention of the House, if I may, to clauses 3 and 53 of the Bill,—the two clauses which enable the Superintendent of Insurance on the one hand and the

Government on the other, to retaliate against countries or insurers who practise discrimination against us. I want to draw a distinction between clause 3 and clause 53. Clause 3 of the Bill deals only with individual insurers. If individual insurers apply for registration, or if individual insurers carrying on business after registration come under the Superintendent of Insurance, if he is satisfied that there are practices of discrimination in their own country against Indian insurers as such, the insurer may either be refused registration or the registration may be cancelled. But clause 53 is a general clause. That is to say, if the Central Government is satisfied that either with regard to assets or deposits or otherwise there are discriminatory conditions enforced by the law or practice of any other country against Indian insurers, then the Central Government shall, on being satisfied of those requirements in those countries, prevent the insurers of that country carrying on business except under similar conditions imposed by the Central Government. There is no difficulty in working this section, and I hope it will be properly worked. I hope that those countries who want to practise discrimination against India will either give up their practice or give up their business in India.

My Honourable friend, the Law Member, referred to Bombay big business more than once. I entirely associate myself with the words of the Deputy Leader of the Independent Party when he said that Europeans sent their men all the way to try and influence the judgment of this House on this Bill. Moreover, Bengal small business, if it had had its way, may I remind the Honourable the Law Member, would have left nothing for him of this Bill, except the preamble as he himself pointed out. Therefore, each interest fought for what it considered to be in its own interest, and the Bill has, on the whole, survived the onslaughts, sometimes conflicting onslaughts, of these vested interests. The European Group contributed a great deal to the discussion of this Bill. I congratulate them on their industry, on their perseverance, and on their success in some of their amendments, deserved or undeserved. (Laughter.) But they were greatly helped by the presence in their Benches, constantly, of the most virile personality of this House, the Honourable the Finance Member. (Laughter.) I congratulate them on this new accession of strength, but I want them to realise this, put not thy faith in Princes or in Finance Ministers. (Laughter.)

So far as deposits are concerned, we have tried to meet the reasonable objections and fears of what are called young companies, by extending the period to ten years and extending the instalments. I trust there will be no difficulty in their way. As for the limitation of commission which I consider is the back-bone of this Bill, I realise the loophole pointed out by Sir Cowasji Jehangir, but may I draw his attention and that of the Honourable the Law Member to what I consider is a safeguard? Whether it is adequate or not, time alone will show. It is this, that these chief agents who may get unlimited commissions cannot pass on any commission themselves to the canvassing agents except up to the maximum limits prescribed. I believe that is a safeguard, because no insurer, unless he has a suicidal mania is going to waste his money on his chief agents, if the money is not going to pass over to the canvassing agents, and again, I may add, that the section with regard to prohibition of rebate has prohibited the passing on in their turn of that money by the canvassing agents to the

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policy holders themselves? I hope that this limitation of commission will achieve its bigger purpose, that is to say, of reducing the expenses of all insurers in this country. This limitation of commission is intended to secure the ultimate reduction of their expense ratio. I want it, not because I want larger bonuses, but because I have a bigger object in mind, namely, that the premium rates for policies, at least up to a thousand or five hundred, should be considerably reduced. Mr. President, I have not got the figures with me, but I am told that the number of insured in our country is very, very small, compared to any other country. I want the insurance habit to grow in this country, especially among the poor people. Often enough, one knows from one's experience that a man earning something suddenly dies, and his poor widow and children are thrown on the streets, without anything to live on. I am anxious that some facilities should be provided for these people to insure themselves, not by offering rebates or even by the payment of bonuses, but by the premium rates being reduced. My idea is this, that for the payment of one rupee a month a man must be able to insure his life for the payment of Rs. 500 or one thousand, at the end of his life, to his widow and children. I believe that this can be achieved. Moreover, the average man who goes to an insurer to insure his life goes there, not for bonuses or profits, but for safety and security. He is anxious that those who may be left behind him may have enough to fall back upon. If he wants profits, he goes to the share market. I am, therefore, anxious that insurers ought to concentrate increasingly, on the lowering of premiums more and more. We moved an amendment to the Schedules yesterday, under which we wanted commissions to be shown respectively under first year's premiums and renewal premiums. That was defeated, but one of the arguments of the Honourable the Law Member was that, after all, the Superintendent can call for the information. I hope the Superintendent will be alert and quick to call for the information, whenever he feels it ought to be called for.

With regard to the licensing of agents, there has been some opposition, but I want to say that those who supported it did so in the interests of the agents themselves. I want the profession of agents to become an honourable one. I want them to do social service, and to be recognised as people doing social service. That should be welcomed and with the clause prohibiting rebate, Mr. President, I am satisfied that agents on the whole will retain in their pockets as much of the commission as they do now, instead of giving rebates to others. On this question of economy of management, I have the support of all sections of the House. I desire to send forth to all these managers of insurance an appeal that they should economise expenditure, and make insurance service a real service to the people. I want life-insurers to prolong the life of the insured, as much in their own interest, as in the interest of those who insure themselves. They must have medical clinics and health propaganda. All these services are rendered in other countries, and I do not see why they should not be done in our own country.

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. S. Satyamurti : Sir, apart from the other provisions of the Bill to which I was referring when we adjourned for the mid-day interval, from the point of view of the policy-holder I consider, Sir, that the ~~changes relating to assignment and nominations of their policies and also the two other clauses moved by my friend, Dr. Deshmukh and accepted by the House, viz., the estoppel of the insurer, after payment of premiums for three years, from raising all sorts of objections to statements made at the time the policy was effected and the provision for paid-up policies, are all great concessions to the policy-holders.~~ But I consider the greatest concession will be the provision for representation on the directorate of insurance companies of at least a fourth of the directors elected by the policy-holders themselves. That will give them a good share in the management of the affairs of insurance companies. If policy-holders are alert, they can exercise a powerful and healthy influence on the development of Indian insurance on sound lines. So far as actuaries, on whose reports of the various insurance companies in this country and their affairs the working of this Bill will depend to a large extent, are concerned, I hope, Sir, the Government will be able to make rules, and will make rules, by which they will accept actuarial reports, only when they are sent up by fully-qualified actuaries. I do not want to mention names, but there are actuaries and actuaries, and I know one who certifies all insurance companies to be sound if they are paying small bonuses, he says that that shows careful management; if on the other hand the bonuses are large, he says that shows what wonderful people they are. (Laughter.) Sir, this sort of indiscriminate certificate in favour of all insurers must go, and we must get from fully-qualified actuaries proper certificates as to the soundness or otherwise of insurers in this country. On the vexed question of Managing Agents—which has transferred one Honourable Member from one section of the House to another—I will not say anything. Let them die; but my feeling was and is that, with respect to general insurance, we do require the services of pioneers. If, however, the events show that in spite of the abolition of Managing Agents, all our insurance business flourishes, life and general, none will be happier than myself. Sir, there were discussions on the floor of the House on the extent of the success of Indian insurance business, and we have been shown figures, and it was said: "oh, India has got 65 to 70 per cent. of life insurance, she has got 20 to 25 per cent. of general insurance, and, therefore, we ought to be happy". But, Sir, my ambition for my country is unlimited; I want Indian insurers to have cent. per cent. of all Indian life insurance, of all Indian general insurance, and to capture the markets of other countries. I do not see why, when the Englishman can come to my country, Italians can come to my country, Germans can come to my country, Canadians can come to my country, my countrymen cannot go and capture the business of other countries? Sir, we are not lacking in business acumen, we are not lacking in honesty, we are not lacking in industrial enterprise. I, therefore, feel that we ought not to be satisfied with small success that has so far been achieved; we must go further.

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But the disappearance of the Managing Agents has resulted not only in the transference of one Member from one section of the House to another; it also resulted in two valuable concessions, which the Congress Party rejoices at. The Government of India have shown, by their speech and by their vote, that where vested interests have proved to be against the general interest, that is, the maximum happiness of the maximum number of people, they must go, and no compensation shall be paid for them. Sir, I am grateful for that achievement, but, even more than the Government, I am obliged to the European Group, which is conspicuous by its absence on the floor of the House just now, excepting for Mr. Gidney who is my own countryman, for making this valuable concession. I am grateful for the speech of my friend, Mr. Chapman-Mortimer, from which it is clear that the European Group has admitted that, where vested interests are proved to be against the general interest, they shall go, and no compensation shall be paid to them. No doubt next morning when we raised the enormity of the concession they had made, the amiable Leader of that Group got up and said, "we do not mean that, we mean something else". But the European Group supported the proposition that Managing Agents must go, and we must deny compensation to them, and I am glad. This will now be taken advantage of by Congress Ministries in the seven provinces to abolish all vested interests, where we feel they ought to go, because they are inconsistent with the general interest as we conceive it to be and when Europeans and others in the Provinces squeal, we shall refer them to the speeches of the Honourable Mr. Chapman-Mortimer and the Honourable Sir Leslie Hudson.

So far as the late lamented clause 3A of this Bill is concerned, I feel that that clause had to go because of the same difficulty that was referred to this morning, but I commend to the European Group the Irish parallel; and, although that clause in the Irish Act is not actually working, a compromise was arrived at by which non-Irish insurers practically re-insure ten per cent. of their business with Irish insurers. Passing rapidly over the other clauses, I congratulate the House on having put in clause 13, directing a register of policies and of claims being kept by all insurers. As regards clause 26 regarding investments, regarding the percentage of investments to be in certain prescribed securities, and the percentage of what are called free investments, I am of the opinion though I may be in a minority, that even forty-five per cent. is too much. Others think it is too little, but my own personal feeling is that I want insurers to play for safety first and then for profits. The amalgamation of small insurers with big insurers is made fairly easy in this Bill, subject of course to the superior interests of policy holders. As a result of this Bill becoming law, Mr. Deputy President, I do expect with equanimity that insurance may progress on sound lines in this country. Clause 40 of the Bill removes a great defect in the present insurance law under which Indian insurers are granted a right of redress in Indian Courts of law, and guaranteed the application of Indian law in all disputed claims. Clause 41 provides for the payment of money into Court compulsorily within a prescribed period, where there are doubts about the proper

claimants. This is also in favour of policy holders. As to Provident Societies and Mutual and Co-operative Societies, we have made a proper provision, and I hope there will be no competition between these two classes of societies, and young insurers. On clause 101, regarding the rule-making power, the House has accepted a good amendment, which I hope will be a precedent with regard to future statutes subjecting the rule-making power of the Government to the control of the legislature. These rules will have to come before the House for such modifications as the House may choose to make. As for the Schedules rapidly passed yesterday, our object has been to get the maximum information, and not to harass people. I trust the Schedules will give us the maximum information. We have also another clause put in in the Bill, under which this Act will not affect any insurance started by Provincial Governments. I hope that, Provincial Governments will take advantage of this, and when their schemes are ready they will come to this House or its successor for proper legislation. As one who believes profoundly and sincerely in the nationalization of all life insurance, I trust that this clause will be soon taken advantage of by Provincial Governments, and they will promote and run schemes of life insurance in their own provinces. As for the future of postal insurance, I do not know what the actual position is, and whether it will be governed by this Act or not. I know that the postal insurance is serving a good purpose and I should not have its activities restricted. On the other hand, I should like to have its activities extended as much as possible consistent with the provisions of this Act.

Last, but not least, I repeat what I said this morning, namely, that the success or otherwise of this Bill depends to a very large extent on the personality of the first Superintendent of Insurance, and I hope that in making the appointment no racial or communal considerations will be brought into effect, but considerations purely of efficiency, integrity, qualifications, drive and enthusiasm will be taken into account, and the Government will appoint a proper man, who will bring to the discharge of his duties, the enthusiasm of a man who wants to see the insurance business of his country placed on strong and sound lines. I hope that this Bill will have a smooth passage in another place, and come back to us without being wounded, and this Assembly will pass it next January. Ample notice has been given to all vested interests. The Bill will come into effect some time next year. I sincerely hope that within two or three years or at the most five years after the passing of this Bill into law, Indian insurance will come into its own. By that time there will be no inefficiency, no weakness, and no extravagance of expense; and the Indian insurers will re-organise themselves and will capture the entire market of life and general insurance in this country and outside. I hope, contrary to what he said on the floor of the House, the Honourable the Law Member, in his retirement, wherever he may be in office or out of it, will have the satisfaction of having rendered a great and lasting service to the progress of sound Indian insurance.

Bhai Parma Nand (West Punjab : Non-Muhammadan) : Sir, I oppose the motion and before I do so I beg the Honourable the Law Member and the House to excuse me for this note of dissent. My objection is not to this or that clause of the Bill, but my objection is to the spirit in which this Bill has been framed. Nobody could find any fault

[Shri Parina Hand.] With the Bill, if its object were to remove any defects in the law relating to Insurance. But I find that instead of removing any evils that had crept in, in the existing law of insurance or in the business of insurance, this Bill aims at practically suppressing the business of insurance in this country.

I was once sitting with a friend of mine, a young man came to me and said that he had gone to a dentist as he was suffering from toothache, and the dentist had advised him to have his tooth extracted. My friend told him not to follow that advice. He said by way of joke that if tomorrow you get headache, what would you do? Would you follow the advice of the surgeon to have your head cut off? Similarly, if there were some defects in the law that already existed and if legislation were needed to remove those defects, everybody would have welcomed it. But as the Bill stands at present, I find that it practically means to have the head cut off so as to get rid of pain. This Bill aims at stopping altogether the business of insurance.

Now, Sir, having taken up this view of opposition, I want to say one thing more. I do not yield to any one in my appreciation of the labour which the Honourable the Law Member has spent and of the ability he has displayed in carrying through this Bill. But as there is a load on my conscience, I want to clear it by expressing what I have so strongly felt all this time.

Sir, in this country we are passing through a sort of slow and imperceptible revolution. All the old customs and usages are breaking down. The old ways by which the people could help each other on the occasions of social functions are disappearing. In this state of society the best thing for us to do is to adapt ourselves to the new conditions in which we are placed. If we cannot adapt ourselves to these new conditions, then it won't be possible for us any more to survive. Adaptation to the environment is the law of survival in this struggle for life. I consider, therefore, that if we want to live under these new conditions, we must freely adapt ourselves to them.

Again, Sir, there is so much talk about unemployment and about poverty in the country. I would say that mere talk, passing of resolutions, making speeches on the subject or the appointment of some committees by the Government for the removal of unemployment cannot remedy this evil. There are only two ways by which this unemployment can be removed. One is the development of new industry and the other is the opening out of new classes of business. The business of insurance is the one kind of new business that this country has taken up and it has engaged hundreds and thousands of educated youngmen who could not be engaged in any other way. If we today pass a Bill which will practically deprive all these youngmen from employment, then instead of encouraging this new business in the country we will be discouraging it, and instead of finding out any remedy for this unemployment, we are practically helping it to grow more. No Government, in any country, would take a step by which the unemployment of the young people of the country is increased. Therefore, I do not think that the talk of the

removal of unemployment and poverty has any meaning when we are taking steps in this Assembly to increase this unemployment in the country.

What I have to show is that this Bill, as it has been framed, will act like axe at the root of insurance business. There were companies of so many different kinds and there were jealousies among them, the Indian Companies were jealous of non-Indian companies. Perhaps there existed some jealousy between the non-Indian companies and the U. K. companies. Similarly, big concerns that were established in India, much earlier, were jealous of the new companies whom they called as mushroom growth of insurance in India. There were other companies, mutual benefit companies or companies working on dividing principle. All these different kinds of companies had their interest clashing with one another. Naturally, each one wished and clamoured in its own interest to have insurance law modified by which all of them thought that the new companies should be placed under some restraint. I think this clash of interest and this clamour for remedying the defects has been taken advantage of by the Government and instead of removing the evils or defects in the Law, they are trying to have a new legislation which, as I said, will go to root out the business.

Sir, there is a story in our part. There was a cane grower—a Jat. He was watching his cane fields. He saw four different persons coming up, one was a Brahman priest, the second was a shop-keeper, baniya, a third was a barber and the fourth was an ordinary singer. All these four persons passed by the field and they naturally, each one of them, took out a sugar cane and began to chew it. The watching owner of the field saw it. He thought that he could not fight against all the four at once. He wanted to play a trick. Looking to the Brahman priest, he said, "You are our priest and so I have to respect you". Turning to the rest, he said, "We buy our things from the shop-keeper and this barber serves us now and then, but you musician why have you taken the sugar cane from my field"; saying this, he gave him a thrashing. Then he turned his attention to the barber and said, "Well you do us service but you get paid for it, why should you pluck the cane". He thrashed him as well. In the same way he took each one of the others and belaboured them. This is an instance to show that the man took advantage of the jealousy and the clash of interests which existed among them, and they had to suffer one by one. This Bill is supposed to take advantage of the clash of interests and feeling of jealousy existing between the small companies and the big companies. It was said that there was a large amount of swindling going on specially in the small companies, while no case has been made out in any speech to show here that any of these companies had been guilty of swindling. My Honourable friend, Mr. Sen, gave us two instances. I have got in my hands a telegram from one company which he mentioned and that is from Calcutta. I had no opportunity of quoting this telegram till now. It is from Jatiya Kalyan company. It says: "Please contradict Mr. Sen's statement regarding Great India Insurance whose policy-holders saved by Jatiya Kalyan Limited society by a scheme approved in the High Court, 14th January, 1937". It seems there was one fellow who was really a swindler but where is the profession in which there is no blacksheep.

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[Bhai Parma Nand.]

The position of the Insurance Companies is this. There are about 266 companies out of whom 217 are Indian. Out of these 217 companies, about 166 are doing life insurance business. Out of these 166, the small companies number 110. They have been working for periods varying from one to ten years or a little more. We have been able to find only two companies whose managers or Managing Agents have been accused of swindling. I admit, there may be one or more other cases also. The so-called interest of the policy holders is the pretext for practically suppressing all these new companies. The pretext is all right. But it has not at all been shown that these policy holders have suffered any where, except in the case of one company. Even in the case of that company, I think, if it had been properly controlled by the Government officials, it would certainly have paid the policy holders their dues. If there was any defect, it surely lies in the execution of the law that already exists. There is the Company Law. If a company does not pay its policy holders, it can be sued and if it fails to make the payment within a certain period, can be brought into liquidation. Where is the necessity of killing all the companies simply because one or two companies have been guilty of swindling? And, even if there be some more companies of that type, the fault lies with the policy holders who are careless and do not take proper steps to safeguard their interest. This new law cannot protect these careless policy holders against the swindlers. The House is aware that the Indian Penal Code lays down laws for the punishment of crime, but that has not stopped crime altogether. Similarly there are sure to be certain companies that would cheat and swindle the public. Law should be made to punish those who are guilty of such acts or such crime. But there is no reason to punish a whole class on account of the crimes of one or two individuals of that class. Simply because one company has failed to pay its policy holders, you cannot place all the 110 companies under certain restrictions and treat all of them in the manner of criminals.

There was another statement made by Mr. Sen. He said that in the case of 15 companies or so, their expense ratio is more and that they are not able to make up some four or five lakhs. If out of 110 companies, only 15 companies have not been able to make up four or five lakhs, what does it matter? All these companies put together do business in crores, and if out of so many crores, a few companies are involved in a sum of a few lakhs, it does not much matter. Even if there be a default of four or five lakhs, the present law is good enough to deal with the delinquents. It was not fair to place such restrictions on sound, honest and industrious people, the result of which could only be to stop them all from working.

The greatest favour that my Honourable friends up there (referring to the Congress Party) and the Government have done to these small companies is that the time of payment of two lakhs as deposit has been extended from three years as originally proposed to ten years. I want to say, although I may be wrong, as they are all able and patriotic men, but all the same I have to say, that out of 110 companies those which have not deposited Rs. 50,000 will find it most difficult to find the money to make up the annual deposit. They shall have to pay Rs. 50,000 to start with

and then at the rate of Rs. 15,000 a year. I submit this is impossible for most of them to do. Mine is not only an inference, but I know it for a fact that a large number of these small companies are now thinking of either stopping their work or amalgamating. It is said that they can amalgamate. That is their own lookout. The Legislature has nothing to do with amalgamation. That may be in the interest of the companies themselves, but, I submit, that the amalgamation of small companies will reduce their number very low and increase unemployment among the young men who are working for the small companies. Amalgamation is no favour to them.

On these grounds, I say that this law will stop the growth and even kill this business. If there be some wrong or evil in its growth it is our duty to remove that wrong or evil. It was said that there are weaklings and they should be done away with. The Spartans had a rule that when a baby was a weakling or looked ugly they use to throw him down from the top of a hill and kill him. This is the new principle of morality that small companies because they are weaklings and small should not be allowed to exist. I do not understand this new principle in business. Our friends there (Congress Benches) always advocate the cause of small or cottage industries, without considering that these industries cannot compete with large factories in cities. Who does not know that in 1920 and 1921 thousands of people invested huge sums of money in these small hand loom factories but they could not compete with large cloth mills. All the same, in the name of patriotism they are still appealing for these small factories and thinking it in the interest of the country they encourage them. To satisfy a great social need, these new insurance companies have been started and it is wrong to say that they have not done any good. Formerly, say ten years ago, insurance business in this country amounted to ten or 12 crores and now it is over 32 crores. All this increase is all due to these young company promoters. They go from village to village and from town to town to propagate ideas of insurance and it is they who have made people insurance minded. Now, by one stroke of the pen, we are wiping out these small companies simply because two or three of them have been guilty of malpractice. We could strengthen the present law for the punishment of such offenders but this Bill passed into law will make conditions too severe for their existence. In England a deposit of only £ twenty thousand has to be made but in some other countries no deposit is required. In India every young company must pay two lakhs within a fixed period which is almost impossible.

The first blow fell on the young companies. Then came the question of Managing Agents and the question of investments to be made with Government which agitated the European Group, Sir, I do not hold any brief for the Managing Agents. In every field, whether law or medicine or any other business we find that pioneers, i.e., the people who start, make lots of profits; similarly the Managing Agents had also the right, being early in the field, to derive the benefit that they could. If the Managing Agents have been robbers, there have been people in other professions and every field of life who have been robbers. I do not support the managing agency system but cannot condemn it either. What I say is that the Bill has been framed in a very bad spirit. The

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object has not been to cure the disease and to let the business grow in the country. I would say that in India there should be companies in every District insuring people so as to be helpful to them in times of distress and difficulty. This law is sure to stop the growth of this business.

There was the question of investments, and my friend, Prof. Ranga and his friends are glad that most of the assets of the companies should be invested in the Government Securities, as the Provincial Governments are now in the hands of the Congress Party and they want money for nation-building projects. And so this insurance money will go to them, depriving the companies of the benefit of using their earnings. The insurance companies, of course, have to take a risk and to make up for that risk they have to invest their money in some profitable business. If all that money be put in the hands of the Provincial Governments, how could they get profits out of their business? I repeat, Sir, I am not particularly against this clause or that clause but I find fault with the whole spirit of the Bill which does not aim at the growth and development of insurance business in this country. It will deprive so many young men of their employment and the business of insurance will come to an end. I would wish that just as small industries should grow in every part of the country, so should the business of insurance grow and develop in every town and village. In my opinion the duty of the Government and the Legislature is to see that there is no dishonesty or fraud in it and that the interests of the policy-holders are made perfectly safe. But in the course of this Bill I have seen no case of dishonesty made out against the small companies, except in the case of one company or where the policy-holders were deprived of their dues. Therefore I say that what this Bill aims at is not the development or the growth but the curtailment and practical suppression of these young companies, and the managing or other agents who, whether licensed or unlicensed, will have no urge and will feel no interest in the further development and the growth of the business. For these reasons, I oppose this Bill. At the same time I want to remove one impression. I am not unmindful and I yield to nobody here in my appreciation of the labours and work done by the Honourable the Leader of the House, and as this Assembly is going to pass the Bill, I congratulate him on his success.

Sir H. P. Mody (Bombay Millowners' Association : Indian Commerce) : Mr. Deputy President, my Honourable friend, Mr. Satyamurti, has been in an expansive mood and has congratulated in a very happy vein everybody and anybody in this House. In particular, he has waxed very eloquent and enthusiastic over the achievements of his own Party, the ability of his Leader, the loyalty of the following and the efficiency of the secretariat, and particularly of the Chief Whip of the Party. I gladly concede all that, but I want to tell my Honourable friend, that that is nothing before the achievements of my Party. (Laughter.)

An Honourable Member : Where is your Party?

Sir H. P. Mody : My Party has not only been loyal to me in this House : it has been loyal to me outside. It has never questioned my authority and not one single amendment has been tabled without my permission. (Laughter.)

Sir, we have reached the end of our agony and have reached the final and what I regard as the inevitable stage, namely, forgetting all our quarrels, ignoring all our differences, we are all anxious to rush forward and shake the Law Member by the hand and tell him what an excellent person he is. I am going to join whole-heartedly in this performance, but I shall do it in my own way. This has been a wonderful Bill, as I see it, from every point of view. Young companies and old companies, Indian companies and foreign companies, weak companies and strong companies—all alike have had reason to complain about the manner in which they have been dealt with. Some Members of this House are dissatisfied that the Managing Agent has not been done to death overnight, straightaway, without even having a chance of offering a last prayer. Others have been dissatisfied over other features of the Bill, such as the question of leaving the chief agent or the district agent free and unrestricted in the remuneration he can charge : foreign companies are dissatisfied because they have been asked to disclose certain particulars which will put them into difficulties : one and all are dissatisfied. It really comes to this—young and old, weak and efficient, Indian and foreign, all have been laid low by my Honourable friend, the Law Member, with the tenderness of a Chinese executioner. It has been a Bill which has created difficulties all round : assets here, deposits there, restrictions everywhere have been the order of the day, and if I at all refer to one or two of the unsatisfactory features of the Bill, it is not because there are no more, but because I regard them as particularly taking away a great deal from the utility of the Bill.

One thing that was referred to by my Honourable friend, Sir Cowasji Jehangir, this morning, was the question of the freedom of the Chief Agent to charge anything he likes which he said had taken away from the value of the provision which we have made with regard to the field worker and the ordinary agent. What is the position? Mine was, unfortunately, the only voice raised against this. My Honourable friend, Mr. Ananthasayanam Ayyangar, raised that point earlier ; but somehow or other he evaporated when I raised my protest, and pointed out how it would nullify the provision with regard to ordinary agents : but no voice was raised in support of the contentions I then advanced. I feel that it is a very serious deficiency in this Bill which will soon have to be rectified.

Then, I come to the question of Managing Agents. I do not know whether my Honourable friend, the Law Member, really wanted to do as much damage to them as has actually been done. They seem to have almost died by accident. No one intended to put an end to their existence within three years : no one intended to restrict their emoluments to Rs. 2,000 a month, for at least some years to come : and yet, by one of those accidents which are sometimes happening in this world and which seem to do no good to anybody, the poor Managing Agents are, to put it quite plainly, being expropriated. My friend, Mr. Satyamurti, must have been very hard up for argument, because he leant upon what was supposed to have been said by my friends, Mr. Chapman-Mortimer and the Leader of the European Group, Sir Leslie Hudson. I do not know whether they really intended to support the idea that vested interests should be done away with ; but if they did, then I am sorry for them, and I for one am never going to agree to

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such a proposition. I cannot understand this harshness towards Managing Agents. If I know something about the Penal Code or the criminal law, there are probably very few crimes which entail confiscation of property—treason for one thing. My Honourable friend, the Leader of the Opposition would know of some more : but, after all, there are very few crimes, and those too very serious ones, which entail such very heavy punishment as that which has been meted out to Managing Agents. Well, if my Honourable friend, the Law Member, thinks that he has rid the country of a dangerous pest, I am not going to quarrel with his self-satisfaction. I hope a new race of controllers of insurance business will arise, and the stream of Indian insurance will henceforth flow pure and undefiled. Some one told me the other day that there is a company in Bengal known as the Genuine Insurance Company of which the Managing Agents are Happy and Company. It seems to me that when we have seen the end of this Bill, there will be no genuine companies left and no Managing Agents will be happy at all !

Sir, I want to tell the House quite frankly how I am reacting to this Bill. I am going to advise every one over whom I have any influence and who happens to be engaged in insurance business to shut up shop at once and to turn policy-holder. (Laughter.) I myself propose to do the same. I am not going to make any statements in any forms that may be sent to me, because I know that there is a provision that if I am caught out in two years I will get no relief. I shall instead get a friend to say all manner of nice things about me, that I am of very sober habits and that I go to bed every night at nine o'clock, and so on. So far as I understand the section, no penalty need attach to me : and after two years I am perfectly happy.

Then, Sir, I object to another thing which arises from this Bill, and that is with regard to the procedure that has been adopted. Why should we, into whose hands the destinies of the nation are committed, be engaged over one tiresome Bill, occupy the whole of the Simla Session ? For weeks I have been unable to sleep : for weeks I have dreamt of preambles and sections, amendments and explanations, provisions and schedules, and all that sort of stuff : and it has engaged unremittingly our attention the whole of this Simla Session. I suggest that if such contentious Bills are to be taken up in future, this is not the proper Session for consideration and decision. I am also beginning to wonder whether this procedure which we have been following all along is really the right procedure, considering that we are living in a world of rush and hurry. Why should we have a Select Committee, then a Bill, then prolonged discussions in the House, very often in the nature of a second Select Committee ? My own feeling in the matter would be, and here I am expressing my unbounded confidence in my friends,—if we have a contentious measure of this character, why not commit it to the entire and sole care and custody of the Honourable the Law Member. Dr. Ziauddin Ahmad and Professor Ranga ? (Laughter.) I am quite sure that between them they would produce just as acceptable or just as unacceptable a Bill as that which has now seen its passage through this House.....

Sir Muhammad Yakub (Rohilkund and Kumaon Divisions : Muhammadan Rural) : Then you will not have the tragedy of Members crossing the floor.

Sir H. P. Mody : I do not know whether it is a tragedy or comedy. Now, Sir, it only remains for me to refer to my friend, the Law Member, and my friend, Mr. Sen. Very deserved tributes have been paid to No. 2 of the Law Department on this business, namely, Mr. Sen. I feel sometimes terribly unkind towards him, and if I had my own way, I would deport him from Simla and Delhi, and detain him in a place where he could not tinker with Insurance and Company Bills ! But, Sir, on other occasions, when my irritation with him over particular matters evaporates, I am free to recognise the very great industry and capacity he has brought to bear upon the task of preparing the ground, of initiating the Bill and helping in its passage through this House. I am sure that every one of us is agreed that Mr. Sen is a great asset to the Honourable the Law Member and to this House.

And, finally, coming to Honourable the Law Member himself, I will only say this. Handsome and well deserved tributes have been paid to his great industry and ability, and I am sure my friend, Mr. Aney, and my friend, the Leader of the Opposition, in their own inimitable way will add to those tributes. but, so far as I am concerned, I will only say that the Honourable the Law Member has added very greatly to his reputation. I do not know,—because I have never seen him with a cap, as to how many feathers it has in it, but I am sure he has added one more feather to it. I hope, if I may say so, he will rest on his laurels a bit, because, Sir, I am becoming very apprehensive of what his itching hand may next attempt to achieve. I hope the Honourable the Law Member will feel that he has done a great day's work in placing on the Statute-book the Companies Act and the Insurance Act, and with that he should, if he has only a normal appetite, of which I am rather doubtful, be completely satisfied. Sir, I support the Third Reading of the Bill, and join whole-heartedly in congratulating its authors. (Applause.)

Mr. M. S. Aney (Berar : Non-Muhammadan) : Sir, my friend, the Honourable the Leader of the House is the recipient of congratulations and encomiums from all parts of the House, and I feel it a great pleasure to add my humble tribute to the chorus of tributes that have already been showered on him. Nobody can deny that he has not spared himself in preparing the ground for this Bill and in piloting it through this House with great skill and ability.

Sir, I do not think this is a proper occasion for me, at any rate, to review the provisions of this Bill over which we have been labouring practically during the whole of this Session. If I attempt to do that, probably I shall have to inflict a speech very much longer than the one which my friend, my Satyamurti, made. But he has really relieved me of a great duty on account of the pains he has taken in reviewing some of the important provisions and pointing out what are the points on which this House feels very keenly, and what was left unsaid by him was, to a large extent, made up in his own inimitable way, by my friend, Sir Homi Mody. Both of them together have shown, from two opposite points of view, what are the merits and demerits of the present Bill before

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us. I, therefore, do not propose to again take a review and point out from my own point of view as to what are the salient features of this Bill which we consider as important and what are those provisions with which we are satisfied and which are those with which we are dissatisfied. In fact, I agree with the advice which my friend, Sir Homi Mody, has given us, that we have now reached a stage when we ought to forget all misunderstandings, and all the hard words exchanged between us over this Bill. We have now reached a stage when we should recognise, a stage which he called as the inevitable stage, that all of us have worked hard and that we have all succeeded in presenting to the House and to the country as a whole a measure which will ultimately lead to good business, for the sake of which alone we have been undertaking all these labours. I do confess, as I said at the beginning in my general speech, that we have arrived at a stage of our progress in regard to insurance business now where we cannot stop and sit with folded hands; and the present law of insurance would not do, that it needed modifications, and modifications of a radical character, and I do maintain, in spite of my differences on certain points with the Honourable the Law Member and differences of my Group also with him and with the Members of the Congress Group, we have been able to work together and to give the country a measure which deserves to be given a fair trial by this country, and which I strongly hope and trust may ultimately prove to be a sure and sound foundation of the work of insurance business hereafter, at least for some time to come.

Sir, some of my friends, and particularly the Honourable the Law Member must be feeling a great deal of relief when he is moving the Third Reading of this Bill. He must be feeling like a man who having to make a long and arduous journey, after a hard struggle, comes to a stage when he sees that the uphill journey is over. In the case of Bills particularly, the passage of a contentious Bill through this House is really uphill work. When the height is scaled and when the top is reached, the future journey is comparatively easy. I am quite sure the Honourable the Law Member must be looking forward to the passage of the Bill in the other House not as a journey of ascent, but as a journey on a level road. He has now that feeling in him, and we also think as his collaborators in the arduous task that we have been able to bring the Bill to such a stage that it may pass without any serious opposition elsewhere. That is the situation to which we have brought this measure. In connection with this Bill, it was, I maintain, the privilege of my Group to have moved a certain number of amendments, and it is but natural in a debate in which the parties are seriously divided on certain vital points and there is a sincere feeling of conviction behind, that some hard words are exchanged. But we must remember that this is a time when we have to forget all that. If certain expressions have been used by Members on this side or by Members of this Group to which I have the privilege to belong, it was not really intended to show that anybody was acting wickedly in this House. There was no intention to attribute any wicked or unworthy and wrong motives to anybody at all. It was intended merely to express how keenly we felt that on certain points those whom we expected to lend us their support were not supporting us. It was only this sense of

keen disappointment which was responsible for certain hard expressions that were being used. If two reasonable men come together and say that two and two is four, we are not foolish enough not to understand it and to say it is an unholy alliance. You must give us credit that we understand and that we have got common sense to know the simple calculation that two and two make four. We protested only when we were seeing that two and two instead of becoming four were either five or three. There were points on which we expected my friends on the Congress Benches to come to our help and assistance, as they have always undoubtedly been the champions of the cause of the poor, of the cause of the weak, of the cause of the depressed, and with whom we have had the privilege of working for so long a period—when we find that our expectations in this direction were altogether frustrated on certain occasions, it was but natural to use expressions to the effect that they had entered into an unholy or undesirable and unexpected combination with those who never saw eye to eye with any Member who were sitting on this side of the House. A sight like that sometimes startled us, and in our startled moments expressions have been used of which my Honourable friend, Mr. Satyamurti, ought not to have taken any serious notice at a stage which we ought to be in a position to recognise the virtue of mutual assistance and joint labours of all and how every Group and the whole House have contributed their best to make the Bill what it is today. Mr. Satyamurti will certainly, in a calmer moment, admit that my Honourable friends, Dr. Banerjea, Pandit Lakshmi Kanta Maitra and Amarendra Nath Chattopadhyaya are not persons who will espouse a cause for which they do not feel strongly and are not men to lightly find fault with those with whom they have been working for the whole of their lives. But if they were constrained to use strong language, it was because of the keen feeling of disappointment that on certain vital points they expected some kind of result, but, unfortunately, that result was not forthcoming. It should be taken only as an expression of keen disappointment. I myself do not like to use hard words at all and I do not at all feel anything even if anybody else uses harsh words against me, because hard words break no bones. If anybody uses a hard word against me, the moment I go into the lobby I can go and shake hands with him without even remembering that he has used hard words. It has never broken any bone when I heard it, and much less will it break any bone some time after it. Though there were unfortunate occasions for intimate friends to differ from each other during the debate over this Bill, still I do not think that it is likely to create any feeling of estrangement between those Benches and these Benches, because, after all, the distance between us is only a few feet. The heart is the same and we are working for the same purpose and we shall, God willing, be working, hereafter, for the same purpose. It is not for the first time that we have had this. Even on the Companies Bill, I had the privilege, at times, of making an "unholy alliance" with the Honourable the Law Member and voting against my friends on the Congress Benches. I am not afraid of joining hands with those Benches at all if I find their position to be reasonable and my convictions agree with them. I hope my Honourable friend, Mr. Satyamurti, will understand that the expression "unholy alliance" was not intended to indicate that there is a general spirit of demoralisation and that the Congress friends have altogether

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forsaken their principles, but only there was a feeling of disappointment at the attitude of some of the Congress friends on some of the most vital points connected with the present measure.

I want to say something about some other points. One thing must have struck everybody. Some of the admirable speeches, which the Honourable the Law Member has made in this House,—I am not referring only to the speech which he made in the general discussion but also to those delivered by him in defence of certain clauses also—cannot be forgotten. My Honourable friend, Mr. Satyamurti, has made a very eloquent and pertinent reference to one of such passages in these speeches. I refer to the same passage in which he tried to defend the rights of the Indian people, to protect their own interests against the aggressive tendencies of the foreigners and the words which he used at that time will be ringing in our ears for a long time to come. Therein we found that it was not a Government servant who was talking, but it was an Indian heart that was speaking through him, and it was because of that, because of the deep patriotic conviction in him, that I feel that any measure of this kind, however much one may differ from him at times on this point or that point—any measure intended for the amelioration of this country in his hands is a safe measure and he is a safe pilot in whom we can put our confidence.

Mr. H. A. Sathar H. Essak Sait (West Coast and Nilgiris : Muhamadan) : Patriotic heart,—Mr. Satyamurti said Congress heart.

Mr. M. S. Aney : I identify the word Congress with patriotism. I cannot understand being a patriot and at the same time not being a Congressman. Those who are not in the Congress are also of Congress mind. They are inwardly Congressmen if they are really patriotic. They may or may not take the label of a Congressman, but inwardly they are all Congress minded. But if they do not like the label Congressmen, they can choose any label they please. Unfortunately, my Honourable friend, Mr. Satyamurti, made a reference, in the course of his speech, to this, that, if all the amendments of the Bengal Group representing the small companies had been carried, nothing would have been left of the Bill except the preamble. I thought that was the way in which the Honourable the Law Member at times spoke ; in his humour he permitted himself such exaggerations. But when he was quoted with approbation by my Honourable friend, Mr. Satyamurti, I thought he had failed to understand the humour underlying that remark. Our amendments did not say that no limitations were necessary, no restrictions were necessary. They only said that the amount of restriction that you wanted to impose was unreasonable. They never said no investment was necessary or that no deposit was necessary. They only said that the way in which you were running amendments had been carried, I make bold to say, in spite of the eloquent speech of Mr. Satyamurti, and whatever else the Honourable the Law Member might have to say, hereafter, that they would have made the Bill much more acceptable to the country and would have brought more laudable results than it is likely to do now. I am not entirely dissatisfied with the Bill, but I am not wholly satisfied with the Bill either. That is my posi-

tion. No human measure can be perfect. As men we are all liable to some kind of limitation, and every human creation is bound to be imperfect. That is my consolation. Another consolation is this. In spite of all these differences, the Honourable the Law Member, in his admirable speech, stated that he was open to conviction, and let me say that, in spite of our differences, whenever any suggestions were made he used to weigh them carefully and he really kept an open mind for a long time, except on one or two points on which he had his own opinion. But he consistently kept up an open mind and it was because of that open mind of his that we were able to place before him certain suggestions which he accepted and which have really gone to make this Bill more acceptable and a better and improved one.

Before I sit down, I do want to make one remark and that is this. As the way has been shown by my Honourable friend I think it shall not be right for me not to refer to the very hard work done by three or four Members of my Party in connection with this Bill. First and foremost, there is my Honourable friend who happens to be in the Chair now. He had been in the Select Committee and his experience and advice had been of great use in considering the various points that came up before us. Then, there are Dr. Banerjea and Mr. Maitra. They cannot be forgotten. I ought not to forget also to refer to my friend with a respectable flowing beard, Sardar Sant Singh. These four persons have worked hard and I believe if Sardar Sant Singh had been present in the House, clause 43 would not have been passed by this House so smoothly as it did. We would have witnessed at any rate an interesting debate on that question. Lastly, I must express my admiration for my friend Mr. Ananthasayanam Ayyangar which compels me to make a reference to him. When I spoke at the time of the Companies Bill and when I made a speech on the third reading, I specifically mentioned his name after having paid my tribute to my friend who is no longer in this House and whose presence we have been missing here so much for all these days and who is now, however, occupying a very responsible position outside as the Premier of the United Provinces. I then mentioned that here was a young man who is showing a capacity for work and has an acumen and subtlety which is bound to elicit the admiration of this House. That prophecy which I made about him at the time I am glad to find is more than justified. It was because of his labour and the labour of his friend, Mr. Santhanam, that we have been able to find out many little points which would otherwise have escaped notice, and many inconsistencies have been eliminated. I want to express my appreciation of the work of Mr. Ayyangar and Mr. Santhanam.

Before I sit down, I wish to pay my tribute to Mr. Satyamurti himself. It will be unkind of this House, it would be in fact playing Hamlet without Hamlet himself if we do not pay our tribute to his services. It was he who has taken a great deal of pains ; and although he is responsible for some of the evils of which I and my Group have been complaining it must be admitted that he is also responsible for improving this Bill to a large extent on some very important points. If he has got his points of weakness, he has also his points of strength and greatness. It is true that on certain points he remained strong and adamant. From the tributes that he has just paid to the great loyalty of his Party, I feel

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we are coming up to the age of Hitler. I do not know whether on many of the points that came up he had the real majority of the Party behind him but it is nevertheless true that there is a spirit of loyalty—a spirit of subordination to the Leader and allegiance to the Party, which deserve mention. Therefore, even if a Hitler is coming tomorrow, we are being gradually prepared and trained to follow him. We have come to that stage. It is because of the spirit of co-operation among the various Leaders and different parties in this House that we have been able to bring about this Bill in a presentable and acceptable form. I shall not forget also the valuable contribution made to this debate and to this Bill by the Members of the European Group. There were certain points on which I did not see eye to eye with them but I found that on other points they were able to take a reasonable view of things, a more reasonable view than some of us could take. In spite of their strong sense of selfishness—I'll add enlightened selfishness (Laughter) there is a feeling of doing justice to the land which feeds them and where they make their fortune. That spirit is there and it is that spirit that is a guarantee for the future, that enables us to work with them, if necessary, in the interest of working up for the ultimate goal we have in view, namely, the complete independence of India. Last time when I finished my speech on the Companies Bill, I had an occasion to have a little chat with the Law Member. He said then (I don't know if he remembers the incident now) "Mr. Aney, my next anxiety is to tackle the Insurance Bill". He said that in the case of the Companies Bill, he could rely upon one thing. There was an organised group of persons known as the Shareholders' Association, and those fellows took all the pains to present the share-holders' case, and, therefore, he had no anxiety as to leaving anything that would really be of benefit to the share-holders but, so far as this Bill is concerned, he said, that the policy-holders were an innocuous and unorganised body scattered over the whole country and he did not know whether the case of the policy-holders would be properly presented to him and whether he would be able to do justice to the policy-holders or not. Now, we have come to the end of the measure. I say now that we have seen that in this House there is an overwhelming love and regard for the policy-holder, so much so that some people thought, even the Leader of the Opposition thought, that in that love and regard for the policy-holder, the existence of one to whose existence the policy-holder owes his existence is likely to be forgotten. Insurance business does not mean only the policy-holder. There is somebody else, the insurer. Whatever injustice may have been done to the insurer, so far as policy-holders were concerned, their interests have been safeguarded and, in fact, the difficulties that have been imposed upon the insurers and some of their workers are mainly due to this extraordinary regard for the interests of the policy-holders. I can assure the Honourable the Law Member that the policy-holder has found in him the strongest champion and, therefore, this Bill so far as the policy-holder is concerned is a tolerably safe and reliable measure. I do not want to take more of the time of this House but there is one more remark which I want to make. The Law Member told me once, I don't know if he remembers it, that Indian business requires to be considered from three points of view. First, was its organisation, then, its financing and the third, he mentioned, was banking business. I wish that he takes rest now after his strenuous labours, which he so well deserves and let him, after that, before he lays down his reins,

take up the question of improving Indian banking business and if he does that, I am sure it will do immense credit to the great position that he occupies today. Law Members have come and gone but my friend, Sir Nripendra Sircar's name will go down to posterity as the person who has made a sincere attempt and a substantial contribution to the Statute-book, a contribution which is bound to result in helping the economic and industrial progress of this country in the years to come. In this I wanted to include also my Honourable friend, Mr. Sushil Chandra Sen, and I am glad my friend behind me has reminded me of a duty which I would have been guilty of not performing if I had not done it now. I want to mention this fact also that when I spoke of the Honourable the Law Member I had always in my mind his counter-part Mr. Sushil Chandra Sen (Hear, hear), but for whose help it would have been difficult even for him to have so successfully piloted this Bill. Sir, my friend, Mr. Sen's labours, his industry, the acumen with which he has prepared his able report and the lucid explanations that he has always given, whenever any difficulty arose, have helped us to understand the Bill and to find out what was the proper way of meeting it. Therefore, Sir, I should like to say that this House feels greatly indebted to Mr. Sushil Chandra Sen for all the troubles he has taken and for the great ability he has brought to bear upon this legislation. Sir, I only want to add one word, *viz.*, that I give my support to the motion moved by my Honourable friend, and I wish that this motion will be unanimously passed and the Bill will have a safe passage in the other House. (Loud Applause.)

Sir Muhammad Yakub : Mr. Deputy President, everybody in this House must have taken a sigh of relief today to find that the discussion on this Bill is now coming to a close. Sir, this Bill has taken over three weeks in the House itself, and the record of amendments was broken when over two thousand amendments were tabled and a very large number of them were also moved and debated upon. We have had many legislative measures in this House, and, since 1924, when I have been in this Assembly, I have seen many contentious measures being debated and passed in this House but never did any legislative measure create such a thrill, not only in the House but in the whole of Simla, as was created by the Insurance Bill. About one hundred persons, who were connected with the insurance business, were staying at Simla since the Bill was before the Select Committee, and besides, many other beneficiaries. I know that the Cecil Hotel made a very thriving business out of this. Dinner parties and luncheons were the order of the day, and it was during this time that my friend, the Chief Whip of the Congress Party, entertained some of them at a cocktail party in the Cecil Hotel. But in spite of many conflicting opinions and different ways of thinking, it must be recognized that the law of insurance has been placed on a fairly sound basis. The chief conflict lay between the major and the minor or the bigger and the smaller companies and, as is usual everywhere in the world, the more influential and the more resourceful companies have made the best of their opportunities. I am told that most of the amendments which were either passed by the House or were accepted by the Government were those which were tabled according to the suggestions of the representatives of those big and resourceful insurance companies, but there is always a thorn with the rose. Unfortunately, the amendment of my esteemed friend and professor, Dr. Ziauddin Ahmad, who has no doubt made a very valuable contribution to this debate, has, as they say, embittered altogether the

[Sir Muhammad Yakub.]

cup of joy of the company managers which was passed in spite of the forceful and eloquent defence of the Honourable the Leader of the Opposition, and many of them, I am told, left Simla the very after-noon in disgust, much to the disappointment of those who made business out of them. (Laughter.) Well, Sir, really it is very difficult to satisfy everybody and every interest in this world, and I think it is not possible to see what would be the cumulative effect of all the amendments which have been made in this Bill, in the House, until the Government have got time to go through the whole Bill, and I say it was extremely wise on the part of Government that they did not try to rush this Bill through the Council of State this Session. They will now have time to go through the whole Bill and see what would be the cumulative effect of certain amendments which were passed,—probably some of them on account of the eloquence or party strength of certain parties in the Assembly,—before the Bill goes to the other House, I think Government itself would be in a position to table some amendments so as to improve the Bill and to remove contradictions. There are certain points, no doubt,—for instance, the Managing Agents, or the re-insurance question or the question regarding the reserve funds which the companies ought to keep : these are points which require, no doubt, careful consideration and now that the Government have got time at their disposal, I think, before the Bill goes to the other House, they will carefully go through all these points and scrutinise them and I hope, that after this Bill has emerged out of the two Houses, it will probably then be an improvement on the existing law of insurance. Mr. Deputy President, the Bill has no doubt taken a very long time in the Assembly ; my friend, Sir H. P. Mody, has suggested a way of shortening the procedure of going into Select Committees. I would, with your permission, suggest even a shorter way of getting the thing which he requires, that is to say, that all the Bills should be referred to a Select Committee consisting only of one of the mill-owners of Bombay and then they should be allowed to have a proxy in their pockets to vote in the House (Laughter) and then I am sure all the contentious Bills, particularly those which relate to financial matters, will probably be passed within a few minutes.....

Sir H. P. Mody : You are quite right.

Sir Muhammad Yakub :and I think my friend, Sir H. P. Mody, has crossed the floor of the House and is sitting along with the Honourable the Law Member, and with the other Treasury Members now, in order to persuade them to adopt the method which has just been suggested by me. Sir, I do not want to take much of the time of the House but I should not be doing justice to myself if I did not refer to a very minor incident which happened between a Member of my Party, Mr. Bajoria, and the Honourable the Leader of the Opposition. I am very glad that the Leader of the Opposition, with his usual magnanimity, wrote a letter to my Honourable friend, Mr. Bajoria, and said that he did not mean to hurt his feelings. I am very glad that this harmony between different Parties, which is so necessary in order to carry on the work of this Assembly, has been restored by the courtesy of the Leader of the Opposition.

Now that big bouquets of praise and encomiums have been showered
4 P.M. on the Honourable the Law Member and his lieutenant,
Mr. Susil Sen, it would be extremely improper on my

part if I did not also present to both of them a small button-hole of my tribute. There is no doubt that the Honourable Sir Nripendra Sircar has perpetuated his name in the annals of this Legislative Assembly by steering through two very important legislative measures, namely, the Companies Act and the Insurance Bill, and both he and his lieutenant, Mr. Susil Sen, richly deserve our tributes, compliments and congratulations. As has already been suggested by my Honourable friend, Mr. Aney, when the Honourable the Law Member has also placed the Banking Law of the country on a sound basis, he would have broken the record of legislative work in this Assembly. Now, Sir, I would not indulge in showering praise over everybody in the House and without turning the House into a mutual praising society I support the motion before the House.

Mr. Bhulabhai J. Desai (Bombay Northern Division : Non-Muhammadan Rural) : Sir, it is rather unusual that nearly the whole day should be spent on the third reading of a Bill, but I appreciate the occasion when a long, difficult and arduous task has been performed. While I am overwhelmed with the sense of criticism of what this House has achieved or failed to achieve, I have this satisfaction that every Member of this House has approached the Bill before it and he has not suffered for want of pressing the views from any point of view from which they emerged. I have not that proper sense of bitter humour or bitter sweet humour which characterises the Leader of the House and it is better, therefore, that I must confine myself to my own mode of expression of what I have observed and what at the end of this arduous labour I feel in regard to this Bill. So far as any personal praise in this matter is concerned, it appears to me that I am not quite fitted for the purpose of giving due expression, not so much because of want of language.....

Mr. M. S. Aney : Of which you are a master.

Mr. Bhulabhai J. Desai :but because I feel that it is far better to speak perhaps a sentence in which you have put in and concentrated all you wished to say instead of taking much more of your time. Apart from any question of political measures, in so far as the Indian Companies (Amendment) Bill was concerned and so far as the Insurance Bill is concerned, I would not undertake the task of supererogation of telling the House what is already known as to the unique abilities, the experience and the self-possession of the Leader of the House. But I have this greater satisfaction that in the case of these two Bills we were able, without much difficulty, to pool as much knowledge and experience as we possessed in order that we may be able to assist in a proper and effective legislative measure, having borne in mind the purposes of those two Bills. In that encouraging helpfulness of pooling our resources, I have great satisfaction in acknowledging what has been done by me. Bouquets of compliments can be paid and I have brought none of them, but I have brought a warm enough heart to the task which I am now to perform and which I, therefore, feel that we owe it to the House that, whether the public at large disagrees with us as to the measure and whether the Parties, during the interval of the Bill, were disagreed as to the measure, we are all agreed today—at least I hope we are—that, though the Bill might have been better, if each one of our opinion had prevailed, we have to accept the common minimum reserve or the

[Mr. Bhulabhai J. Desai.]

common maximum reserve in whichever way you may look at this matter. On that, I tender my felicitations to my Honourable friend. My Honourable friend, Mr. Susil Sen, as I have already said, produced a commendable Bill with the assistance of the Draftsman and I must confess to a sense of small disappointment that out of 2,000 odd amendments, I was only able to allow, so far as in me lay, about 200 to be moved. It is a guillotine of which my Honourable friend, Mr. Satyamurti, complained.....

Mr. S. Satyamurti : I did not complain.

Mr. Bhulabhai J. Desai :while he talked about everybody else. Though it happens that Mr. Ananthasayanam Ayyangar and Mr. Satyamurti are members of the Party to which I belong, I think it is right that we must acknowledge that their energy, their initiative and their industry contributed a great deal to the utility of this House. As regards my friend, Mr. Susil Sen, not only did he produce a commendable report but, since then, has worked hard to understand every point of view. To say that he and the Leader of the House were accessible is using very mild language for the simple reason that I think, occasionally, he has had reason to complain, a complaint which we on this side of the House, being public men, cannot afford to voice, that he was being too much educated. But for myself I feel that we cannot be too much educated though, at the same time, I must confess that you cannot, in this life, please every interest where conflicting interests in a measure of this kind are concerned. To anybody who is disappointed either inside or outside this House all I can say is this that our endeavour has been for the larger cause of the purity of the business and for the advancement and growth of Indian insurance. In that, everyone of us has contributed a share of experience, knowledge, ability, industry and, to the extent to which he could, persuasion. In response to what my Honourable friend, Mr. Aney, said, I am not one of those who believe that any combination—and it was not a combination in this case—of those who say that two and two is five is good enough. I hope and trust that from my point of view, at all events, whenever I have made a combination with him or with my friends of the middle or my friends opposite, I have always believed that it was because two and two made four and that they accepted the same formula. I have no doubt that it is possible to say from the point of view of those with whom I did not combine that my sum of two and two made four was wrong, but I am glad to have the credit of at least not being misunderstood in any matter.

Sir, during the course of this debate, I was the subject of many criticisms, many temporary elations, many temporary supposed victories, but, at the end of it all, what must prevail is a sense of duty irrespective of what others may feel as to the course that we are adopting, and I am glad to be able to say that so far as in me lay, so far as in those who work with me lay, we have tried to put forward our point of view and though it may be very much wished that as a Party we must express different views and though discipline may be called the complex of Hitlerism, I am one of those who believe that you cannot work in any organisation as a party without a sense of unity, without a sense of

mutual restrictions on each other's views to produce the best results. (Hear, hear.) It is only in that way that we can work, otherwise, disintegration may begin which even those who wish it for the time being would in the end regret. Therefore, I am not at all sorry that notwithstanding apparent differences, and I welcome them in our Party myself, of course they are expressed with fullness of candour, enthusiasm and even vigour, but then here I do not object to any friends of mine telling me that he does not accept a particular judgment on the question on a purely personal view, but once it becomes a Party view we try to negotiate, understand, appreciate, restrict, deduct, add and, in the end, come to a conclusion. Having done that, we hope and trust that we shall continue to act in the same spirit and, if my Honourable friend, Mr. Aney, would want to produce a Hitler in this country, we will give him a few lessons.

(Coming to the question of the Bill itself, I only wish to say a few words. But before I come to it, Sir, there is the class of helpful servants of this Assembly—I call them servants in no ignoble sense, for they serve nobly and silently, I refer those who assisted in collating these 2,000 amendments, so that we were able, every evening, to sit down the remaining three hours and perform our task with some regularity and be able to present to the House, as time went on, with proper form—I refer to the Assembly office for having done the work with celerity. As regards the Bill itself, there are only a few words, which I wish to say, for I have already expressed my views on two occasions apart from short speeches which I made when the amendments came up before the House. I have a sense of disappointment that I have not been able to contribute to the extent to which I would have wished, had this been our sovereign legislature (Hear, hear) for the purpose of encouragement and growth of my country's progress in this direction. For indeed, I think it is a truism which I want all my friends here to appreciate that if to be a pro-Indian is to be anti-anything else, I think it is a misconception which if they in their own minds turn over, they would find it regretful to express the contrary. For, if a Britisher were pro-British, I believe he is not anti-world. If he is that, then he may have a return compliment from me that I am a pro-Indian first and also last and to the extent to which we have power and authority which we find restricted and constrained, we will make every endeavour in order that we may progress in our country as they have progressed in their own, apart from the progress which they may have done in the rest of the world. So that, our points of view, where they differ, are points of view which I am quite certain they must appreciate and that is this. That we desire and we must desire, that if it were not difficult in this case that another interpretation of section 113 might have held up this Bill, I still maintain that I would have ventured to submit to the House the definitions which I suggest and pass on that definition, if you like call it a discrimination in favour of my own country. For who is not patriotic enough in this world, who does not discriminate in favour of his own. (Applause.) It is all very well to be altruistic, to be international, but when it comes to actual business, I have not yet seen any single race dealing in politics of today, while talking of internationalism, are not exclusively national in the advancement of their own interests. I, therefore, make no apology whatever for the point of view that I press with apparent bitterness which some of my friends saw when I spoke. My bitterness is only its value. When I feel

[Sir Nripendra Sircar.] I think that that is a very large section of this House. I put myself in the shoes of those who hold that opinion. They were confronted with two difficulties : (1) If they pressed for the logical end of their own conviction, they would have been entitled to press for certain measures like the definition of "Indian insurer" or provision for "compulsory re-insurance" or discrimination in the matter of investments under section 26. (2) If, on the other hand, owing to the difficulties, which I pointed out, they preferred not to press that opinion (because being confronted with the choice of two evils they had to make up their mind as to which on the present occasion is the greater evil), that must have led to severe mental struggle, and they had to make up their mind as to whether they would wreck this Bill, a Bill which is so very necessary for putting Indian insurance on a good and sound footing, for getting control over outside insurers (remembering that at the present moment we have none), whether, with all these good features, this Bill must be wrecked, or whether matters should be brought to a head and the issue tried over section 113. As I say, Sir, those who did not agree with my construction of section 113 were placed in a very difficult situation. I acknowledge very gratefully, and I refer to no particular section but to all sections of the House, that I was given every opportunity of explaining, on the floor of this House as well as on numerous occasions outside this House, my difficulties and the practical realities of the situation. And, if in the end, almost all sections of the House decided, without prejudice to their contention and without giving up their point once and for all or for all purposes,—if they have decided on this occasion to waive their point and to agree to pass a Bill which will do good to Indian insurance, if I may say so humbly and with respect to all sections of the House, they have chosen the wiser course. But I can assure the House that I can quite feel for those who were confronted with that difficult situation; for, speaking for myself, no difficulty arose because I had my own opinion about section 113. I have no doubt that it prevents the discriminations which were intended. Sir, when I said that I had the opportunity of talking very frankly and discussing very fully with Members of the House, sometimes with them as parties, I include every section of the House. I had numerous conferences with the European Group, the Congress Group and with practically everybody in the House; and I believe, it is these conferences, which, at first seemed to be interminable conferences, that really ended in our getting a measure of this kind which has been remarkable by the absence of divisions. During these 19 days there were five or six divisions, three or four of which were on very trivial matters, and on all the big controversial points there was hardly any occasion for pressing matters to a division. That shows that in the end we had been able to come to a kind of agreement over the main controversial matters involved in this Bill. I frankly confess that when I started with this Bill I was not in a very optimistic mood.

Sir, as I do not propose to go over all the points which have been raised by the numerous speakers who addressed the House today, I will choose some of the more important points. My Honourable friend, Mr. Satyamurti, referred to clauses 12 and 15. As regards that the position is this. An objection was taken by the European Group that in as

much as clause 12, as passed by the Select Committee, made discrimination between Indian and outside companies, that was unfair. The point that was made by them was that it is not fair that the Indian companies would give returns or accounts or figures for their total business, while they, the outsiders, should be asked to send in their returns only for their Indian business. The unfairness of that they pressed very much. Sir Cowasji Jehangir to meet their point successfully moved his amendment for amending clause 12, and its effect is that outside companies and inside companies have been placed on exactly the same footing. I believe that is the effect of his amendment. Therefore, the result achieved by the amended clause 12 was to remove that particular objection which was pressed very much from one section of the House,—the question of discrimination. It was conceded during the arguments, both from the side of Government and the European Group, as also from the Opposition, from Mr. Desai, from Sir Cowasji Jehangir, that this fight over clause 12 was really not of much concern. What the two parties were after, what they were fighting for, was clause 15, or rather sub-clauses (c) and (d) of clause 15. Mr. Satyamurti and some of his colleagues had an amendment for complete deletion of clause 15; and clause 15, however limited its operation is, is a discrimination not against but in favour of outside companies. It is meant to give the latter relief in the matter of filing their returns, accounts, papers and so on. Controversy was raised, and very naturally raised, though not fiercely, over the question as to whether the relief given to outside companies is substantial. Is it as much as the outside companies can reasonably expect, or it is too little? Over that, opinions are bound to differ, but the European Group had no objection except as to 15 (c) and (d). The point is that in so far as clause 15 goes, that is a clause intended to make a discrimination in favour of outside companies. That is a point which the House has got to remember. Then, we were confronted with this position: by reason of Sir Cowasji Jehangir's amendment having been carried, both sets of insurers, Indian and foreign, were put on exactly the same footing. Mr. Satyamurti did not move his amendment for deletion of clause 15, nor had my friends, Mr. Chapman-Mortimer and Mr. Buss, moved their amendment for deletion only of sub-clauses (c) and (d). I was not aware of any agreement—not that I am complaining, I know it was done on the floor of the House at a time when I was addressing the House and I am really not suggesting that I have any grievance. The agreement was arrived at without their having an opportunity to communicate with me. If I may say so, I still think that was a very reasonable agreement arrived at by the European Group composed of business men, including Mr. Chapman-Mortimer, intimately connected with foreign insurers. When Mr. Satyamurti interjected that "we have come to an understanding", it was the first intimation that I had that some kind of arrangement having been made between the Congress Group and the European Group. All that I can say is that that understanding has been carried into effect in this House. I find that the European Group have carried out their part of the bargain or understanding by not asking for deletion only of sub-clauses (c) and (d); equally the other side—their opponents if I may say so in this particular matter—have carried out their part of the bargain by not moving for deletion of whole of clause 15. That is the position: and by reason of the agreement the Schedules have not been altered to the detriment of either interest. Although by consent

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strongly, as strongly as every Member of this House that my right to legislate for my country should be restricted, as it is in the manner in which it is. If that is bitterness, I confess to it, but more than that, I think every friend in this House recognises that as a mere matter of human element I have never been wanting in friendship and goodwill to any single individual from whom I have had or I have received differing opinion which I have always attributed to be *bona fide*, if I claim *bona fide* for myself.

Coming to the other parts of the Bill I have only to say a few words. So far as I have understood the trend of this legislation, the points of view which have come before this House, a great deal more or a great deal less might have been done. You may have extended the life of Managing Agents, you might have more easily limited or extended the commissions payable not merely to insurance agents, but for other persons interested in insurance business. You might have got rid of or tightened by adding more qualifications to insurance agents.

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

You might have had, had I prevailed, better retaliatory measures in order that foreigners may not compete unequally and unfavourably with ours. But, none-the-less, if in weighing these scales, we have made mistakes, they are mistakes in learning. While those of our friends who came here—and I am very glad indeed that our people have learned the art of the business and the necessity and the value of propaganda (Hear, hear), I am not afraid whether it is called the big business or the small business, the big bug or the small bug, every one who feels pinched in any matter ought to say boldly, and courageously and press his points of view to the extent to which he is able to persuade a diversified House of this kind. (Hear, hear.) When the Companies Act was passed, when I returned to Bombay, they asked me whether I had produced a monster. I had to protest and say that if a monster had been produced, you go to Sir Nripendra Sircar. But, none-the-less, I told my friend that having seen a monster frequently face to face and in proximity, I think they were very much mistaken. The same remark might apply as regards a Bill of this nature. But the working of it will clearly show if any adjustments are needed, and if such is the case, I have no doubt that this House will, at an early date, set them right. But the principles on which they are based are those which may be recognised. Freedom is given for those who are strong, as my Honourable friend, Sir Leslie Hudson, said. We believe in publicity, but no restriction. Yes, I quite agree. If I were strong enough to compete on equal terms, I might perhaps agree to it. If I had learnt that art for as many years as his race had learnt it, I might have agreed to compete; if I had all the wealth and the resources of that race, I might have agreed, but we belong to a poorer race which has been suppressed for quite a long time, for many years dominated and impoverished and, therefore, to the extent to which it lies in us we shall, if you like to say so, impose restrictions on others so that we may grow. I must remind my Honourable friend in this connection that during the last 14 or 15 years, ever since discriminating protection was passed by this House, we have reared at

least five industries, one of which was the subject of discussion only last Monday, and I have no doubt so much so that the complaint of my Honourable friend was, "Oh! he has a baby-killing mania, because they happen to be weak". He says, now that you have more than enough sugar, you produce not only for your own consumption, that is what they say. But my Honourable friends are denying me even the chance of being able to sell my sugar in another country. Our eyes are thus always turned to our brethren in the land. If we feel disappointed, occasionally, by your passing, what we believe to be, unjust restrictions placed upon us, you must not feel that the complaint is bitter. You must recognise its justice; you must assist in their removal if you mean what you say, as I have no doubt you mean what you say.

Sir, there is only one word more and I have done, and it is this that in all legislative measures of this kind it is not possible to satisfy all interests, any more than it is possible to satisfy two suitors who imagine that each one has a claim larger than he has got. But, in the long course of my career in the Bar, I have, to a large extent, recognised that life is a matter of compromises; for indeed if each of us wanted to stand in the same place as the other, having the freedom so to do, it would be impossible. And it is impossible to prove that the compromise we arrived at is good or bad, because that can only be proved by an impossible process, and you must fight it to a finish and lose it when there is no question of compromise left. So that the value of a compromise depends on the judgment that you form as to the future and the confidence in your integrity and in the ability of those to whom that task is entrusted. In that spirit we have worked in the support of this Bill and in that spirit I commend it to the House.

Several Honourable Members : The question may now be put.

Mr. President (The Honourable Sir Abdur Rahim) : I will accept the closure subject to reply by the Honourable the Law Member. The question is :

"That the question may now be put."

The motion was adopted.

The Honourable Sir Nripendra Sircar : Sir, I acknowledge very gratefully the kind words which have been used in connection with my labours over the Insurance Bill. Casting my mind back over the 19 days through which this Bill has lasted before this House, I come to ask myself what is the most prominent feature and the most remarkable incident in connection with this Bill; and I have no hesitation in saying that the point which was indicated by my Honourable friend, Mr. Satyamurti, is really the matter which caused me the greatest anxiety, although the end of that has been a happy solution. The House will remember that there was a long controversy here over section 113 of the Government of India Act. It is quite true that, so far as I am concerned, I have my own view of section 113, and what that is is well known to the House. That is my honest and sincere conviction as regards the interpretation of section 113. But, at the same time, I recognise that there are others who are equally entitled to have their own opinions who do not accept my construction of section 113; and, if I am not mistaken,

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and agreement no attempt has been made to delete sub-clauses (c) and (d), yet I am quite willing to examine the provision on its merits and to see if any real hardship is created by those sub-clauses.

I intend to reproduce the contentions of my Honourable friend, Sir Leslie Hudson's Group and I state them seriatim in my own order : though most of these contentions were not raised on the floor of the House. It was first of all said and I have no doubt that they sincerely believed in the point that if you split up the life fund and show a smaller Indian life fund, that is hardly fair. The Indian business of a foreign company may be relatively small, but it may have millions of pounds in reserve and it may have very large business. That point was really met by the amendment which was carried at the instance of Sir Cowasji Jehangir, because now, in the returns which will come, outside Companies will show not merely their Indian business but also their total business. Then it was said that the outside companies will be on the horns of a dilemma. If they declared a bonus which is considered to be too high, having regard to the comparatively smaller Indian life fund, then it will be said that they are "dumping". On the other hand, if it is too small, compared to the bonus declared outside India, it will be said that they were discriminating against their Indian policy-holders. May I stop here for one second to analyse this argument ? The whole of this argument proceeds on the assumption that the outside companies, because for the purpose of filing their returns have to split up on paper their life fund into two divisions, Indian and non-Indian, therefore, they are compelled or they are required by law, under this Bill, to have regard only to their Indian life fund for payment of bonus to Indian policy-holders. If I may make myself clear : supposing a foreign insurer's life fund for the total business is one million £, and that their Indian life fund is only £5,000, on the assumption that this big company happens to have very small Indian business. If it is assumed that the foreign company will not be allowed to pay the same bonus all round to its policy-holders, whether in South Africa or New Zealand or the United Kingdom or India, out of their general resources, out of their larger life fund, then, undoubtedly, a hardship would have been created. However, section 43 of the Bill which lays no such restriction was not attempted to be amended in any way ; and, at the present moment, there is no occasion for any fear that under this law they will be compelled to have regard only to their Indian life fund, which may happen to be small in some cases, for payment of bonus. Although in one of the speeches, I believe from the Congress Group, that idea was suggested if not clearly expressed, yet I remember that the Mover of the amendment, Sir Cowasji Jehangir, on the floor of this House, made it perfectly clear that he had not the slightest objection to the foreign insurer getting money from England for paying bonus to Indian policy-holders. Assuming, therefore, that the general life fund—may I call it the bigger fund—is available for payment of bonus to all policy-holders, in all parts of the world, then I venture to think there is no substance in this argument relating to bonus ; What applies to an English company or an American company will equally apply to an Indian company. Take for instance the Oriental or the Hindustan : they have got large business in India and comparatively smaller business outside British India—South Africa,

Iraq, the Indian States and so on. If the Oriental is compelled—I believe its life fund runs into five or six crores—and I am supposing that its business in Hyderabad is small and its life fund there is only Rs. 50,000—if the Oriental were compelled to pay bonus to policy-holders in Hyderabad, only out of the fund in Hyderabad, they may or may not be able to declare any bonus there whatsoever. That would be unfair ; but that has not been provided for in our Bill. No amendment was made in that direction. Life fund has to be split up in the accounts only for giving an idea of the Indian business and Mr. Griffiths admits it can be easily done. It is not to be separated for all purposes, and the larger life fund is free to be dealt with for the benefit of all policy-holders. I have no hesitation in saying that, if any such attempt is made, if any such legislation is introduced, we shall certainly oppose it, not in the interest of outside insurers only, but equally in the interest of all insurers, Indian or foreign. We shall oppose any such legislation which may be attempted. Of course none is on the anvil now for limiting bonus to the local fund.

Then, Sir, with regard to the objection to 15 (d), Honourable Members may remember,—I may put it in simple language,—that all outside companies have got to show the monies which they receive in India from outside. That is the long and short of 15 (d). Now, before considering the matter as to whether 15 (d) creates any difficulty or not in the way of outside companies, one has got to consider what are the other provisions to which the outside companies have agreed without demur. I refer first of all to section 26. Section 26, which was not objected to by any section of the House, involves this. The splitting up of the life fund on paper is one thing,—but I am not talking of the life fund but of assets. By reason of section 26 the assets are split up, because you have got to earmark your securities which are held in investment for the Indian business. To that extent, therefore, the outside companies have been willing to separate assets, in the same manner as British companies have to do in Canada. They have agreed to give an accurate idea of what the liabilities are, of the Indian business : liabilities as explained in section 26 for matured claims and for claims which are maturing—to that there is no objection.

Then, the House will remember, and my friends of the European Group will also bear me out, that there had been no objection to putting those two asterisks in Schedule D against the items "expenses" and "other expenditure", which means that the European Group took up a very proper and reasonable attitude, and which was confirmed by my friend, Mr. Chapman-Mortimer or Mr. James, when he said that they had not the slightest objection to show every pice of the expenditure incurred by the foreign insurer in India. The position, therefore, is that first of all, there is no objection to earmarking their investments and to giving an account of the liabilities of their Indian business. Then, secondly, there is no objection on their part to show every pice of expenditure incurred in India. It is equally conceded that the accounts, if they have got to be submitted, must be true and faithful accounts. I am not an accountant, I am not a financier, I am not an actuary, but I ask myself as a man of some common sense, whether the accounts can be correct and full, if you show expenditure to the last pice and omit to show all items on the receipts side. Can that account be correct ? If, therefore, a correct account involves showing all receipts and all expenditure, then what objection can

(Sir Nripendra Sinha) : But if I do not see any chance of that happening, it will do no good to the outside companies. On the other hand, as the law now stands, if it is proved that in some cases there has been "dumping", in that sense, namely, money has been brought from England for running Indian business, I submit not only will there be no consequences, but as carried on if disclosure of these amounts is resisted. I honestly venture to think that that is the correct view of the situation. Because I have dealt with at some length on clauses 12 and 15, it must not be assumed that the European Group are really disturbed over these clauses, or that they will attempt to get out of their agreement, and try to attack 15 (c) and 15 (d) elsewhere. The agreement has been fully carried out by both parties and as the result of that, the schedules remain unamended.

Sir, I regret that I have spoken at some length on clauses 12 and 15. I have now got to come to the general aspects of the Bill. Of course, it

is obvious to everybody in this House that the interests are conflicting and we know what those conflicting interests are. Let us take some of them one by one. We have, first of all, well established Indian concerns. As against them we have what have been called young companies. Then, there is the question of the outside companies. They are again sub-divided into United Kingdom companies and non-United Kingdom companies. We have to add to this the conflicting interests that of the Managing Agent of the company, and all these different interests have got to be reconciled. After the heat of this battle is over, if each Party will sit down and try to think over what they have gained and what they have lost, they will find that no Party can say that it has gained all or most of its points. The decision of this House, if it does not completely please any of the sections,—it is because it is a just decision and it takes into consideration the claims of others. If you take, for instance, first of all, the big companies, what is it that they wanted? I do not say that there was perfect unanimity of opinion amongst them, but, generally speaking, what is it that they wanted? They wanted that provision should be made against the growth of mushroom companies, and without going into details of this Bill, it can very properly be said that they have gained that object; they have not failed. Then they wanted control in some shape or other of licensing and of registration. I am rapidly going through the very important points. Have they lost or have they gained? I think they have substantially gained in getting registration. They wanted prevention of unhealthy competition by means of fixing a maximum commission, prevention of rebate and so on. That is what they have gained. They may have not got exactly what they wanted. The percentages may not be the percentages fixed by them, but substantially they have gained. They have lost really, apart from the vexed question of Managing Agent, on the matters which are covered by section 113 of the Bill, namely, compulsory re-insurance and things of that type. About the young companies, which according to Bhai Parmanand are all going to be killed as soon as this Bill is passed—have they gained nothing? What about their getting ten years for paying their money when the Bill provided for only three, and the Select Committee provided for seven? Then the other amendments which were moved on behalf of the Congress Nationalist Group—I mean, measures like giving a right of appeal from the Superintendent, a right of appeal from the District Judge to the High Court, etc., although big business, no doubt, will get the benefit of those provisions, they are meant for all, big and small. Are they not likely to help the younger companies more than the bigger ones because it is the younger companies with their insecure finances, with their difficult conditions, that are more likely to receive the prompt attention of the Superintendent rather than the bigger ones. I venture to think that when the young companies have a little time for reflection, when the propaganda is over and when they come to think over what they have gained, they will see that there is no justification for saying that they have lost all along the line.

As I do not want to carry over my speech to another day, I have got to omit many of the points I intended to speak on, but I shall be failing in my duty if I do not give in a summarised form the benefits which have been conferred by this House on the policy-holders, and may I rapidly summarise them? The items which I am going to mention are all intro-

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duced for the benefit mainly of the policy holder. When they talk of business being run on sound lines, what does it mean? It means that the policy holder will run no risk and that he will get his money when it falls due.

1. Working capital, to prevent the policy holders' money being resorted to for expenses.

2. Deposits on life fund have been made the absolute security of policy-holders, and cannot be applied either directly or indirectly for any purpose other than that of life insurance.

3. The dividing principle has been barred and the rights under policies have been maintained.

4. Rights have been given to policy holders to obtain—I believe that was as a result of Dr. Deshmukh's amendment—certified copies of all reports and statements.

5. The provision for 55 per cent. of the liabilities to be invested by United Kingdom and Indian companies and 100 per cent. by non-United Kingdom and non-Indian companies. That is also for their protection.

6. The high remuneration paid to Managing Agents. If that has been barred, that is equally in their interest however much we may quarrel as to the number of years over which they should be allowed to run or the restrictions which should be placed on them.

7. Loans to directors, managers, Managing Agents, auditors, actuaries and other officers have been prohibited.

8. We have not been able to fix an expense ratio, but I do submit that indirectly there has been a check on expense ratio by providing for the maintenance of 55 per cent. of the liabilities in gilt-edged securities, by limitation of commission and prohibition of rebates.

9. The Superintendent of Insurance has been given very extensive powers to safeguard the interests of policy holders,—powers of investigation. In passing, a question was put to me in a speech by my Honourable friend, Mr. Satyamurti, about the duty of the Superintendent to find out what commissions have been paid. It ought to be his very important duty, and knowing the world as we do, if a company is really paying too much commission there will be many friends outside to give the information to the Superintendent. (Laughter.)

10. Then we have given the right of audience in case of schemes for amalgamation and transfer.

11. We have given the right of representation on the board of directors.

12. To prevent insurance companies from sitting over monies on the ground that they do not know whom to pay, provision has been made for deposit in Court.

13. As Mr. Satyamurti has pointed out, we have given the right, whatever the conditions in the policy may be, to bring their suit in India and to be governed by British Indian law.

14. And a very great improvement, which the policy holder will gratefully recognise later on, is the provision which this House has made for disabling insurance companies after two years from raising frivolous pretexts for repudiating claims.

15. Then we have put in a restriction on dividends except from surplus ascertained on an actuarial valuation. In the case of provident societies, we have a like provision for actuarial certificate, for soundness of the scheme, for working capital and so on.

Maulana Zafar Ali Khan (East Central Punjab : Muhammadan) : I wish you could satisfy Bhai Parma Nand.

The Honourable Sir Nripendra Sircar : But he is not here to be satisfied.

As I said, I must leave unsaid many things which I should have said if I had risen a little earlier. I should conclude by saying 5 P.M. that it is not a mere platitude in which I am indulging when I say that I have received co-operation from every section of the House, and the invaluable services of Mr. Sen and I gratefully acknowledge the opportunity which was given to me by every section to express my difficulties and also to understand their views. There was one remark made, I believe it was made in the heat of the moment. It was said that the European Group here is out to wreck this Bill. Well, I have met them very often. I judge them not only by what they have done here but also by the discussions we had, and I do believe that that statement has been made under a complete misapprehension. I do not for one moment suspect that there is any desire on their part other than the desire of every section of the House that they will help me in getting a Bill which will be as good a Bill as is possible in view of the conflicting interests. Sir, I have nothing further to add. (Loud Applause.)

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

“ That the Bill, as amended, be passed.”

The motion was adopted. ✓

The Assembly then adjourned till Eleven of the Clock on Tuesday, the 5th October, 1937.

LEGISLATIVE ASSEMBLY

LEGISLATIVE ASSEMBLY

Tuesday, 5th October, 1937

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

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MEMBER SWORN.

Mr. Mead Slade, M.L.A. (Government of India : Nominated Official).

STARRED QUESTIONS AND ANSWERS.

(a) ORAL ANSWERS.

MARKS FOR *Viva Voce* IN THE INDIAN CIVIL SERVICE EXAMINATION.

998. *Pandit Sri Krishna Dutta Paliwal : Will the Honourable the Home Member state :

- (a) if it is a fact that the marks for *viva voce* for the Indian Civil Service competitive examination have been increased from 200 to 300 ;
- (b) when this change was introduced ;
- (c) whether any confidential instructions are issued to the *viva voce* examiners to allot to candidates marks on account of their family position or religious faith ;
- (d) if any method is prescribed for the assessing of marks at the *viva voce* examination ;
- (e) if the quality of answers and not the fluency of expression only is taken into consideration at such an examination ;
- (f) what the exact position in order of merit would be of the first five candidates selected in India at the 1937 examination, leaving the *viva voce* marks out of consideration ;
- (g) if it is a fact that one selected candidate got only ten marks out of 150 in Essay but was given 280 marks in *viva voce* ;
- (h) if it is a fact that while formerly it was announced that only three candidates should be selected, actually five were taken ; if so, why this increase was made ;

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- (i) how many nominations were made over and above the number taken on account of their success in competition ; and
- (j) if Government are prepared to reconsider their rules regarding the *viva voce* examination and the desirability of either abolishing it or reducing the marks assigned to it, or having some elected members of the Central Legislature on the Board of Examiners for *viva voce* ?

Mr. R. F. Mudie : (a) Yes.

(b) With effect from the last Delhi examination.

(c) and (d). No.

(e) Yes.

(f) 13th, 2nd, 1st, 12th and 36th.

(g) Yes.

(h) Yes. It is the accepted policy of the Government of India and of the Secretary of State to make Delhi the main channel of Indian recruitment. The entry for the last Delhi examination was increased by 96 as compared with the previous year. The Secretary of State therefore decided to allot two more vacancies.

(i) Seven Muslims were nominated.

(j) The recruitment rules for the Indian Civil Service are made by the Secretary of State. Government do not consider that reason exists for recommending a change in the rules.

Mr. Sri Prakasa : With reference to the Honourable Member's reply to part (g) of the question, is it not strange that a person should receive only ten marks in English essay out of 150, and 280 marks in English *viva voce* out of 300 ?

Mr. R. F. Mudie : That seems to be a matter of opinion.

Mr. S. Satyamurti : With reference to the answer to clause (h) of the question, may I know how and when the decision was taken to select five instead of three, and whether that decision was announced in time for the candidates who appeared for the examination ?

Mr. R. F. Mudie : If my Honourable friend attaches any importance to the exact date, I should have to ask for notice.

Mr. S. Satyamurti : May I know whether the announcement was made before the candidates actually sat for the examination ?

Mr. R. F. Mudie : That is a question of which I should like to ask for notice.

Mr. Mohan Lal Saksena : With reference to part (a) of the question, may I know when these marks were increased from 200 to 300 ?

Mr. R. F. Mudie : I am answering that in the next question.

CHARGE OF POWERS AND RESPONSIBILITIES TO BAZAAR COMMITTEES IN CANTONMENTS.

999. ***Mr. S. Satyamurti :** Will the Defence Secretary be pleased to state :

- (a) whether it is a fact that at the time when the Cantonments Amending Bill was before the Legislature, Government gave solemn assurances that real powers and responsibilities will be given to the Statutory Bazaar Committees which were created to administer civil areas in the Cantonments ;
- (b) whether Government are implementing the agreement and if so what powers and responsibilities have been transferred to these Statutory Committees ;
- (c) whether it is a fact that in the Lahore Cantonment regulations framed under section 44 of the Act have been amended to the effect that the decisions of the Bazaar Committees will have to be placed before Cantonment Boards for confirmation, and if so, the reasons why ;
- (d) whether Government have taken any steps to implement the statement of the Defence Secretary at the time this Bill was before the Legislature, viz., " They are going to remove their Military Estates Officers entirely from Bazaars and they are going to hand over their rights in lands in bazaars to Cantonment Boards to do what they like and when I say Cantonment Boards, I mean naturally the Bazaar Committees of those Boards if as I hope those Committees function successfully " ;
- (e) whether Government propose to vest in the Bazaar Committees the administration of bazaar areas really as also the rights of Government in lands in those areas, and if not, why not ?

Mr. C. M. G. Ogilvie : (a), (b), (d) and (e). I refer the Honourable Member to the reply I gave to parts (a) to (d) of starred question No. 522 asked by Seth Govind Das on the 14th September, and to Defence Department letter No. 654-R.D.-4, dated the 6th September, 1937, a copy of which has been laid on the table.

(c) Yes. The reasons are given in the Defence Department letter I have already quoted.

Mr. S. Satyamurti : With reference to the answer to clause (e) of the question, may I know why the decisions of the Bazaar Committees have to be placed before the Cantonment Board for confirmation ?

Mr. C. M. G. Ogilvie : The reasons are given in the Defence Department letter I have already quoted.

Mr. S. Satyamurti : May I know, with reference to the answer to clause (d) of the question, whether there are any cantonments now in which the rights in lands in bazaars have been handed over to those bazaars committees ?

Mr. C. M. G. Ogilvie : I am not prepared to state the stage up to which the delegation of powers has been reached but I imagine that in response to the letter I have already quoted it will have been done.

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Mr. Sham Lal : May I know whether the Lahore Cantonment Bazaar Committee has commenced functioning ?

Mr. C. M. G. Ogilvie : I have no information.

Mr. S. Satyamurti : No, 1,000. I do not ask (b) and (c), as these have been answered ; I ask the other parts.

MARKS FOR *Viva Voce* IN THE INDIAN CIVIL SERVICE EXAMINATION.

1000. ***Mr. S. Satyamurti :** Will the Honourable the Home Member be pleased to state :

- (a) the reasons which led to the increase of maximum marks from 200 to 300 for *viva voce* examination of the Indian Civil Service competitive examination held in India ;
- (b)
- (c)
- (d) the method by which marks are assessed at the *viva voce* examination ; and
- (e) the composition of Interview Committees and whether care is taken to see that these Interview Committees are absolutely above all prejudices, communal or territorial ?

Mr. R. F. Mudie : (a) Experience showed that maximum of 200 for the *viva voce* in a examination carrying a total maximum of 1,750 marks did not give sufficient advantage to candidates possessing in a superior degree the qualifications which the *viva voce* examination is intended to discover.

(d) No particular method is prescribed.

(e) The answer to the first part is that the Board has in the past usually consisted of two members of the Federal Public Service Commission assisted by a non-official. The reply to the second part is in the affirmative.

Mr. Mohan Lal Saksena : With reference to part (a) of the question, may I know how long the marks in *viva voce* were 200 ?

Mr. R. F. Mudie : I shall require notice of that.

Mr. Lalchand Navalrai : What is the maximum number of marks when the examination is held in England ?

Mr. R. F. Mudie : I believe the *viva voce* marks are 300.

Mr. S. Satyamurti : May I know whether, in raising the *viva voce* marks from 200 to 300, Government have taken into consideration the fact that the personal equation of the examiner and of the examinee plays a much larger part in the assessment of marks ?

Mr. R. F. Mudie : I think that must have been taken into consideration.

Mr. S. Satyamurti : Have Government taken any steps to see that this personal equation does not affect adversely the results of the candidates' written examination beyond the due extent ?

Mr. R. F. Mudie : I would refer the Honourable Member to the answer I have just given to part (e) of the question.

Dr. Ziauddin Ahmad : Is it not a fact that the personal equation is much greater in the written examination than in the oral ?

Mr. S. Satyamurti : That may be in Aligarh !

Mr. Sri Prakasa : In view of the fact that the I. C. S. man has as a general rule to do more writing than speaking, will Government consider the desirability of increasing proportionately the marks for essays also ?

Mr. R. F. Mudie : No, Sir.

Mr. S. Satyamurti : With reference to the latter part of the answer to clause (e), may I know what are the steps Government have taken to see that these interview committees are absolutely above all prejudices, communal or territorial ?

Mr. R. F. Mudie : I believe these committees are appointed by the Public Service Commission, not by the Government.

Seth Govind Das : Do Government not admit that the I. C. S. men have to do more writing than speaking ?

Mr. R. F. Mudie : So my friend Mr. Sri Prakasa has told us.

Seth Govind Das : Do Government admit that ?

Mr. R. F. Mudie : No.

BAN ON DR. HAR DAYAL AGAINST HIS RETURN TO INDIA.

1001. ***Mr. Sham Lal :** (a) Will the Honourable the Home Member be pleased to state whether he pointed out with regard to Dr. Har Dayal in the Council of State on 15th September, 1937, that Government would consider his case sympathetically if they were assured on good authority that Dr. Har Dayal had totally renounced the creed of violence and if he gave an undertaking that he would not participate in revolutionary communist activities ?

(b) Has the attention of Government been drawn to the statement of Sir Tej Bahadur Sapru, dated 17th September, 1937, with regard to Dr. Har Dayal published in the *Tribune*, dated 19th September, 1937 ?

(c) In view of that statement are Government satisfied that Dr. Har Dayal is no longer a revolutionary but a man of highest intellect and also highest character ?

(d) If there is any doubt, are Government prepared to make a reference to Sir Francis Younghusband and other eminent persons mentioned in the statement of Sir Tej Bahadur Sapru ?

(e) If Government are satisfied upon good authority that Dr. Har Dayal is no longer a revolutionary and that he is a man of high character, do Government propose to get an undertaking from a man like Dr. Har Dayal ?

(f) In view of the statement of Sir Tej Bahadur Sapru, are Government prepared to remove the ban on Dr. Har Dayal and place no hindrance in his way and allow him to come to his mother country and serve it ?

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Mr. J. A. Thorne : (a) The Honourable the Home Member, in the speech to which the Honourable Member refers, stated that if Government were clearly satisfied on good authority that Mr. Har Dayal had entirely changed his attitude of mind and was no longer dangerous, there would be much more reason for considering opportunities which he has asked for to come to India.

(b) Yes.

(c) and (d). In view of the statements made by Sir Tej Bahadur Sapru the Government of India are making further enquiries as to the present attitude of Mr. Har Dayal.

(e) and (f). I cannot at present undertake to say what Government will do. That will depend on the result of the enquiries.

Mr. Sham Lal : Is it not a fact that the Honourable the Home Member also stated that if Sir Tej Bahadur Sapru is able to give an authoritative account of his mentality, then he may be able to.....

Mr. President (The Honourable Sir Abdur Rahim) : Honourable Member has already answered that.

Mr. Sham Lal : He only stated that he is to be satisfied. What I am saying is that the Honourable the Home Member stated that if Sir Tej Bahadur Sapru testifies that he has changed his mentality, then he can help him.

Mr. J. A. Thorne : I am answering that question later.

Mr. S. Satyamurti : May I ask if the attention of the Government has been drawn to the following specific statement of Sir Tej Bahadur Sapru :

"Whatever he may have been in the past, I do not think he is a revolutionary any longer and I would strongly urge that whoever else may or may not be allowed to come back, no hindrance should be placed in his way."

Mr. J. A. Thorne : If that occurred in the statement which was referred to in part (b) of the question, the answer is yes.

Mr. S. Satyamurti : May I ask how Government are making these inquiries to which my Honourable friend referred in view of Sir Tej Bahadur's statement? If so, are they making them by themselves or through Sir Tej Bahadur Sapru?

Mr. J. A. Thorne : We are making inquiries both of Sir Tej Bahadur Sapru and of the India Office.

Mr. Mohan Lal Saksena : Is it not a fact that during his long stay in England Mr. Har Dayal has stated several times that he had ceased to be a revolutionary and that he believed in revolutionary methods?

Mr. J. A. Thorne : I cannot say.

Bhai Parma Nand : May I ask if the Honourable Member knows that Lala Har Dayal has been in London for the last 10 years and that on his arrival in London he published the book "40 years in Germany" in which he said that he has changed his views?

Mr. J. A. Thorne : I do not know about the book, but I believe it is correct that this gentleman has been in England for 10 years or so.

Bhai Parma Nand : Is it not a fact that after his arrival in London he appeared for the Doctorate Degree of the London University and he passed it successfully?

Mr. J. A. Thorne : I believe that is correct.

Bhai Parma Nand : If the Government are aware of the change of views on the part of Lala Har Dayal, may I ask why they are hesitating in letting him come back to India?

Mr. J. A. Thorne : It is precisely with regard to the statement as to the change of his views that the Government are making further inquiries.

Seth Govind Das : Besides inquiring from Sir Tej Bahadur Sapru and from the India Office, may I ask what other inquiries are Government making in this respect and how will they be satisfied that he has changed his views?

Mr. J. A. Thorne : We have asked the India Office to make all inquiries that they consider necessary and, in particular, to refer to Sir Francis Younghusband, who was mentioned in Sir Tej Bahadur's statement.

Seth Govind Das : Are the Government going to leave the whole thing to the India Office or are they going to take some initiative themselves?

Mr. J. A. Thorne : The gentleman being in England, the Government necessarily must consult the India Office as to any change in his views which has been expressed.

Qazi Muhammad Ahmad Kasmi : Is it a fact that during his stay in London the activities of Mr. Har Dayal have been absolutely constitutional and that he had nothing to do with the revolutionary activities?

Mr. J. A. Thorne : That is one of the points on which we want information.

Pandit Krishna Kant Malaviya : May I ask how is it that he is not regarded dangerous by the British Government but he is regarded dangerous by the Indian Government, which is subordinate to the British Government?

Mr. J. A. Thorne : That, I suggest, is a matter of argument.

REMOVAL OF A TRI-COLOUR FLAG BY BRITISH SOLDIERS FROM A CAR AT BAREILLY STATION.

1002. ***Mr. Badri Dutt Pande :** (a) Does the Defense Secretary know that in Bareilly two British soldiers removed a tri-colour flag from the bonnet of a private car on the 15th September, 1937, at Bareilly station?

(b) Has any investigation been made in the matter and have the alleged culprits been punished suitably?

Mr. J. A. Thorne : I answered a question on that point the other day. I am not sure whether the Honourable Member was in the House.

Mr. Mohan Lal Saksena : I was in the House on that day and did not the Honourable Member then state that the Government was consulting the Bengal Government in regard to the repatriation of Harbandhu Samajdar? May I know why should the Government of India consult the Bengal Government when Samajdar was convicted in the Delhi province and he resided there?

Mr. J. A. Thorne : My recollection is that I answered that question the other day.

Seth Govind Das : The Government did say that day that they were consulting the Bengal Government about Samajdar. May I know what has been the result of that consultation?

Mr. J. A. Thorne : We have not yet received a positive answer from the Bengal Government about it.

Seth Govind Das : Is it a fact that Samajdar was convicted in the area which is administered by the Central Government?

Mr. J. A. Thorne : Yes.

Seth Govind Das : Then, why is it that the Central Government should not order for repatriation and should consult the Bengal Government in this matter?

Mr. J. A. Thorne : If the term 'repatriation' has any meaning, it means sending him back to Bengal.

Mr. Mohan Lal Saksena : Why is he to be sent back to Bengal? Should he not be kept somewhere in Delhi or in some jail in the centrally administered area?

Mr. J. A. Thorne : That is a question which I answered the other day. I said that he is a Bengali and it would probably be more convenient to everyone concerned for him to be sent back to Bengal rather than brought back to Delhi.

Seth Govind Das : Do the Central Government believe in this racial discrimination that a Bengali should be sent to a jail in Bengal and not kept in a jail in the centrally administered area?

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

BAN ON DR. HAR DAYAL AGAINST HIS RETURN TO INDIA.

1004. ***Mr. Mohan Lal Saksena :** (a) Will the Home Secretary be pleased to state if the attention of Government has been drawn to the press statement issued by Sir Tej Bahadur Sapru on the 17th September, 1937, regarding Dr. Har Dayal, an exile?

(b) If so, do Government propose to remove the ban on him? If not, why not?

(c) Is there any criminal offence for which Dr. Har Dayal is liable to be prosecuted? If so, what is its nature and when was it committed?

(d) In view of the changed political conditions, are Government prepared to consider the feasibility of withdrawing the cases against political offenders now outside India?

Mr. J. A. Thorne : (a) and (b).—I refer the Honourable Member to my answer to the similar question—No. 1001—put by Mr. Sham Lal.

(c) I would refer the Honourable Member to Mr. Maxwell's speech in the Council of State on the 15th September, 1937, in which a short account was given of Mr. Har Dayal's past activities.

(d) The Government of India have always been ready to consider individual cases on their merits. They are not however prepared nor is it within their power to issue a general indemnity.

Mr. Mohan Lal Saksena : With reference to part (c) may I know if, as was stated in the Honourable Mr. Maxwell's speech, Mr. Har Dayal, when he left India, was connected with certain serious offences, such as the Delhi conspiracy case and others? Did the Government of India take any steps to extradite him from England and bring him to justice?

Mr. J. A. Thorne : I want notice.

Mr. S. Satyamurti : I have read the speech of the Honourable the Home Member in the Council of State. May I know if there is any criminal offence for which Mr. Har Dayal is now liable to be prosecuted?

Mr. J. A. Thorne : It is a rather difficult question to answer because the term "liable" is not very precise. But theoretically I suppose that if a person has committed a criminal offence, even as many years ago as 20 years, he is still liable in the sense that he could be prosecuted for it.

Mr. Mohan Lal Saksena : Am I to understand were the offences not so serious as to make the Government of India consider it unnecessary to take steps to bring him out from England to take his trial in India?

Mr. J. A. Thorne : That is not a warrantable deduction.

REPATRIATION OF PRISONERS FROM THE ANDAMANS.

1005. ***Mr. Mohan Lal Saksena :** (a) Will the Home Secretary be pleased to state the names of the prisoners whose repatriation has been ordered from the Andamans?

(b) Will Government please state the respective numbers of the prisoners from the various Provinces who are still in the Andamans?

(c) How long will the repatriation of the remaining Andamans prisoners take?

(d) Have Government considered the question of closing the Andamans as a convict settlement since the last hunger-strike? If so, with what result?

Mr. J. A. Thorne : (a) I lay a statement on the table of the House.

(b) There are 211 terrorist prisoners still in the Andamans, 210 of whom were convicted in Bengal and one in Delhi.

Mr. C. M. G. Ogilvie : (a) Yes.

(b) Yes, the soldiers in question were arrested and punished, and the owner of the car has accepted the full apology tendered.

Mr. Badri Dutt Pande : In view of the fact that several cases of discourtesy to the national flag have been pointed out in this House, is it the intention of the Honourable Member to issue orders that such things do not happen in the future ?

Mr. C. M. G. Ogilvie : This is the only case in which any offence of this character by soldiers has been proved.

Seth Govind Das : Are the Government not aware that in Delhi the same thing had happened and there were questions in this House and the Government had promised that they were going to make inquiries in the matter ?

Mr. C. M. G. Ogilvie : I am not aware of it.

Mr. G. V. Deshmukh : May I ask what is the Government's attitude towards the tri-colour flag ?

Mr. C. M. G. Ogilvie : I hardly think that Government's attitude to the tri-colour flag emerges from this question.

Mr. S. Satyamurti : What was the punishment meted out to these culprits ?

Mr. C. M. G. Ogilvie : I do not know.

Mr. S. Satyamurti : When the Government stated in the answer which they gave that they have been punished, was it based on any communication from the Commanding Officer ?

Mr. C. M. G. Ogilvie : Yes.

Mr. S. Satyamurti : May I ask whether that statement does not mention the nature or the extent of the punishment ?

Mr. C. M. G. Ogilvie : I have already said that I do not know the nature of the punishment. If the communication had stated it, I should have known it.

Mr. S. Satyamurti : Will the Honourable Member find out what was the nature of the punishment ?

Mr. C. M. G. Ogilvie : I do not think that is necessary.

Mr. S. Satyamurti : May I know why the Government do not want to inquire, considering that this is a serious offence and the House would like to know what was the actual punishment, whether it was a mere warning or something more serious ?

Mr. C. M. G. Ogilvie : I do not think it is necessary to inquire in the circumstances what the punishment was. The culprits were arrested and punished and the person against whom the offence was committed has accepted the full apology given.

Mr. S. Satyamurti : Does my Honourable friend realise that this offence is not against the person concerned, but against the country as a whole ?

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

Seth Govind Das : May I ask what steps Government are going to take in this respect to stop such things happening in the future ?

Mr. President (The Honourable Sir Abdur Rahim) : That question has been answered.

Seth Govind Das : No, Sir, that question has not been answered. I am asking what Government are going to do in the future so that such things may not occur again ?

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

RELEASE OF POLITICAL PRISONERS OF DELHI.

1008. Mr. Mohan Lal Saksena : (a) Will the Home Secretary be pleased to state whether the Secretary, Provincial Congress Committee, Delhi, has made any representation to the Chief Commissioner, Delhi, on the subject of the release of the political prisoners ? If so, what action, if any, has been taken thereon ?

(b) Has Pandit Jai Ram Sharma been convicted under section 124A and sentenced to two years ? If so, how much sentence has he served and do Government propose to consider the feasibility of remitting his remaining sentence ?

(c) Have Government ordered the repatriation of Messrs. B. K. Dutta, Dhanwantri, and Harbandhu Samajdar confined in the Andamans Cellular Jail ?

(d) Are Government prepared to consider the feasibility of releasing them in view of the changed conditions ?

(e) How much sentence Shiva Shanker, sentenced to four years in connection with the New Delhi station and Gol Market bomb case, has still to serve ?

(f) Are Government prepared to remit the unexpired portion of the sentence and release him forthwith ?

Mr. J. A. Thorne : (a) I understand that the Chief Commissioner has received such a representation : and that no action has been taken on it.

(c) Orders have been passed for the repatriation of B. K. Dutta and Dhanwantri. Harbandhu Samajdar is still in the Andamans.

(b), (d), (e) and (f). Pandit Jai Ram Sharma was convicted and sentenced to two years rigorous imprisonment under section 124-A, I. P. C. on the 14th August, 1936, and Shiva Shankar to four years' rigorous imprisonment under section 4 of the Explosive Substances Act on the 15th October, 1936. Government do not propose to remit the unexpired portion of these sentences.

Mr. M. Asaf Ali : May I ask with regard to the answer to part (c), of the question whether it is not a fact that Harbandhu Samajdar and Dhanwantri were convicted at one and the same trial ? If that is so, is there any reason why Samajdar should not be repatriated ?

Mr. Mohan Lal Saksena : May I know if the Government of India have heard anything from the Bengal Government regarding repatriation ?

Mr. J. A. Thorne : We have heard nothing from the Bengal Government.

Mr. Muhammad Azhar Ali : Is this repatriation being made irrespective of the kind of crimes or is it only in connection with political prisoners ?

Mr. J. A. Thorne : All these persons have been convicted of the same class of crime, namely, terrorist offences.

Mr. M. Asaf Ali : I am now referring to the Delhi prisoner, Harbandhu Samajdar. Considering the fact that he was convicted in Delhi and that he should ordinarily be lodged in the Delhi jail, why should he not be sent back to Delhi jail now ?

Mr. J. A. Thorne : That is a question which I have attempted to answer today and which I answered a few days ago.

Mr. M. Asaf Ali : I know the Honourable Member attempted to answer, but there was no satisfactory answer.

Mr. President (The Honourable Sir Abdur Rahim) : If the Honourable Member is not satisfied, the Government Member can't help it.

ABANDONMENT OF CONSTRUCTION OF THE ABATTOIR AT LAHORE.

1006. ***Mr. Lalchand Navalrai :** (a) Will the Defence Secretary be pleased to state in connection with the announcement of the decision by His Excellency the Governor General that the scheme of construction of the abattoir at Lahore will not be proceeded with any further, how a loss of rupees fifty lakhs will accrue to the tax-payers ?

(b) What is that loss of rupees fifty lakhs made up of ?

(c) What are the items of expenditure spent upon the construction of the abattoir till now, and who, if any, have to be compensated for abandoning the work and to what extent ?

(d) How much is expected to be realized by the disposal of the articles and materials still remaining and to be recovered by the demolition of the structure already made ?

Mr. C. M. G. Ogilvie : (a), (b), (c) and (d). There has been too little time, since the abandonment of the abattoir project, to ascertain the salvage value of equipment purchased or on order, or to determine the extent of other commitments. I, therefore, regret I am as yet unable to give the details asked for by the Honourable Member.

Mr. Lalchand Navalrai : May I know from the Honourable Member whether these materials cannot be taken away to the place where this abattoir has to be rebuilt ?

Mr. C. M. G. Ogilvie : I have no knowledge as to any scheme of rebuilding it at all.

Mr. Lalchand Navalrai : Is the Honourable Member aware that as has appeared in some of the newspapers, this abattoir is going to be rebuilt at Quetta which is already quaking ?

Mr. C. M. G. Ogilvie : It is entirely incorrect.

Seth Govind Das : Is it a fact that out of these 50 lakhs, a greater portion of the amount is to be sent as compensation to certain services which were required from England ?

Mr. C. M. G. Ogilvie : I cannot tell the Honourable Member whether the amount would come to 50 lakhs or what proportion of the ultimate loss will have been found to have been incurred in England or in India ?

Seth Govind Das : Is a greater part of this sum going to cold storage company for compensation ?

Mr. C. M. G. Ogilvie : I am entirely unable to say that.

Mr. Lalchand Navalrai : Is any compensation to be paid or proposed to be paid to certain contractors ?

Mr. C. M. G. Ogilvie : I am entirely unable to tell you what compensation may have to be paid to anybody.

RE-ORGANISATION, MECHANISATION AND EQUIPMENT OF THE ARMY IN INDIA.

1007. ***Mr. Badri Dutt Pande :** With reference to the Governor General's speech, dated the 13th September, 1937, regarding the question of re-organisation, mechanisation and equipment of the Army in India so as to maintain its efficiency at the highest possible pitch, will the Defence Secretary be pleased to place before the House a substance of the scheme and state :

(a) the total cost of the scheme ; and

(b) what portion is to be met by the British and what by the Indian exchequer ?

Mr. C. M. G. Ogilvie : (a) and (b). I refer the Honourable Member to the reply I gave on the 30th September, 1937, to Mr. T. S. Avinashilingam Chettiar's starred question No. 930 on the same subject.

RADIO SETS SUPPLIED TO POLITICAL AND MILITARY OFFICERS.

1008. ***Mr. Sri Prakasa :** (a) Will the Foreign Secretary state if it is a fact that radio sets are supplied free to some political and military officers ? If so, what officers and how many have this privilege extended to them ?

(b) Do these officers utilise the radio sets for themselves or do their neighbours or members of the general public also benefit by them ?

(c) What is the total amount so far spent on these radio sets and under what head has the expenditure been debited ?

Lieut.-Colonel A. E. B. Parsons : (a) Radio sets have been supplied to the following officers of the External Affairs Department, the Political Resident in the Persian Gulf, the Consuls-General, Khorasan and Kashgar, the Political Agent, Gilgit, and the Ministers in Kabul and Nepal.

(b) The sets are intended for official use as it is necessary that the above officers who live in isolated stations should have early news of world events for the efficient performance of their duties.

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(c) I have nothing to add to the information which has already been given.

(d) No.

Statement showing the names of Terrorist Prisoners repatriated from the Andamans.

Names of Prisoners.	Province to which repatriated.
1. Sudhendra alias Sudhendra Chandra	Bengal.
2. Jogesh Chandra Bhattacharjee	"
3. Hrishikesh Bose	"
4. Gopal Acharjee	"
5. Abhoy Pada Mukherjee	"
6. Nagendra Nath Gupta	"
7. Fakir Chand Sen	"
8. Ranadhir Das Gupta	"
9. Surendra Nath Dutt	"
10. Ananta Kumar Chakravarty	"
11. Sunil Kumar Chatterjee	"
12. Saroj Kanta Guha	"
13. Sudhansu Kumar Sen Gupta	"
14. Dinesh Chandra Banik	"
15. Sittanshu Bhusan Dutt Roy	"
16. Sanatan Roy	"
17. Ajit Kumar Mitter	"
18. Rakhal Dass Mallik	"
19. Manoranjan Chaudhury	"
20. Bijoy Kumar Ghose	"
21. Nani Gopal Dass	"
22. Nirmalendu Guha	"
23. Paresh Guha	"
24. Kripa Nath Dey	"
25. Direndra Nath Bhattacharjee	"
26. Ram Chandra Das Saha	"
27. Fani Bhusan Das Gupta	"
28. Purna Chandra Roy	"
29. Bhupendra Chandra Bhattacharjee	"
30. Prasanta Kumar Sen Gupta	"
31. Ajoy Chandra Singh	"
32. Jatendra Chandra De Majumdar	"
33. Bijoy Krishna Chakravarty	"
34. Surendra Dhar Choudhury	"

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Names of Prisoners.	Provinces to which repatriated.
35. Nanku Singh	Bihar.
36. Gules Sonar	"
37. Kedar Mani Sukul	"
38. Jogendra Sukul	"
39. Suraj Nath Chaube	"
40. Kamhai Misir	"
41. Shyam Kissan Agarwala	"
42. Shamadeo Narayan	"
43. Mahabir Misir	"
44. Ram Pratap Singh	"
45. Shyam Charan Bharatwar	"
46. Keshab Prasad Sinha	"
47. Biswanath Prasad	"
48. Pramada Nath Ghose	"
49. Jyotirmony Roy	"
50. Chandrika Singh	"
51. Gaya Prasad	Punjab.
52. Sheo Varma	"
53. Bijoy Kumar Sinha	"
54. Jai Dev	"
55. Kanwal Nath Tewari	"
56. Gurumukh Singh	"
57. Hazara Singh	"
58. Prem Parkash	"
59. Kushi Ram Mehta	"
60. Dhanwantari	"
61. Sechidanantham	Madras.
62. P. Venkatachari	"
63. Bachu Lall	United Provinces.
64. Shambu Nath	"
65. Bidayadhar Saha	Assam.
66. Gouranga Dass	"
67. Gopendra Lall Roy	"
68. Satyendra Chandra Roy	"
69. Binoy Bhusan Laskar	"
70. Moti Lall Roy	"
71. B. K. Dutta	Delhi.
72. Ram Singh	Ajmer.

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(c) The total cost is Rs. 4,600 which has been debited as 'Contingencies' of the External Affairs Department.

Mr. Sri Prakasa : With reference to part (a) of the question are we to understand that these officers cannot afford to have these radio sets themselves ?

Lieut.-Colonel A. E. B. Parsons : No.

Mr. Sri Prakasa : Why are Government particularly obliging them in this connection when they do not oblige other officers who are also equally interested in having world news as soon as possible ?

Lieut.-Colonel A. E. B. Parsons : It is only for these officers that Government think that provision of world news is necessary.

Mr. Sri Prakasa : With reference to part (b) may I know if Government will consider the desirability of recommending to these officers that they may make these radio sets available to the general public also who may be profited by the existence of such radio sets ?

Lieut.-Colonel A. E. B. Parsons : Perhaps the Honourable Member is not aware where some of these places are.

Mr. Sri Prakasa : He has himself mentioned them ; and I may be expected to know as much geography as the Honourable Member opposite.

COMPOSITION OF THE INTELLIGENCE BUREAU.

1009. ***Mr. C. N. Muthuranga Mudaliar :** (a) Will the Home Secretary be pleased to state the composition of the Intelligence Bureau ?

(b) How many European officers are there in the Intelligence Bureau ?

(c) How many Central Intelligence officers are there in the various provincial capitals ?

(d) How many among the officers referred to in parts (a) to (c) are Europeans and how many are Indians ?

Mr. J. A. Thorne :

(a) Gazetted officers	..	..	..	31
Superior establishment	..	..	..	114
Inferior establishment	..	..	..	118

(b) Twenty.

(c) Seven.

(d) Twenty Europeans and eleven Indians.

Mr. C. N. Muthuranga Mudaliar : How many of these Indians are serving as directors or as deputy directors in the department ?

Mr. J. A. Thorne : Certainly none is serving as Director because there is only one such post. I must ask for notice if my Honourable friend wants information about deputy directors.

BAN ON DR. HAR DAYAL AGAINST HIS RETURN TO INDIA.

1010. ***Mr. C. N. Muthuranga Mudaliar :** (a) Will the Home Secretary please state if there was recently a debate in the Council of State on the question of permitting political exiles to return to India ?

(b) Is it a fact that in the course of the debate the Honourable the Home Member said, referring to the political exile Dr. Har Dayal, that if the Right Honourable Dr. Sapru interested himself in Dr. Har Dayal, he could be released ?

(c) Has the attention of Government been drawn to a statement issued by the Right Honourable Dr. Sapru published in the *Statesman*, dated the 19th September, 1937, page 4 in which he has testified that Dr. Har Dayal is not a revolutionary ?

(d) Are Government now prepared to consider the advisability of permitting Dr. Har Dayal to return to India ?

Mr. J. A. Thorne : (a) Yes.

(b) What the Honourable the Home Member said in his speech on this point is that if Sir Tej Bahadur Sapru is acquainted with Mr. Har Dayal and is able to give an authoritative account of his mentality, then he may be able to help Mr. Har Dayal if he chose to move in the matter.

(c) Yes.

(d) I would refer the Honourable Member to the answer which I have given to Mr. Sham Lal's question No. 1001.

Mr. C. N. Muthuranga Mudaliar : Have Government perused the letter of Dr. Sapru appearing in the *Statesman*, copy of which I have appended to this question ?

Mr. J. A. Thorne : I think that is the statement referred to in previous questions. If so, the answer is, yes.

Mr. C. N. Muthuranga Mudaliar : Are Government aware that Dr. Sapru has expressed the view that Dr. Har Dayal has changed his views ?

Mr. J. A. Thorne : Yes, Sir.

Seth Govind Das : With reference to clause (a), what about the other political exiles who are not allowed to return to India ?

Mr. J. A. Thorne : I must refer the Honourable Member to the speech made by Mr. Maxwell in the other House.

Seth Govind Das : As far as I remember, the Home Member said that the cases of those persons who have not yet become subjects of other States would be considered. So, besides Dr. Har Dayal, what about the other exiles who are not allowed to come back here and who are still British subjects ?

Mr. J. A. Thorne : I cannot without notice add anything to what was said by the Home Member in the other House.

Mr. Sham Lal : May I ask whether Sir Sikandar Hayat Khan stated in the Punjab Legislative Assembly that Dr. Har Dayal was quite free to come to the Punjab and there was no case against him ?

Mr. J. A. Thorne : My Honourable friend is anticipating question No. 1014.

Mr. Sham Lal : May I ask whether Dr. Har Dayal's case was considered by the British Government in 1926 and it was after considering his case that he was allowed to go to England and stay there ?

Mr. J. A. Thorne : My impression is that the answer is, yes ; but I cannot be entirely precise.

REFUSAL OF A PASSPORT TO SARDAR MILAP SINGH AZAD OF PESHAWAR.

1011. ***Mr. Abdul Qaiyum :** Will the Foreign Secretary please state :

- (a) whether Sardar Milap Singh Azad applied for a passport for Afghanistan and Japan ;
- (b) whether it is a fact that the passport was refused to the said Sardar Milap Singh Azad of Peshawar ;
- (c) if the answer to part (b) be in the affirmative, the reason why it was refused ;
- (d) whether it is a fact that the said Sardar Milap Singh Azad of Peshawar requested His Excellency the Governor, North-West Frontier Province, for permission to proceed to Chitral State to meet his father and brothers and to start business there ;
- (e) whether it is a fact that he was not allowed to proceed to Chitral ; if so, why ; and
- (f) whether Government are prepared to permit Milap Singh Azad to visit Chitral ?

Lieut.-Colonel A. E. B. Parsons : (a) No such application can be traced.

(b) and (c). Do not arise.

(d) Yes.

(e) Milap Singh was not permitted to visit Chitral as he was considered a dangerous political agitator.

(f) No.

Mr. Abdul Qaiyum : May I know, if Government are aware that Milap Singh's family have their business in Chitral and Milap Singh has not been involved in any political case for a number of years ?

Lieut.-Colonel A. E. B. Parsons : I am not quite certain whether he has any relations in Chitral but it is entirely open to them to come from Chitral and see him if they wish to.

Mr. Abdul Qaiyum : Why should there be a ban on Milap Singh's entry into Chitral and joining his other relatives and starting business there ? It is not quite easy to open a business in another place.

Lieut.-Colonel A. E. B. Parsons : Milap Singh's record is not such as to make the Government of India think that if he went to Chitral he would confine his business to commercial matters.

Mr. Abdul Qaiyum : Is the ban on Milap Singh due to the British Government or is it the result of any representation made by the Chitral State ?

Lieut.-Colonel A. E. B. Parsons : The Honourable Member may take it that it is due to Government.

Mr. Abdul Qaiyum : If Milap Singh undertakes to confine his activities purely to business affairs, will Government allow him to proceed to Chitral ?

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

STARTING OF A DEGREE COLLEGE IN BALUCHISTAN.

1012. ***Mr. Abdul Qaiyum :** Will the Foreign Secretary please state :

- (a) whether there is any college degree or intermediate degree in British Baluchistan ;
- (b) how many high schools there are in British Baluchistan ;
- (c) if the answer to part (a) be in the negative, whether Government are prepared to consider the desirability of starting a degree college in Baluchistan ; and
- (d) what the percentage is of literates to the total population in British Baluchistan ?

Lieut.-Colonel A. E. B. Parsons : The Honourable Member is probably not aware that British Baluchistan consists of several small areas of which Quetta is not one, amounting in the total to a very small portion of the province. In the following answers I have assumed that he wishes information for the province as a whole.

(a) and (c). There is at present no such college, but the question of starting one is under consideration.

(b) Since the earthquake three for boys and one for girls.

(d) I regret that I am unable to give any accurate statistics. The figures in the Census Report are misleading as they include the military garrison, etc.

SCHOLARSHIPS AWARDED TO THE RESIDENTS OF BALUCHISTAN.

1013. ***Mr. Abdul Qaiyum :** Will the Foreign Secretary be pleased to state :

- (a) whether any scholarships have been awarded to deserving bona fide residents of British Baluchistan for prosecuting higher studies in technical or arts colleges ;
- (b) if so, how many such scholarships are awarded annually ;
- (c) whether it is a fact that an official has been deputed to examine the possibilities of expanding education ; and
- (d) whether his report will be published and made available to the Honourable Members of this House ?

Lieut.-Colonel A. E. B. Parsons : I cannot undertake that Government will make that inquiry.

Mr. S. Satyamurti : May I know the reasons why when an Indian subject is arrested and is let off without any trial, Government will not at least take steps to find out whether the arrest was made *bona fide* on *prima facie* grounds, or whether it was merely a case of unfounded suspicion ?

Lieut.-Colonel A. E. B. Parsons : His Majesty's Government take exactly the same action in the case where an Indian is arrested as when an Englishman is arrested.

Mr. S. Satyamurti : May I know whether in this case the Government have made inquiries and have satisfied themselves that in the case of Mr. Das-Gupta such action was taken as is normally taken in the case where a British subject is so arrested ?

Lieut.-Colonel A. E. B. Parsons : I think Government are satisfied.

Mr. S. Satyamurti : Have any inquiries been made, or is it merely on presumption ?

Lieut.-Colonel A. E. B. Parsons : Not on presumption. As I had to say once before, on the general practice of His Majesty's Government.

Mr. S. Satyamurti : Did the Government make any inquiries in this matter, or am I to understand that they did not make any inquiries in this case at all ?

Lieut.-Colonel A. E. B. Parsons : Mr. Das-Gupta has reason to be thankful to the officers of His Majesty's Government, through whose representations he has now been released.

Mr. S. Satyamurti : I am not asking on that matter. I am asking on the other matter, i.e., whether the Government have satisfied themselves on enquiry or they.....

Lieut.-Colonel A. E. B. Parsons : (Interruption.)

Mr. S. Satyamurti : Please wait till I finish my question.....

Lieut.-Colonel A. E. B. Parsons : It is too long.

Mr. S. Satyamurti : I submit, Sir, that when I am asking a question, I should not be asked to stop and told that I am too long ; I suggest that we are entitled to some respect at the hands of the other section, subject to our observing the rules and orders, and subject to your own rulings.

Mr. President (The Honourable Sir Abdur Rahim) : I am very glad the Honourable Member has raised the question. I think in this case the Honourable Member of Government was wrong in interrupting by saying that the question was too long ; and as regards interruptions, generally I do hope that every Honourable Member in this House will see to it that he does not interrupt other Members.

Mr. S. Satyamurti : I am glad to have your ruling, Sir. May I know whether my Honourable friend will inform the House, with respect to what happened before the release, i.e., with respect to the arrest of this

Indian gentleman, whether there was any inquiry made by this Government on the specific matter I raised, namely, whether the arrest was made on *bona fide* grounds of some offence having been committed by this gentleman, and not on mere unfounded suspicion ?

Lieut.-Colonel A. E. B. Parsons : No inquiry was made by the Government of India.

Mr. S. Satyamurti : May I know why no inquiry was made ?

Lieut.-Colonel A. E. B. Parsons : Presumably because the Government did not think it necessary to do so. They were aware that His Majesty's officers were doing their best in the case and they were quite confident to leave it at that.

DETENTION OF MR. B. N. DAS-GUPTA BY THE GERMAN GOVERNMENT.

1016. **Mr. C. N. Muthuranga Mudaliar :** (a) Will the Secretary of the External Affairs Department be pleased to state if it is a fact that Mr. B. N. Das-Gupta, the Managing Director of the Indo-European Trading Company at Hamburg, has been kept under detention by the German Government since August 18, 1937 ?

(b) Are Government prepared to obtain from the British Government in England further particulars about the detention of Mr. Das-Gupta ?

(c) What steps are Government taking to get the release of this gentleman ?

Lieut.-Colonel A. E. B. Parsons : (a), (b) and (c). The Honourable Member's attention is invited to the reply given today to Sir Muhammad Yakub's starred question No. 1015.

Mr. C. N. Muthuranga Mudaliar : With reference to part (b) of the question, may I ask why no steps were taken to get him released earlier, in view of the fact that he was kept in detention for two months without trial ?

Lieut.-Colonel A. E. B. Parsons : As I have said, the Consul General at Hamburg took all steps that he could to get the case settled in reasonable time.

Mr. President (The Honourable Sir Abdur Rahim) : If the Honourable Member speaks up a little more, Members could follow him better.

Mr. Sri Prakasa : In view of the fact that the Honourable Member has stated that His Majesty's Government look after Indian nationals as much as after British nationals in foreign countries, is the Honourable Member aware that when some English engineers were being prosecuted in Russia the British Government raised a great hullabaloo, which they did not in this case when an Indian was concerned ?

Lieut.-Colonel A. E. B. Parsons : I have only knowledge of that from the papers ; but as far as I know no Indians were arrested in Russia.

Mr. Sri Prakasa : I said English : The Honourable Member said that Englishmen and Indians are treated equally by His Majesty's Government, so far as their position is concerned in foreign countries. I am asking whether it is not a fact that when some English engineers

Lieut.-Colonel A. E. B. Parsons : (a) and (b). Yes, seventeen.

(c) The Chief Commissioner and Agent to the Governor General, Baluchistan, has been asked to submit a comprehensive scheme for educational reconstruction in the province, and an officer of the Indian Educational Service from the Punjab has been appointed as Superintendent of Education, Baluchistan, to advise him.

(d) I can give no undertaking that the Agent to the Governor General's recommendations will be published.

Mr. Abdul Qaiyum : May I know if the report of that particular educational officer will be made available for the use of the Members of this House ?

Lieut.-Colonel A. E. B. Parsons : Again I am afraid I can give no undertaking.

Prof. N. G. Ranga : With reference to part (c) of the question, may I know whether this official is inquiring into the possibilities for expanding elementary education also ?

Lieut.-Colonel A. E. B. Parsons : Into all forms of education.

BAN ON DR. HAR DAYAL AGAINST HIS RETURN TO INDIA.

1014. ***Bhai Parma Nand :** (a) Will the Honourable the Home Member be pleased to state whether Government are aware that the Punjab Premier while replying to a question on the 27th July, 1937, asked by Dr. Sir Gokal Chand Narang, regarding the freedom of L. Har Dayal's movements, said that so far as he was aware there were no restrictions against him in the Province ?

(b) Has the attention of Government been drawn to the statement of Sir Tej Bahadur Sapru regarding the sincere change in the views of L. Har Dayal ?

(c) Will the Honourable Member please state whether in view of the statement made by such a high person in a strong and authoritative language Government are prepared to give L. Har Dayal unconditional permission to return to India ?

Mr. J. A. Thorne : (a) I have seen a press report to this effect

(b) Yes.

(c) I would refer the Honourable Member to the answer which I have given to Mr. Sham Lal's question No. 1001.

Mr. Mohan Lal Saksena : May I know what Government mean by saying that if Dr. Sapru were to move it would be easier to give permission to Dr. Har Dayal to return to India ? Has Dr. Sapru to write to the Government of India ?

Mr. J. A. Thorne : I do not think my Honourable friend has quite followed what was said in the other House.

Mr. Mohan Lal Saksena : Even today the Honourable Member said that if Sir Tej Bahadur Sapru moved, it would be quite easy for Dr. Har Dayal to return to India. Do Government want a letter from Sir Tej Bahadur Sapru or will his statement do ?

Mr. J. A. Thorne : I will read the statement made by the Home Member in the other House :

" If Government were clearly satisfied on good authority that Mr. Har Dayal had entirely changed his attitude of mind and was no longer dangerous, there would be much more reason for considering opportunities which he asked for to come to India."

Bhai Parmanand : In view of the statement of Sir Tej Bahadur Sapru and in view of the fact that Lala Har Dayal has been in England for ten years and has been of good behaviour and there has been no complaint against his behaviour during all these years, may I know if that is not enough to satisfy Government as to his change of attitude ?

Mr. J. A. Thorne : I have already said that we are in communication with the India Office to verify the main statement made, which is to the effect that Mr. Har Dayal has entirely changed his attitude.

Mr. Sham Lal : May I ask whether the British Government were satisfied in 1926 that Dr. Har Dayal was not a revolutionary ?

Mr. J. A. Thorne : I shall require notice of that question.

DETENTION OF B. N. DAS-GUPTA BY THE GERMAN GOVERNMENT.

1015. ***Sir Muhammad Yakub :** (a) Is the Foreign Secretary aware of the detention of Mr. Das-Gupta, the Director of the Indo-European Trading Company at Hamburg, by the German Government ?

(b) Will he please state what steps the Government of India have taken in the matter ?

Lieut.-Colonel A. E. B. Parsons : (a) Yes. He was arrested under the ordinary law on a charge of contravening the exchange regulations.

(b) His Majesty's Consul General at Hamburg has been pressing for an early disposal of the case and it is understood that Mr. Das-Gupta has now been released.

Mr. S. Satyamurti : Was he tried on the charge on which he was arrested ?

Lieut.-Colonel A. E. B. Parsons : I think not, but I am not quite sure.

Mr. Abdul Qaiyum : How long was he kept in the lock-up ?

Lieut.-Colonel A. E. B. Parsons : Probably about two months, but I am not certain.

Mr. S. Satyamurti : Will Government inquire into the reasons why he was charged, and why he was not tried ?

Lieut.-Colonel A. E. B. Parsons : Presumably because there was suspicion against him ; and as in all countries of the world, in certain cases the police of those countries can arrest on suspicion, the ordinary law of Germany was carried out.

Mr. S. Satyamurti : Will Government inquire into the circumstances of this case and satisfy themselves and inform this House, as soon as they can, if there was at least a *prima facie* case against this Indian gentleman, and it was not a case of mere unfounded suspicion ?

were being prosecuted in Russia, His Majesty's Government raised a great hue and cry, while in this case and in other cases where Indians are concerned, they keep mum?

Lieut.-Colonel A. E. B. Parsons : I do not admit the Honourable Member's statement of the case at all. I have no doubt that if Indians had been prosecuted in Russia on that occasion they would have received the full support of His Majesty's Government.

Mr. Sri Prakasa : That occasion only and no other? Is it necessary that Indians must be co-accused with the English before they can hope for any relief?

(No reply.)

EXPORT OF MONKEYS.

1017. ***Mr. S. Satyamurti :** Will the Home Secretary be pleased to state :

- (a) whether his attention has been drawn to an article in the *Harijan* by Mahatama Gandhi on "export of monkeys for vivisection" reproduced in the *Hindustan Times* of the 19th September;
- (b) whether Government have or are prepared to obtain the information whether monkeys are being exported for vivisection, and if so, how many of them; and
- (c) if Government are prepared to take necessary steps for stopping their export, and if not, why not?

Mr. J. A. Thorne : (a) I have read the article.

(b) and (c). The matter is being examined.

Mr. G. V. Deshmukh : Is there any truth in the allegation made against the Government of India that they have permitted the unrestricted export of monkeys?

Mr. J. A. Thorne : I am not aware of the charge, but if it is made, it is not correct.

Mr. G. V. Deshmukh : The charge is made by a certain paper called the *Sunday Standard* only 10 days ago.

Mr. Abdul Qaiyum : May I know to which countries these monkeys are mostly exported?

Mr. J. A. Thorne : I laid a statement on the table of the House the other day.

Mr. S. Satyamurti : May I know if any inquiries have been made outside India on this matter?

Mr. J. A. Thorne : No inquiries outside India have yet been made; we have not yet had time to make them; but the matter will receive very careful examination.

Mr. S. Satyamurti : May I know whether Government will get into touch with those who are largely engaged in this export trade and find out from them or through them, whether these monkeys are being exported largely for this purpose, namely, vivisection?

Mr. J. A. Thorne : That will be considered.

INDIANS IN CHINA.

1018. ***Mr. S. Satyamurti :** Will the Foreign Secretary be pleased to state :

- (a) whether all Indian nationals have now been evacuated from the theatres of war in China;
- (b) where they have been taken and what arrangements have been made for their stay and their living;
- (c) whether any Indian nationals are still in the theatres of war and if so, how many;
- (d) whether adequate precautions are being taken for their safety;
- (e) whether adequate arrangements have now been made by Government to get the latest information about Indians in China; and
- (f) if not, why not?

Lieut.-Colonel A. E. B. Parsons : (a), (b) and (c). No. Evacuation has, in most cases, been voluntary. Some women and children were, it is believed, evacuated to Hongkong from Shanghai early in the disturbances, and, as the Honourable Member is aware, about 900 Indians were repatriated to India by the transport *Elephanta* which reached Calcutta on the 27th September. This leaves about 2,500 or so still in the Shanghai area. Information as to other areas, so far as it is available, has already been given by me in answer to questions.

(d) Government are confident that all that is possible is being done for their safety.

(e) and (f). Government have asked His Majesty's Consular authorities to keep them informed of anything affecting Indians in China.

Mr. Lalchand Navalrai : May I know if the Honourable Member has cared to know up to this time whether the Sindhi merchants about whom I put a short notice question, have evacuated from there or not?

Lieut.-Colonel A. E. B. Parsons : I believe they have not been evacuated; but the Sindhis to whom reference was made are reported by our consular authorities to have wired to their representatives in Sind to say they were quite safe and happy.

Mr. S. Satyamurti : With references to the answer to clauses (a), (b) and (c) of the question, may I know when the Government expect to be in a position to get accurate and full information about Indian nationals in all the theatres of war except, I believe, Shanghai, about which my Honourable friend gave some figures just now?

Lieut.-Colonel A. E. B. Parsons : I am afraid I cannot say when exactly it will be possible to get the information.

Seth Govind Das : Are the Bengal Government not connected with telephones? Could not the Government of India talk to them on phone and find out what the position is?

Mr. J. A. Thorne : I have telegraphed to them.

ABANDONMENT OF CONSTRUCTION OF THE ABATTOIR AT LAHORE.

1020. ***Mr. Sri Prakasa :** Will the Defence Secretary state :

- (a) if it is a fact that the construction of the abattoir at Lahore has been finally abandoned ;
- (b) what the amount of money so far spent over its construction was ;
- (c) what use, if any, will the building so far erected, be put to ; or whether it has to be abandoned or dismantled ; and
- (d) under what head the loss will be debited ?

Mr. C. M. G. Ogilvie : (a) Yes.

(b) I refer the Honourable Member to the reply I have just given to Mr. Lalchand Navalrai's starred question No. 1006.

(c) and (d). Government are not yet in a position to say.

Mr. Sri Prakasa : With reference to part (b) of the question, may I know if the sum of Rs. 50 lakhs that has been spent on this scheme is due to the actual construction or it is to be given as compensation to contractors?

Mr. C. M. G. Ogilvie : The scheme has two parts (1) the abattoir, and (2) the cold storage company. The cost of the abattoir itself to which this question refers, as far as I remember was, 28½ lakhs, but we do not yet know precisely what bills will have to be met.

Mr. Lalchand Navalrai : May I know, Sir, if it is a fact that the construction of the same building is still proceeding ; if so, what is the purpose?

Mr. C. M. G. Ogilvie : It is not a fact ; it has been abandoned.

Seth Govind Das : Who has made this estimate of 50 lakhs?

Mr. C. M. G. Ogilvie : The estimate of 50 lakhs was arrived at by the Government of India as a possible figure taking into account both the cost of the abattoir on the contracts entered into and the agreement with the cold storage company.

Seth Govind Das : As far as I remember, Sir, the statement made was, that on account of the abandonment of the abattoir scheme the taxpayer would lose about 50 lakhs. What I want to know is that who is going to get these 50 lakhs which are to be lost by the taxpayer?

Mr. C. M. G. Ogilvie : I am afraid I cannot possibly answer that question. As a matter of fact, as far as I remember the exact words of the communiqué, it stated that the loss to the taxpayer might be in the neighbourhood of 50 lakhs, but that was a guess.

Mr. Sham Lal : May I know if it is proposed to construct an abattoir in Bahawalpur State and the contract has been given to a firm?

Mr. C. M. G. Ogilvie : It is not proposed to have an abattoir in Bahawalpur State or, as far as I know, anywhere else.

Mr. Badri Dutt Pande : Who is responsible for all this loss?

Mr. C. M. G. Ogilvie : The founders of the agitation.

Manlana Zafar Ali Khan : May I know, Sir, whether there is any strength in the rumour that the abattoir building in the Lahore cantonment which has been abandoned is going to be converted into a Gowshala?

Mr. C. M. G. Ogilvie : I have not heard that rumour.

RE-EMPLOYMENT OF EUROPEAN INDIAN CIVIL SERVICE OFFICERS AFTER RETIREMENT.

1021. ***Mr. C. N. Muthuranga Mudaliar :** Will the Home Secretary be pleased to state if it is a fact that many European Indian Civil Service officers after retirement are re-employed in Indian States and elsewhere?

Mr. R. F. Mudie : About seven retired European Indian Civil Service officers are employed in Indian States. I have no information regarding the number employed elsewhere.

Seth Govind Das : Is it a fact, Sir, that most of these civil servants are forced upon the Rajas and Maharajas of Indian States?

Mr. R. F. Mudie : As far as I know, No, Sir.

Mr. S. Satyamurti : May I know, Sir, whether these Indian Civil Servants, Indians or Europeans, after retirement, have to take the permission of the Government of India, before accepting any appointment in Indian States?

Mr. R. F. Mudie : Yes, Sir.

MILITARY OPERATIONS ON THE NORTH-WEST FRONTIER.

1021-A. ***Mr. S. Satyamurti :** Will the Defence Secretary be pleased to state the number of weeks that have elapsed since military operations began on the North-West Frontier against the frontier tribes, and the expenditure in men and money on those operations up-to-date?

Mr. C. M. G. Ogilvie : 44 weeks have elapsed since military operations began by the unprovoked aggression of the tribesmen on the 25th November, 1936.

Since that date and up to the end of September of this year an additional financial expenditure in the neighbourhood of Rs. 140 lakhs has been incurred.

During the same period the Army has sustained the following casualties :

Killed	..	..	..	..	221
Wounded	..	..	..	..	601

Mr. S. Satyamurti : Does this sum of Rs. 140 lakhs represent all the expenditure, or only such part of the expenditure, in respect of which accounts have been made up, or are available to the Defence Department?

Mr. S. Satyamurti : Are Government actively pursuing this matter, with a view to getting information as early as possible ?

Lieut.-Colonel A. E. B. Parsons : I would refer the Honourable Member to the answer to part (e).

Mr. S. Satyamurti : With reference to the answer to part (d), I think I heard my Honourable friend say that the Government are confident that adequate precautions are being taken. May I know the grounds on which my Honourable friend has given that answer ?

Lieut.-Colonel A. E. B. Parsons : It is obvious that up to date they have been taken, and again I have to say that the record of His Majesty's Government in this matter is one that nobody can impugn.

Mr. S. Satyamurti : May I know whether the Government of India have addressed His Majesty's Government in this matter of adequate precautions being taken for the safety of Indian nationals ?

Lieut.-Colonel A. E. B. Parsons : No.

Prof. N. G. Ranga : As soon as they receive information with regard to (a), (b) and (c), will Government try to enlighten the public through a press note in regard to the actual state of Indians in China ?

Lieut.-Colonel A. E. B. Parsons : I cannot give an undertaking, but I have no doubt that as we get information we shall endeavour to make it public.

Mr. S. Satyamurti : With reference to part (e) of the question, may I know whether the Government of India are now getting information from the British authorities in the theatre of war, about the position of Indians in China ?

Lieut.-Colonel A. E. B. Parsons : When there is anything new to be said, yes.

Mr. S. Satyamurti : May I take it from that answer that, when there is any danger to Indian nationals, their life or property, information will be promptly conveyed to the Government of India ?

Lieut.-Colonel A. E. B. Parsons : Not, I think, when there is any danger to Indian life or property in China, because that is always so, but if anything happens to Indians in China, I have no doubt we shall get early information.

Mr. S. Satyamurti : Will the Government of India get into touch with His Majesty's Government, first in regard to giving adequate protection to Indians in China, and secondly to keeping the Government of India promptly informed if anything happens to Indians in China ?

Lieut.-Colonel A. E. B. Parsons : I feel certain that His Majesty's representatives would regard the first request as an insult, and Government do not propose to take any action on that ; but as I have already stated in answer to part (e) of the question, we have asked them to give full information on any matter which affects Indians.

REPATRIATION OF PRISONERS FROM THE ANDAMANS.

1019. **Mr. S. Satyamurti :** Will the Home Secretary be pleased to state :

- (a) the latest figures with regard to the hunger-strikers still in the Andamans, those who have been repatriated and the number so repatriated to each Province and the names of the Provinces to which they have been repatriated ;
- (b) the latest information about the health of those still in the Andamans ;
- (c) whether *all* the hunger-strikers whose repatriation the Provincial Governments concerned have asked for have been repatriated and if not, why not ;
- (d) whether the Bengal Government have now asked for the repatriation of all their prisoners, and if not, how many they have asked to be repatriated ;
- (e) whether it is the policy of the Government of India now to repatriate to their Provinces all those prisoners whom the Provincial Governments ask to be so repatriated ; and
- (f) if not, what the policy of Government is in this matter ?

Mr. J. A. Thorne : (a) to (f). I have no more recent information to give than has already been given to the House.

Mr. Akhil Chandra Dutta : May I know, Sir, if the Bengal Government has submitted their scheme of repatriation explaining why they are asking for repatriation in instalments and not for the repatriation of all their prisoners at once ?

Mr. J. A. Thorne : I have not yet received information from the Bengal Government as to their decision about repatriation. My Honourable friend has no doubt seen a fairly detailed account which has appeared in the press of the proceedings of the conference held on September the 29th, and according to that, the Home Minister of the Bengal Government said that he hoped to be able to complete the repatriation of prisoners by January next.

Mr. S. Satyamurti : May I know whether the Government of India will give the House the latest information available before we adjourn, with regard to the attitude of the Bengal Government towards the repatriation of their prisoners ?

Mr. J. A. Thorne : If any information is received and opportunity offers, it will be supplied.

Mr. Mohan Lal Saksena : Did not the Honourable Member state some six or seven days ago that if no information was received in a day or two he would write and get the information and supply it to us before we adjourned ?

Mr. J. A. Thorne : I think I said some four or five days ago that if information was not received in a day or two, I would communicate with the Bengal Government. I wired to them, and have not yet had an answer.

Mr. C. M. G. Ogilvie : So far as we can tell, it is a fairly accurate estimate of the total additional expenditure incurred in this campaign.

Mr. Abdul Qaiyum : Sir, in view of the statement made the other day that the situation in Waziristan was becoming normal, why should this expenditure be incurred any longer ?

Mr. C. M. G. Ogilvie : The expenditure given today is what has been incurred. I am afraid I am not in a position to forecast what the subsequent expenditure will be.

SHORT NOTICE QUESTIONS AND ANSWERS.

NON-GRANT OF LOANS TO CERTAIN MEMBERS OF THE NORTH WESTERN RAILWAY CO-OPERATIVE CREDIT SOCIETY, LAHORE.

Mr. Lalchand Navalrai : (a) Will the Honourable Member for Commerce and Railways be pleased to state if he is aware of the controversy that has arisen between the Managing Committee and the members of the North Western Railway Co-operative Credit Society, Lahore, over the question of non-grant of loans to members drawing less than Rs. 100 and, in consequence thereof, the members having cancelled their declarations regarding recovery of instalments of the loan due from their salaries which has led to a serious and complicated situation in the Punjab ?

(b) Is the Honourable Member aware that the Agent, North Western Railway, has issued a notice as Agent, North Western Railway, threatening reprisals to the members of the Society, registered under the Co-operative Societies Act, the notice being subscribed by him as an Agent, North Western Railway ?

(c) Do Government propose to ask the Agent, North Western Railway, to stay his hands as Agent and not to issue any further notice in time in order to avert any crisis that may happen between the employees and the administration ? If not, why not ?

The Honourable Sir Saiyid Sultan Ahmad : (a) Government are informed that with the passing of the Code of Civil Procedure (Second Amendment) Act, 1937, and the introduction of the Payment of Wages Act, 1936, in March, 1937, the North Western Railway Co-operative Credit Society acting on the advice of the Registrar of Co-operative Societies, Punjab, and in the interests of its members and depositors adopted a resolution in August, 1937, restricting loans to the extent of three months' pay to such members who were drawing pay at the rate of Rs. 100 or less per mensem. It was also stipulated that a second loan would not be granted unless the first loan had been repaid except in very special circumstances and then only if the pay of one or two sureties was more than Rs. 100 per mensem. This appears to have caused some dissatisfaction amongst the staff, drawing pay at the rate of less than Rs. 100 per mensem, who were members of the Co-operative Society as they could not secure the sureties required easily and had some difficulty in obtaining loans. It is believed that some outsiders taking advantage of this position persuaded certain number of workmen to withdraw, as a reprisal, their authorisation in respect of deductions from wages under the Payment of Wages Act regarding loans

which had already been taken from the Society. To avoid embarrassment to staff who desired to take loans and at the same time to elucidate the position to them the Agent, North Western Railway, issued a notice of an advisory nature, on the 17th September, 1937, in different languages. Subsequently, an amendment was agreed upon whereby the Society agreed to grant loans to staff drawing less than Rs. 100 per mensem as before up to a limit of six months' pay provided they furnished at least one surety whose pay was in excess of Rs. 100 per mensem or other adequate securities such as house property, etc. A notification to this effect is expected to issue shortly.

(b) and (c). The matter is being considered in consultation with the Agent, North Western Railway.

Mr. Lalchand Navalrai : May I know from the Honourable Member if it is a fact that the notice issued by the Agent—and subscribed to as an Agent—when it was translated and put up on the Board there—showed that the Agent said that their conduct would be considered to be an offence or crime ? That was in the translation. Is it a fact or not ?

The Honourable Sir Saiyid Sultan Ahmad : That perhaps may be, and that is why we are making enquiries in consultation with the Agent of the North Western Railway.

Mr. Lalchand Navalrai : May I know from the Honourable Member how, when it was said to be only an advisory notice, this was issued in a threatening manner ? Will the Honourable Member ask the Agent not to do so in future ?

The Honourable Sir Saiyid Sultan Ahmad : I am taking that from the Honourable Member. I have not seen the notice myself, and that is the reason why I said that we are getting information from the Agent, North Western Railway.

CURTAILMENT OF RAILWAY PASSES AMONG THE SUBORDINATE RAILWAY STAFF.

Dr. Ziauddin Ahmad : (a) Are Government aware of dissatisfaction among Railway employees on the curtailment of railway passes, specially among the subordinate staff ?

(b) Are Government prepared to offer relief immediately ?

The Honourable Sir Saiyid Sultan Ahmad : (a) and (b). The whole question is being very carefully gone into by the Railway Board who will, in due course, submit their report for the consideration of Government.

Mr. Lalchand Navalrai : May I hope that it will be done during the Honourable Member's regime ?

The Honourable Sir Saiyid Sultan Ahmad : The matter is being considered. It is very difficult to say.

Dr. Ziauddin Ahmad : Will Government consider the system of passes that was prevalent in 1933 and also the system of passes now in vogue in the United Kingdom and other countries in Europe ?

The Honourable Sir Saiyid Sultan Ahmad : The whole matter is being considered.

Mr. Mohan Lal Saksena : Is it not already more than nine or ten months that the Railway Board has been considering the matter and is it not a fact that the subordinate staff is being put to a lot of inconvenience ?

The Honourable Sir Saiyid Sultan Ahmad : It is not a fact.

Mr. Mohan Lal Saksena : When did the rules come into force ?

The Honourable Sir Saiyid Sultan Ahmad : Nine months back.

Mr. President (The Honourable Sir Abdur Rahim) : Order, order.

STATEMENTS LAID ON THE TABLE.

Information promised in reply to part (b) of starred question No. 78, asked by Mr. M. Asaf Ali, on the 25th August, 1937.

FINANCIAL AID FOR THE DEVELOPMENT OF INDUSTRIES IN THE DELHI PROVINCE.

A small Department of Industries is maintained at a total cost of about Rs. 20,000 per annum, of which about Rs. 6,100 are spent on the Government Cottage Industries Institute in Delhi City at which various handicrafts are taught, and Rs. 1,600 on exhibitions. The remaining expenditure represents the cost of a Superintendent of Industries and a small staff. The Superintendent and his technical assistant are able to advise local industrialists on various matters and to conduct experiments for them in a small industrial laboratory.

Information promised in reply to part (e) of unstarred question No. 56, asked by Mr. Suryya Kumar Som on the 7th September, 1937.

CAUSES OF MALARIA IN NEW DELHI.

(e) The answer to the first part of the question is Rs. 54 lakhs. What the Honourable Member refers to as the former Capital was merely a set of buildings constructed to serve the purposes of the Government of India temporarily. These buildings, though they have served fully the limited purposes for which they were constructed, are still practically all fully occupied by offices of the Central Government located in old Delhi.

Information promised in reply to starred questions Nos. 392 to 396, asked by Mr. Muhammad Anwar-ul-Azim on the 8th September, 1937.

Government are informed as follows :

T. I. AS. ON THE ASSAM BENGAL RAILWAY.

Question No. 392.—There are 11 Travelling Inspectors of Accounts of whom two are Muslims.

TRAFFIC INSPECTORS ON THE ASSAM BENGAL RAILWAY.

Question No. 393.—The number of Inspectors employed in the Traffic Department is as under :

Traffic Inspectors	9
Commercial Inspectors	3
Jetty Inspectors	2

There is no Muslim employed at present as Inspector.

MUSLIM OFFICERS IN THE MEDICAL DEPARTMENT OF THE ASSAM BENGAL RAILWAY.

Question No. 394.—There are no Muslim officers or senior subordinates in the Medical Department of the Assam Bengal Railway.

OFFICERS RECRUITED BY THE ASSAM BENGAL RAILWAY IN THE AUDIT DEPARTMENT.

Question No. 395.—(a) Two officers have been recruited in the Audit Department during the last two years. One of them is a Muslim and passed the B.Com. Examination from Leeds. He was a temporary Examiner of Accounts in the Income-tax Department. The other is a Hindu and has been appointed as a probationer. He took the course of London School of Economics.

(b) The Chief Auditor has over 17 years of practical experience in the Audit Department and is a fellow of the Institute of Railway Accounts and Auditors.

(c) Yes.

ENGINEERS RECRUITED BY THE ASSAM BENGAL RAILWAY.

Question No. 396.—As regards the first part, of the nine Assistant Engineers recruited during the last four years one Hindu resigned and one Hindu and one Muslim were discharged. Out of the remaining six still in service one is a Muslim.

As regards the second part, the reply is in the affirmative.

Information promised in reply to unstarred question No. 58, asked by Mr. Sri Prakasa, on the 8th September, 1937.

INDIAN INSURANCE COMPANIES.

List of Indian Life Assurance Companies subject to the provisions of the Indian Life Assurance Companies Act, 1912, as on the 10th August, 1937.

Name.	Year of establishment.	Paid-up capital at end of last financial year for which accounts have been deposited.	Deposit made up to 10th August 1937.	Remarks.
1	2	3	4	5
		Rs.	Rs.	
Adarsha Bima Co., Allahabad ..	1935	**	25,000	
Agarwal Assurance Society, Ajmer	1931	33,717	36,000	
Agra Mutual Assurance Society, Agra.	1935	M.	35,300	
All-India and Burma Provident Fund, Bangalore.	1910	M.	25,000	Exempted from making further deposits.

** Accounts not yet deposited.

M.—Mutual Company having no share capital.

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Name.	Year of establish- ment.	Paid-up capital at end of last financial year for which accounts have been deposited.	Deposit made up to 10th August 1937.	Remarks.
1	2	3	4	5
		Rs.	Rs.	
All-India Railwaymen's Benefit Fund, Nagpur.	1931	M.	2,00,000	
All-India Security Life and General Assurance Co., Bombay.	1929	45,114	40,000	
All-India United Assurance Co., Lucknow.	1934	1,27,435	55,000	
Andhra Insurance Co., Masulipatam.	1925	40,860	2,00,000	
Argus Insurance Co., Ahmedabad	1919	61,930	82,600	
Arya Insurance Co., Sylhet	1910	30,081	55,000	
Aryan Life Assurance Society, Bombay.	1930	M.	75,000	
Aryasthan Insurance Co., Calcutta	1933	63,835	47,000	
Ashok Insurance Co., Bombay	1930	26,200	71,000	
Asia Mutual Insurance Co., Calcutta	1931	**	25,000	Became subject to the Indian Life Assurance Companies Act since September, 1936.
Asian Assurance Co., Bombay	1911	2,03,615	2,00,000	
Asiatic Government Security Life Assurance Co., Bangalore City.	1913	1,68,585	2,00,000	
Associaçao Goana do Mutuo Auxilio, Bombay.	1885	M.	2,00,000	
Bangalakshmi Insurance, Calcutta	1936	**	25,000	
Behar United Insurance, Patna	1933	25,621	33,100	
Bengal Co-operative Insurance Society, Calcutta.	1929	25,033	39,000	
Bengal Insurance and Real Property Co., Calcutta.	1920	1,25,575	2,00,000	
Bengal Mercantile Life Insurance Co., Calcutta.	1910	32,292	1,38,000	

** First Accounts not yet deposited.

M.—Mutual Company having no share capital.

Name.	Year of establish- ment.	Paid-up capital at end of last financial year for which accounts have been deposited.	Deposit made up to 10th August 1937.	Remarks.
1	2	3	4	5
		Rs.	Rs.	
Bhagya Lakshmi Insurance, Calcutta.	1931	50,158	1,00,000	
Bharat Insurance Co., Lahore	1896	2,48,520	2,00,000	
Bharati Bima, Benares City	1935	65,625	25,000	
Bhaakar Insurance Co., Gauhati	1936	**	25,000	
Bihar National Insurance Co., Patna.	1932	82,807	28,000	
B., B. and C. I. Railway Co-operative Mutual Death Benefit Society for Indian Staff, Bombay.	1932	M.	1,84,500	
B., B. and C. I. Railway Zoroastrian Association (Death Benefit Fund, Bombay.	1888	M.	2,03,000	
Bombay Co-operative Insurance Society, Bombay.	1930	M. 24,714 (Debentures).	2,00,000	
Bombay Life Assurance Co., Bombay	1908	1,35,100	2,00,000	
Bombay Mutual Life Assurance Society, Bombay.	1871	M.	2,00,000	
Bombay Postal Employees Co-operative Provident Fund, Bombay.	1937	M.	25,000	
Bombay Widows' Pension Fund, Bombay.	1876	M.	1,38,400	
Bombay Zoroastrian Mutual Death Benefit Fund, Bombay.	1889	M.	2,00,000	
Burma National Insurance Co., Rangoon.	1937	..	25,000	
Calcutta Insurance, Calcutta	1924	1,72,324	2,00,000	
Canara Mutual Assurance Co., Udipi.	1935	M.	50,000	

** First accounts not yet deposited.

M.—Mutual Company having no share capital.

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Name.	Year of establish- ment.	Paid-up capital at end of last financial year for which accounts have been deposited.	Deposit made up to 10th August 1937.	Remarks.
1	2	3	4	5
		Rs.	Rs.	
Central Life and General Assurance Co., Lahore.	1936	**	25,000	
Central Mutual Benefit Co., Nagpur	1936	**	25,000	
Central Mutual Life Assurance Society, Bombay.	1929	M.	32,300	
Central Popular Assurance Co., Karachi.	1933	2,000	35,000	
Champion General Insurance Co., Bombay.	1934	41,635	43,000	
Christian Mutual Insurance Co., Lahore.	1847	M.	2,00,000	
Commercial Insurance Co., Bombay	1932	26,350	36,100	
Commonwealth Assurance Co., Poona, No. 2.	1929	54,005	2,00,000	
Co-operative Assurance Co., Lahore	1906	50,000	0,000	
Crescent Insurance Co., Bombay ..	1919	1,46,880	1,22,200	
Dawn of India Insurance Co., Poona, 2.	1928	33,834	28,700	
Deccan Assurance Co., Beywada ..	1931	15,900	81,400	
Depositors Benefit Insurance Co., Bombay.	1932	2,50,000	2,00,000	
Dominion Insurance Co., Calcutta ..	1930	24,335	42,500	
Donation Union Link on Railways, Bangalore.	1921	M.	1,34,000	
E. B. Railway Employees' Co-operative Benefit Society, Ltd., Calcutta.	1931	M.	25,000	

**First Accounts not yet deposited.

M.—Mutual Company having no share capital.

Name.	Year of establish- ment.	Paid-up capital at end of last financial year for which accounts have been deposited.	Deposit made up to 10th August 1937.	Remarks.
1	2	3	4	5
		Rs.	Rs.	
East and West Insy. Insurance Co., Bombay.	1913	1,00,815	2,00,000	
Eastern Federal Union Insurance Calcutta.	1932	10,58,855	25,000	
Empire of India Life Assurance Co., Bombay.	1879	4,12,000	2,00,000	
Equity Insurance Co., Lucknow ..	1933	..	25,000	Became subject to the Indian Life Assurance Companies Act, since October 1935.
Federal India Assurance Co., Delhi	1931	55,641	48,000	
Forward Assurance Co., Bombay ..	1929	19,902	55,000	
Free India General Insurance Co., Cawnpore.	1934	88,580	70,000	
Frontier Insurance Co., Peshawar Cantonment.	1934	32,280	26,600	
Ganesh Insurance Co., Madras ..	1933	54,475	29,1	
General Assurance Society, Ajmer..	1928	1,33,481	2,00,000	
General Assurance Trust (India), Bombay.	1928	4,500	25,000	
Genuine Insurance Co., Calcutta ..	1931	9,479	70,000	
Glory of India Insurance Co., Lahore.	1936	**	25,000	
Good Luck Insurance Co., Lahore..	1935	**	25,000	
Good-Will Assurance Co., Kupevad.	1936	30,750	27,000	
Golden Eagle Insurance Co., Lahore	1934	93,237	35,000	
Great Asoka Assurance Co., Patna.	1932	1,04,000	88,500	

** First Accounts not yet deposited.

M.—Mutual Company having no share capital.

Name.	Year of establishment.	Paid-up capital at end of last financial year for which accounts have been deposited.	Deposit made up to 10th August 1937.	Remarks.
1	2	3	4	5
		Rs.	Rs.	
Great Home Life Assurance Co., Bombay.	1936	**	25,000	
G. I. P. Railway, Employees' Death Benefit Fund, Bombay.	1917	M.	67,000	
Great Orient Insurance Co., Lahore.	1931	1,06,765	52,700	
Great Peninsular Insurance Co., Madras.	1928	44,860	38,000	
Great Social Life and General Assurance, Jalagaon.	1933	43,730	56,000	
Guardian of India Insurance Co., Madras.	1934	1,21,875	1,00,000	
Gujrat Zoroastrain Mutual Death Benefit Fund, Surat.	1891	M.	2,01,000	
Happy India Insurance Co., Calcutta.	1937	**	25,000	
Himalaya Assurance Co., Calcutta	1919	4,90,621	2,00,000	
Hindu Mutual Life Assurance, Calcutta.	1891	M.	2,00,000	
Hindustan National Insurance Co., Lahore.	1935	**	25,000	
Hindustan Bima Co., Lahore	1914	1,04,630	1,50,000	
Hindustan Co-operative Insurance Society, Calcutta.	1907	3,73,875	2,00,000	
Hindustan Mutual Insurance Co., Masulipatam.	1935	M.	25,000	
Hindustan Mutual Assurance Co., Ltd., Agra.	1935	M.	25,000	
Hukumchand Life Assurance, Co., Calcutta.	1934	1,01,050	50,000	
Hyderabad Pioneer Assurance, Co., Hyderabad (Deccan).	1937	..	25,000	

** First Accounts not yet deposited.

M.—Mutual Company having no share capital.

Name.	Year of establishment.	Paid-up capital at end of last financial year for which accounts have been deposited.	Deposit made up to 10th August 1937.	Remarks.
1	2	3	4	5
		Rs.	Rs.	
Ideal Democratic Assurance and Mortgage Loans, Nagpur City.	1926	3,00,430	91,700	
India Equitable Insurance Co., Calcutta.	1908	1,02,275	2,00,000	
India Life Benefit Assurance Society, Coimbatore.	1927	68,825	1,00,300	Became, and subject to the Indian Life Assurance Companies Act since March 1936.
India Oriol Assurance, Co., Amritsar	1931	21,242	25,000	
India Union Insurance Co., Calcutta	1935	6,1700	25,100	
Indian Christian Provident Fund, Madras.	1884	M.	44,000	Exempted from making further deposits.
Indian Circular Insurance Co., Madras	1935	33,870	25,000	
Indian Economic Insurance, Co., Calcutta.	1934	17,158	28,000	
Indian Globe Insurance, Co., Bombay.	1929	3,16,747	1,40,500	
Indian Insurance, Dehra Dun	1934	1,90,291	1,21,100	
Indian Insurance Corporation, Lahore.	1936	..	25,000	
Indian Life Assurance, Co., Karachi	1892	1,45,000	2,00,000	
Indian Merchantile Insurance Co., Bombay.	1907	4,23,060	1,00,000	
Indian Mutual Life Association, Madras.	1925	M.	2,00,000	
Indian Mutual Provident Fund Insurance, Co., Lahore.	1928	M.	50,000	
Indian Ordnance Mutual Assurance Fund, Kirkee.	1883	M.	1,92,400	

* First Accounts not yet deposited.

M.—Mutual Company having no share capital.

Name.	Year of establish- ment.	Paid-up capital at end of last financial year for which accounts have been deposited.	Deposit made up to 10th August 1937.	Remarks.
1	2	3	4	
		Rs.	Rs.	
Indian Progressive Insurance Co., Poona 2.	1935	44,205	31,900	
Indo Asiatic Insurance Co., Ajmer	1933	32,176	25,000	
Indo Burma Insurance Co., Madras	1934	13,265	30,900	
Indo Lanka Life Assurance Co., Madras.	1935	**	50,000	
Indo Union Assurance, Co., Madras	1933	62,500	1,02,100	
Indus Insurance Co., Lahore	1934	30,498	25,000	Became subject to the Indian Life Assurance Com- panies Act, since August 1936.
Industrial and Prudential Assurance Bombay.	1913	2,18,700	2,00,200	
Insurance of India, Comilla	1936	**	25,000	
Investment Trustee and Insurance Corporation, Bombay.	1937	**	25,000	
Jai Vijaya Insurance Co., Madras	1931	24,950	50,100	
Jatiya Kalyan Insurance Society, Calcutta.	1935	6,670	34,300	
Jupiter General Insurance Co., Bombay.	1919	23,74,800	2,00,000	
Jawala Assurance Co., Agra	1934	1,10,600	28,600	
Kaiser-i-Hind Insurance Co., Bombay.	1935	1,10,500	50,000	
Krishna Life Assurance Co., New Delhi.	1931	25,270	62,300	
Lakshmi Insurance Co., Lahore	1924	1,01,000	2,00,000	
Life Insurance Home "India" Ltd. Calcutta.	1937	**	25,000	
Light of Asia Insurance Co., Calcutta.	1913	35,850	1,31,000	

**First Accounts not yet deposited.

M.—Mutual Company having no share capital.

Name.	Year of establish- ment.	Paid-up capital at end of last financial year for which accounts have been deposited.	Deposit made up to 10th August 1937.	Remarks.
1	2	3	4	5
		Rs.	Rs.	
Long Life Insurance Co., Poona	1933	55,960	69,000	
Mahabir Insurance Co., Calcutta	1935	1,17,039	56,000	
Mangalore Roman Catholic Provi- dent Fund, Mangalore.	1888	M.	2,00,000	
Moonakshi Insurance Co., Madras	1935	38,700	25,000	
Methodist Annuitant Society for India, Burma and Ceylon, Medak.	1911	M.	1,57,800	
Metropolitan Insurance Co., Calcutta.	1930	1,00,000	2,00,000	
Midland Insurance Co., Madras	1935	35,700	25,000	
Modern India Life Assurance Co., Calcutta.	1929	90,762	63,500	
Modern Insurance Co., Bombay	1919	68,267	97,100	
Mother India Life Assurance Co., Madura.	1936	11	25,200	
Muslim India Insurance Co., Lahore	1935	70,688	25,000	
Muslim Provident Funds Society, Karachi.	1932	M.		Exempted from making any deposit up to 31st Decem- ber, 1937.
Mutual Assurance Co., Madras	1932	M. 18,500 (Debentures).	78,900	
Mutual Help Association, Simla	1899	M.	1,35,000	
Nagpur Pioneer Insurance Company, Nagpur City.	1921	68,335	2,00,000	
Napier Insurance Company, Cal- cutta.	1937	*	25,000	

**First Accounts not yet deposited.

M.—Mutual Companies having no share capital.

Name.	Year of establishment.	Paid-up capital at end of last financial year for which accounts have been deposited.	Deposit made up to 10th August 1937.	Remarks.
1	2	3	4	5
		Rs.	Rs.	
National Indian Life Insurance Company, Calcutta.	1906	1,00,000	2,00,000	
National Insurance Company, Calcutta.	1906	1,00,000	2,00,000	
National Mercantile Insurance Company (India), Calcutta.	1936	**	25,000	
National Mutual Assurance of India, Madras.	1934	M	30,900	
Naybharat Insurance Company Bombay.	1932	28,535	63,000	
Navajiban Insurance Company, Bengal.	1931	**	25,000	Became subject to the Indian Life Assurance Companies Act, since April, 1937.
Neptune insurance Company, Bombay.	1931	10,000	2,01,400	
New Asiatic Life Insurance Company, Delhi.	1933	1,37,400	2,00,000	
New India Assurance Company, Bombay.	1919	71,21,055	2,00,000	
New Insurance Company, Benares City.	1933	1,25,000	1,02,000	
New State of India Insurance Company, Lahore.	1934	72,985	25,000	
New Swastik Life Assurance Company, Bombay.	1936	**	25,000	
Northern Indian Insurance Company, Lahore.	1929	91,255	1,27,000	
Oriental Government Security Life Assurance Company, Bombay.	1874	6,00,000	2,00,000	
Palladium Assurance Company, Calcutta.	1936	**	25,000	

**First Accounts not yet deposited.

M.—Mutual Companies having no share capital.

Name.	Year of establishment.	Paid-up capital at end of last financial year for which accounts have been deposited.	Deposit made up to 10th August 1937.	Remarks.
1	2	3	4	5
		Rs.	Rs.	
People's Insurance Company, Lahore.	1926	85,615	2,00,000	
Popular Insurance Company, Mangalore.	1929	26,305	1,00,000	
Postal and R. M. S. Co-operative Benefit Fund, Madras.	1921	32,059	1,80,000	
Prabhat Insurance Company, Bombay.	1928	64,188	45,000	
Prabartak Insurance Company, Calcutta.	1931	48,297	35,800	
Premier General Assurance Company, Patna.	1934	54,074	32,000	
Premier Insurance and Building Society, Madras.	1934	24,750	70,000	
Presidency Life Insurance Company Bombay.	1930	20,100	1,18,500	
Provident Insurance Society, Karachi.	1930	M	2,00,000	
Providential Insurance Company, Aligarh.	1936	**	25,000	
Provincial Union Assurance, Delhi.	1934	1,50,971	55,000	
Punjab Mutual Hindu Family Re-Fund, Lahore.	1893	M	..	Exempted from making any deposit.
Radical Insurance Company, Camilla.	1931	49,762	48,000	
Rajasthan Insurance Company, Calcutta.	1937	**	25,000	
Rajluxmi Mutual Insurance Society, Karachi.	1933	M	30,000	

** First Accounts not yet deposited.

M.—Mutual Companies having no share capital.

Name.	Year of establishment.	Paid-up capital at end of last financial year for which accounts have been deposited.	Deposit made up to 10th August 1937.	Remarks.
1	2	3	4	5
		Rs.	Rs.	
Reliance Assurance Company, Bangalore City.	1923	22,275	33,300	
Sahyadri Insurance Company, Nasik City.	1936	..	25,000	
Saraswati Insurance Company, Lahore.	1934	1,35,640	50,000	
Searchlight Insurance Company, Lahore.	1935	**	25,000	
Sentinel Assurance Company, Bombay.	1934	79,300	47,000	
Servants of India Insurance Company, New Delhi.	1932	1,84,563	1,00,100	
Shakti Insurance Company, Ambala City.	1933	29,250	25,600	
Shree Life Assurance Company, Bombay.	1917	68,600	1,35,100	
Sind Hindu Provident Fund Society, Hyderabad,	1894	M.	..	Exempted from making any deposit.
Sind Masters Sahita Fund, Karachi	1933	M.	75,000	
Social Life Assurance, Nagpur ..	1934	10,800	31,500	
South India Co-operative Insurance Society, Madras.	1932	47,163	1,54,550	
South India Fire and General Insurance Company, Coimbatore.	1935	3,26,360	26,000	
South Indian General Assurance, Company, Madras.	1929	41,480	68,400	
Sri Guru Nanak Provident Funds Society, Hyderabad.	1931	16,640	95,000	
Star of India Industrial and General Assurance Company, Madras.	1928	27,157	1,00,200	

** First Accounts not yet deposited.

M.—Mutual Company having no share capital.

Name.	Year of establishment.	Paid-up capital at end of last financial year for which accounts have been deposited.	Deposit made up to 10th August 1937.	Remarks.
1	2	3	4	5
		Rs.	Rs.	
Star of India Insurance Company Lahore.	1928	40,100	1,14,300	
Sterling Insurance Company, New Delhi.	1933	76,981	43,000	
Sunlight of India Insurance Company, Lahore.	1932	96,300	1,01,000	
Sunshine Insurance Company, Lahore.	1933	72,756	60,960	
Swadeshi Bima Company, Agra ..	1931	1,57,310	2,00,000	
Swaraj Banking and Insurance Company, Dharwar.	1935	12,750	25,000	
Sylyan Star Insurance Trust, Delhi	1936	**	25,000	
Taj Insurance Company, Lahore	1930	64,525	52,000	
Turun Assurance Company, Ahmedabad.	1931	39,500	52,000	
Tilok Insurance Company, Delhi	1937	**	25,000	
Tinnevely Diocesan Council Widows Fund, Madras.	1849	M.	1,03,900	
Tropical Insurance Company Delhi	1927	74,280	1,00,000	
Trust of India Assurance Company, Poona 2.	1935	40,320	25,000	
Unique Assurance Company, Calcutta.	1912	1,10,000	2,00,000	
United Assurance, Calcutta ..	1932	17,880	50,000	
United India Life Assurance, Madras	1906	80,100	2,20,000	
United Karnatak Insurance Company, Dharwar.	1930	33,110	43,000	
United National Insurance Company Karachi.	1929	49,260	81,900	

** First Accounts not yet deposited.

M.—Mutual Companies having no share capital.

Name.	Year of establish- ment.	Paid-up capital at end of last financial year for which accounts have been deposited.	Deposit made up to 10th August 1937.	Remarks.
1	2	3	4	5
		Rs.	Rs.	
Unity Insurance Company, Lahore	1932	19,181	26,500	
Universal Fire and General Insurance Company, Bombay.	1919	6,34,925	25,000	
Universal Protector Insurance Company, Calcutta.	1937	**	25,000	
Van Guard Insurance Company, Madras.	1937	**	25,000	
Venus Assurance Company, Delhi	1920	1,54,761	2,00,000	
Victory Insurance Company, Lahore.	1934	48,828	47,000	
Vijaya Lakshmi General Assurance, Madras.	1933	1,06,158	1,25,000	
Vikram General Assurance, Bombay	1937	**	25,000	
Warden Insurance Company, Ahmedabad.	1933	1,07,050	1,26,000	
Western India Life Insurance Co., Satara City.	1913	67,750	1,00,000	
World Wide Assurance, Bombay ..	1935	56,729	25,000	
Young India Assurance Company, Calcutta.	1930	45,640	27,000	
Zenith Life Assurance, Bombay ..	1916	50,000	2,03,000	

** First Accounts not yet deposited.

M.—Mutual Companies having no share capital.

1937-38 (C)

List of Indian life Assurance Companies that were defaulters for deposits under section 4 (1) of the Indian Life Assurance Companies Act, 1912, on the 16 August, 1937.

Name.	Date since the Company has been a de- faulter.	Amount of deposit in arrears.	Rem
1	2	3	4
		Rs.	
Agarwal Assurance Society, Ajmer ..	1-4-37	5,073	
All India Security Life and General Assurance Company, Bombay.	1-4-34	22,670	
Argus Insurance Company, Ahmedabad ..	1-4-37	2,939	
Aryya Insurance Company, Sylhet ..	1-5-35	3,348	
Aryan Life Assurance Society, Bombay ..	1-4-37	5,685	
Bengal Mercantile Life Insurance Company, Calcutta.	1-7-36	6,085	
Bhagya Lakshmi Insurance, Calcutta. ..	1-4-37	8,762	
Bihar National Insurance Company, Patna	1-7-36	8,932	
Central Mutual Life Assurance Society, Bombay.	1-10-33	26,649	This Company proposes to transfer its business to Prabhat Insurance Company.
Dawn of India Insurance Company, Poona..	1-4-35	20,161	
Deccan Assurance Company, Bewada.	1-4-37	9,545	
Federal India Assurance Company, Delhi ..	1-4-37	7,926	
Genuine Insurance Company, Calcutta ..	1-1-36	36,490	
Golden Eagle Insurance Company, Lahore	1-4-37	9,787	
Great Orient Insurance Company, Lahore ..	1-4-36	23,045	
Great Peninsular Insurance Company, Madras.	1-4-36	7,912	
Hukum Chand Life Assurance Company, Limited, Calcutta.	1-1-37	7,543	
Ideal Democratic Assurance and Mortgage Loans, Nagpur.	1-7-37	8,560	
Indian Globe Insurance Company, Bombay	1-1-37	49,773	
Indo-Asiatic Insurance Company, Ajmer ..	8-12-36	3,089	

Name.	Date since the Company has been a defaulter.	Amount of deposit in arrears.	Remarks.
1	2	3	4
		Ra.	
Jai Vijaya Insurance Co., Madras.	1-1-33	1,22,508	The company has resolved to apply to the Court to order its liquidation.
Meenakshi Insurance Company, Madras	1-8-37	3,614	
Modern India Life Assurance Company, Calcutta.	1-1-37	12,775	
Modern Insurance Company, Bombay	1-4-33	10,616	
Navabharat Insurance Company, Bombay.	1-1-37	1,518	
New State of India Insurance Company, Lahore.	1-1-37	3,963	
Prabhat Insurance Company, Bombay	1-4-33	43,432	
Prabartak Insurance Company, Calcutta	1-1-37	2,985	
Radical Insurance Company, Comilla	1-1-37	*7,712	*Since deposited.
Servants of India Insurance Company, Delhi	1-4-37	22,452	
Social Life Assurance, Nagpur	1-4-37	10,906	
South Indian General Assurance, Company, Madras.	1-1-36	14,918	
Star of India Insurance Company, Lahore	1-1-37	5,058	
Taj Insurance Company, Lahore	1-10-36	13,747	
Tarun Assurance Company, Ahmedabad	1-1-36	*14,034	*Since deposited Rs. 1,000.
United Assurance, Calcutta	1-7-35	27,229	This Company proposes to transfer its business to Bengal Mercantile Insurance Company, Calcutta.
United National Insurance Company, Karachi.	1-4-35	25,660	This Company proposes to transfer its business to Sterling Insurance Company, New Delhi.
Unity Insurance Company, Lahore	1-4-37	5,548	
Young India Assurance Company, Calcutta	1-7-36	2,464	

List of Indian Life Assurance Companies that were defaulters for deposits under section 4 (1) of the Indian Life Assurance Companies Act, 1912, on the 10th August, 1937, and to whom warning had been given regarding the default made by them for non-payment of deposit.

Name of Company.	Remarks.
All-India Security Life and General Assurance Company, Bombay.	
Argus Insurance Company, Ahmedabad.	
Ashok Insurance Company, Bombay.	
Bihar National Insurance Company, Patna.	
Central Mutual Life Assurance Society, Bombay.	
Dawn of India Insurance Company, Poona.	
Genuine Insurance Company, Calcutta.	
Golden Eagle Insurance Company, Lahore.	
Great Orient Insurance Company, Lahore.	
Great Peninsular Insurance Company, Madras.	
Hukumchand Life Assurance Company, Calcutta.	
Indian Globe Insurance Company, Bombay.	
Jai Vijaya Insurance Company, Madras.	
Modern Insurance Company, Bombay.	
Navabharat Insurance Company, Bombay.	
Prabhat Insurance Company, Bombay.	
Radical Insurance Company, Comilla.	
Servants of India Insurance Company, New Delhi.	
South Indian General Assurance Company, Madras.	
Taj Insurance Company, Lahore.	
Tarun Assurance Company, Ahmedabad.	
United Assurance, Calcutta.	
United National Insurance Company, Karachi.	
Unity Insurance Company, Lahore.	

List of Indian Life Assurance Companies that were defaulters for deposits under section 4 (1) of the Indian Life Assurance Companies Act, 1912, on the 10th August, 1937, and were served with notices of default under section 34 of the Act.

All-India Security Life and General Assurance Company, Bombay.
Central Mutual Life Assurance Society, Bombay.
Dawn of India Insurance Company, Poona.
Great Orient Insurance Company, Lahore.
Great Peninsular Insurance Company, Madras.
Jai Vijaya Insurance Company, Madras.
Modern Insurance Company, Bombay.
Prabhat Insurance Company, Bombay.
Taj Insurance Company, Lahore.
Tarun Assurance Company, Ahmedabad.
United National Insurance Company, Karachi.

*The Company has since made up the deposit.

[Sir Thomas Stewart.]

In the case of regulations, it is necessary, before publication, to refer the regulations to the Indian Mining Boards and to publish them only after the opinions of these boards have been received. In the case of rules it is possible to publish and to refer to the mining boards simultaneously. It was with a view to securing an expedition of the approval of the rules that we changed the name from 'regulations' to 'rules'.

I turn now to the comments which appear in the two minutes of dissent. I found it a little difficult, at first sight, to appreciate what was exactly in the minds of Prof. Ranga and his Honourable Colleagues when they framed paragraph 1 of the first minute of dissent. I thought, at first, that they were anxious to ensure that before any such rules came into operation there should be an ample opportunity for examination and criticism by the public. Had that been their meaning, then my answer would have been that by arranging for previous publication we have met adequately their point. Publication is carried out in the Gazette of India, a copy of which is supplied to all Honourable Members and I suggest that in that way ample opportunity for criticism is afforded. Paragraph 2 of the minute of dissent, however, goes further and read with the amendment which stands in the name of my Honourable friend, Mr. Ram Narayan Singh, it indicates that the Honourable Members who signed this minute of dissent are jealous of the legislative privileges of this House. They fear that there may be some invasion of those privileges and for this reason it is their view that any rules framed by the executive should be placed before both Houses of the Legislature and should receive formal approval. I am aware that within the last week or so a similar provision has been inserted into the Insurance Bill. Now, Sir, I do not propose to dispute that there may be occasions in which it is desirable to make some sort of provision of this nature but I would very respectfully urge that in the present instance no such necessity exists. If I may, at the risk of tiring the House, give a summary of the provisions which it is proposed to make by rule, my argument, I think, will be more clear.

As I mentioned in the earlier stages of this Bill, the Chief Inspector of Mines, in consultation with expert opinion in the coal fields, has drawn up a draft series of rules for Jharia and Ranee-gunj. It is a summary of those that I propose to give. Chapters I and II provide that the Jharia and Ranee-gunj coal fields be constituted groups of mines for the purposes of the Act, that for each group a central committee be constituted consisting of representatives of colliery owners, colliery managers and representatives of labour, plus an Inspector of Mines, and that the period of membership of the committee should be three years. There are further detailed provisions regulating the resignation of members, specifying the powers and duties of the President, the procedure for holding meetings and disposing of business and defining the powers of the committee in respect of the establishment under its control. It also lays down the fees payable for attendance at meetings. Chapter III relates to the collection of the cess and contains the following provisions—that the cess is to be collected by the railways as a surcharge on freight, that the collections are to be credited to the account of the committee in the Imperial Bank of India, that the expenses of the committee and the maintenance and upkeep of the rescue stations are to be met from this fund. More detailed provisions regulate the keeping, auditing and publishing of the accounts of the committee

Chapter IV deals with the organisation of the rescue stations. These provisions are even more detailed. They provide for the exact location of the two rescue stations in the Jharia and Ranee-gunj areas, respectively. They require that a competent and fully trained superintendent shall be placed in charge of each rescue station, that a permanent rescue corps consisting of, at least, six fully trained men shall be organised and maintained at each station, and that, at least, three competent instructors shall be attached to the station. The general and particular duties of the rescue corps are laid down—for example, that three members of the corps and an instructor shall always remain in attendance. The apparatus and equipment for each station is prescribed and rules for its maintenance in proper order are also laid down. Chapter V deals with the corresponding organisation within the mines. It is provided that the manager of every mine, employing 100 or more persons underground, shall appoint fully trained men according to given scale to co-operate with the rescue stations in rescue work and in practice therefor, that, such trained men shall not all be employed underground at the same time, that every mine in the area to which these regulations apply shall have telephonic communication with the central rescue station, that mines employing less than 100 men need not have telephonic connection if they are within two miles of a telephone connecting with the central rescue station.

More detailed provisions relate to the method of selecting rescue workers, their medical examination, the courses of instruction and practice which they have to undergo, and the code of signals to be employed in training. Chapter VI defines the procedure to be followed in the event of an emergency, such as getting into touch promptly with the rescue station, summoning rescue workers attached to the mine, arranging for medical attendance and informing the mines inspectorate of the occurrence of the emergency. Further regulations deal with the conditions under which rescue workers are to be allowed entry into the mines for rescue work, the organization of rescue parties under captains and leaders, the use of breathing apparatus, the establishment of fresh air bases, the arrangements for the supply of gas masks and other apparatus at the surface, the duties of the leader underground, and of members of the rescue brigades while engaged in rescue work, the code of signalling to be employed and the conditions under which a second spell of rescue work can be undertaken.

I apologize again to Honourable Members for having delayed them with this recital but I hope that they will agree with me that these regulations are matters of technical detail which do not constitute any invasion of the legislative powers of this Honourable House. I would mention also that these are rules which are not necessarily of a general application. These are rules which are framed in relation to the special necessities of Jharia and Ranee-gunj. It may be that after a week or a month or a year it might be decided to constitute rescue stations at other groups of mines. It would be necessary, therefore, to frame an entirely new set of rules to suit the particular conditions of the new group of mines. Finally, while on this subject, I would say that expedition is of the greatest value. We are dealing with regulations which are designed to save human life and to alleviate human suffering. Any delay that is more than absolutely necessary is, I suggest, greatly to be deprecated. In paragraph 3 of the first note of dissent reference is made to the representation of various interests on the committee appointed to administer the rescue station. I am prepared to repeat the assurance, which I have already given that, in

Information promised in reply to unstarred question No. 108 asked by Mr. Badri Dutt Pande on the 17th September, 1937.

INCOME AND EXPENDITURE OF THE ALMORA CANTONMENT.

	1934-35.	1935-36.	1936-37.
	Rs.	Rs.	Rs.
(a) Total gross income from taxes	4,673	5,391	5,827
(b) Government grant paid	5,485	5,362	4,849
(c) Total expenditure	9,689	11,571	14,990

MOTION FOR ADJOURNMENT.

ARREST OF THE GRAND MUFTI AND OTHER ARAB LEADERS IN PALESTINE.

Mr. President (The Honourable Sir Abdur Rahim) : Order, order. I have received notice of a motion for an adjournment of the business of the House from Sir Muhammad Yakub. He wants "to discuss a matter of urgent and important public nature, namely, the failure of the Government of India to convey to His Majesty's Government the intense feeling and resentment of the Muslims of India at the arrest of the Grand Mufti and other Arab leaders in Palestine in the last few days".

I have received an Order from His Excellency the Viceroy and Governor General disallowing the motion on the ground that the motion relates to a matter not primarily the concern of the Governor General in Council.

I have received a similar notice on the same subject from Qazi Muhammad Ahmad Kazmi, but that is also covered by the same order of His Excellency the Viceroy and Governor General.

Mr. President (The Honourable Sir Abdur Rahim) : Legislative Business.

Mr. Bhulabhai J. Desai (Bombay Northern Division : Non-Muhammadan Rural) : Before the legislative business is taken up, may I enquire from the Honourable the Leader of the House as to what place the continuation of the discussion on the Wedgwood Report is to take. Will it be taken up after the Legislative Business now on the list is over, or is there any other order in which it is proposed to be taken up?

The Honourable Sir Nripendra Sircar (Leader of the House) : I received a telephone message from Mr. Satyamurti the other day making enquiries on the subject, and I told him that he might consult the Honourable the Commerce Member. After that I have heard nothing. So far as I am concerned, the statement which I made to the House was that a day would be given, only after all the official business had been

finished, and I do not see any reason for changing that. I thought there might be some agreement, but that has not been arrived at. I must adhere to what I said on the previous occasion on the subject.

Mr. Bhulabhai J. Desai : Is my Honourable friend's mind still open for negotiation for a time after Legislative Business, item No. 3 on the Order Paper, is finished?

The Honourable Sir Nripendra Sircar : I am afraid it is almost closed.

THE PREVENTION OF CRUELTY TO ANIMALS (AMENDMENT) BILL.

Mr. G. V. Deshmukh (Nagpur Division : Non-Muhammadan) : Sir, I beg to move for leave to introduce a Bill further to amend the Prevention of Cruelty to Animals Act, 1890.

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

"That leave be granted to introduce a Bill further to amend the Prevention of Cruelty to Animals Act, 1890."

The motion was adopted.

Mr. G. V. Deshmukh : I introduce the Bill.

THE INDIAN MINES (AMENDMENT) BILL.

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

"That the Bill further to amend the Indian Mines Act, 1923, for certain purposes, as reported by the Select Committee, be taken into consideration."

In moving that this Bill be referred to a Select Committee, I explained in some detail the nature of its provisions, and I do not propose to do that over again. I shall confine myself to referring to the changes which have been carried out in Select Committee and will, thereafter, make reference to the various criticisms and view points which have been expressed in the minutes of dissent. The first amendment is in clause 3 where there was inserted the phrase which is underlined in the copy of the Bill which is before Honourable Members. The object of that amendment was to make it abundantly clear, without any shadow of doubt, that there would be no breach of confidence were the Inspectors of Mines to reveal to the owners of the mines themselves any information which they may have gathered in the course of an inspection of a mine. The next amendment has been carried out in clause 4. This amendment is not separable from the further amendment in the shape of the additional clause 5. In the course of discussion it was agreed that the rules which it is proposed to frame under the new section 30A should be subject to the condition of previous publication before they are put into force. Section 31 of the Indian Mines Act is the section which provides for previous publication and clause 5 of the Bill brings the new proposed section 30A within the purview of this section 31. It should be noticed that we have changed the word 'regulations' into the word 'rules'. The reason for this is that section 31 of the Mines Act provides a different procedure for previous publication in regard to regulations from that prescribed in regard to rules.

[Prof. N. G. Ranga.]

provisions were incorporated in the Act that came subsequently to be passed. Of the persons to represent the interests of miners, two shall be nominated in accordance with the following provisions :

" If there are one or two more registered mines having in aggregate as members not less than one-quarter of the miners, the said persons shall be nominated by such trade unions in such a manner as may be prescribed."

Such care was taken in 1935 to see that the representation that was to be allotted to workers was properly safeguarded and that the ordinary representation alone was not sufficient. If that was so, I do not know why my Honourable friend, the Member for Industries and Labour, is not prepared to give this assurance that if it was found to be necessary to raise the representation given to the other two parties, that is, the owners and the managers, it would also be seen that the miners should be given the same amount of increased representation. Even with regard to the proposed two memberships for miners, I want to place the suggestion before him that he should try to give this representation through the trade unions in the same manner in which representation is sought to be given to the trade unions in regard to the Mining Boards. For instance, if there is to be a trade union for the rescue station in the Jharia coal-field, the two members who are to represent the miners are to be elected by the trade union subject to the conditions that are laid down in section 10 (e) (i) of the Indian Mines Act of 1923.

Then, coming to the next motion in regard to the placing of the rules, to be made under this Bill, on the table of the House, I wish to say that my Honourable friend, the Member for Industries and Labour, has rather over-stated his own case. He has himself given us copious details and very necessary details in regard to the manner in which these rescue stations are to be conducted. A Committee is to be constituted and representation is to be given on this Committee to the various groups of people. The very details that he has given show how complex is this problem and how important the powers and functions of these rescue stations are going to be. It is for this very reason that I want that any rules that may be made under this particular Bill should be placed on the table of this House and this House should be given an opportunity to discuss those things and then giving its approval. It may be said that it will take such a long time. Sir, when a rescue station is going to be established and when Government have waited for so long, they can also afford to wait for a few weeks more. The only delay that may be caused is, in the first instance, when they have to promulgate these rules. Later on, whenever an opportunity of amending these rules occurs, not much delay need be caused and these amendments can be thought of a little in advance and an opportunity can be taken when both the Houses are in Session to place those amendments on the table of both these Houses. As for the first instance in which they have to make these rules it is only four months more before the next Session of the two Houses will begin. It is within these four months that the Government will have to frame their rules and regulations, formulate their detailed proposals and get the whole thing ready and, certainly, it will not be long, thereafter, before they could approach the Legislature and get their sanction and give effect to these rules. View it from whichever point of view, we find that our demand that these rules should be placed on the table of the House is not at all unreasonable. I think on

the other hand it is an extremely reasonable suggestion. For this purpose the Committee, as a whole, recognises the importance of these rules that are contemplated to be formulated by Government. The Select Committee says :

" We consider that the subordinate legislation contemplated under section 30A is of a nature so important that it should be made subject to previous publication."

So, Sir, they themselves recognise the importance of these rules. That is why they have agreed to this amendment that these rules should be previously published in the gazette for three months so that the public may have an opportunity of criticising them and make their constructive suggestions.

I very well recognise the value of this concession made by the Honourable Sir Thomas Stewart and other Members of the Select Committee. But, Sir, this is not enough. If they have, themselves, agreed about the special importance of this particular subject, as to make this particular concession, I want to know why they are not prepared to go with us a little further and agree to our suggestion that these rules should be placed on the table of the House. Moreover, as the Honourable Member himself has admitted, it is not as if we are suggesting a sort of innovation as far as this House is concerned. Only the other day the principle underlying our suggestion has been accepted by this House in regard to an equally important legislative measure, the Insurance Bill. Therefore, I hope the Honourable Member himself will reconsider his opinion and try to agree with us in regard to this particular matter, especially when we recognise the unsatisfactory character of his own unwillingness to agree with us when we realise how unwilling he is to commit himself in regard to the representation to be given to these three groups of people. He says, after all I cannot commit myself to anything definitely now. He may have to give an opportunity to the public to make their criticisms and, in the light of those criticisms, he may have to change the respective quotas of representation that are today proposed to be given to these committees for the management of these rescue stations. What does that mean? Everybody else has an opportunity of expressing his view including Honourable Members of this House. But the final judge and the final monitor must be the Government themselves. I want to know on an important thing like this on which in the past and only in 1935 the House had thought it advisable to fix the respective quotas of representations to be granted to these various parties, on an equally important Mining Board and also to prescribe the manner in which the representatives of labour should be elected, why this House should be balked of exercising its own function, should be balked of its own powers.

Coming also to the question of constitution of these committees and their functions, we find that these committees are to have complete powers—how they are to appoint people, how many people are to be appointed, how they are to be paid and so on. Anything may be done by these committees. These committees are going to be almost independent of the control of this Government except for the fact that on every committee there is a representative of the Factory Inspecting staff—it may be the Factory Inspector or one of his Assistants. That sort of control is not enough. This House will be prevented, thereafter, from exercising any sort of control or supervision in regard to the manner in which these companies will carry on the administration of these rescue stations, satisfactorily or unsatisfactorily, wastefully or economically. We know

[Sir Thomas Stewart.]

the draft rules which we shall issue for criticism we shall propose the following constitution : one member of the mines inspectorate, two members representing the colliery owners, two members representing managers in the field and two representatives of labour interests. I cannot give an absolute assurance that this will be the ultimate composition of the committee. If we are publishing our proposals for public information and for criticism, I am not prepared to say now that I will ignore all criticism. The final decision, however, will be taken in relation to the views of the various parties who are interested to offer these views.

I leave for the moment paragraph 4 of the first minute of dissent and turn to the minute of dissent which has been signed by my Honourable friend, Mr. Chattopadhyaya. His first criticism is, that this scheme ought to have been circulated amongst the miners. Now, I think I can answer that criticism best by asking the Honourable Member one question. If he, Sir, were to set up in the poorer quarters of Calcutta a dispensary, would he go and consult his future patients as to the qualifications of the doctor or as to the equipment of his dispensary ? But if what he really meant to suggest was that this scheme has been drawn up without any consultation at all with the people who know about this kind of thing, then, I would remind him that I have already said that the scheme has been drawn up by the Chief Inspector of Mines after consultation with those in the coal fields who are best qualified to advise him. He has complained also that no scheme has been put before him. That is not entirely accurate, although I do admit that when I previously gave information on this matter I was not in a position to give more than the roughest estimate as to what would be the cost of a rescue station. I have, however, on the basis of information derived from a discussion on this subject in the Geological and Mining Institute, put together some estimates which may assist Honourable Members to a somewhat closer appreciation of the cost of the scheme. The cost of the scheme is of two kinds. First of all, naturally, there will be initial expenditure and, thereafter, there will be recurring expenditure. The initial expenditure, again, will be of two kinds. First of all, on putting up of necessary buildings for accommodating the rescue station and the staff attached thereto. There will then be provision of the apparatus, such as oxygen cylinders, gas masks, breathing apparatus and so on. On buildings, our estimate is that some Rs. 67,000 would require to be spent, and on the moveable apparatus some Rs. 28,000, so that the total initial capital expenditure will be Rs. 95,000. On staff and consumable stores it is estimated that the recurring expenditure will be Rs. 35,000. In the first year the expenditure will be roughly Rs. 1,30,000. Now, in each of the Jharia and Raneegeunge fields the annual raisings of coal are approximately seven million tons—in one it may be a little more, in the another it may be a little less—and a cess at the rate which we propose, viz., two pies per ton would give us just Rs. 75,000. A simple calculation will show that it will not be until the proposed cess of two pies a ton has been in operation for three years that the initial and recurring expenses will have been covered. Honourable Members will, therefore, agree, I think, that the rate we propose is not excessive, at least for the first three years. The question of its revision, thereafter, will, of course, remain open.

Mr. Chattopadhyaya's third suggestion is that as this is a new experiment, it should, therefore, be undertaken by Government. That, I think,

is a very dangerous theory and I think it is peculiarly dangerous if we apply it in the case of an industry which, in the last year, has had a very significant windfall of a rise from Rs. 2 to 3 per ton in the price of coal. As regards the next suggestion in paragraph 4 of the second minute of dissent, it is certainly a very attractive proposition for those mines which are to benefit by the institution of the rescue stations. It would certainly lessen their cost if, for the benefit of Jharia and Raneegeunge, we were to levy a cess on coal produced in the Punjab, Madras, Assam and the Central Provinces. But, again, I feel that I will have the general support of the House if I characterise this as a most inequitable proposition.

I turn, finally, to the fourth sub-paragraph of Prof. Ranga's minute of dissent. At a previous stage I have given the House an assurance that this Bill does not represent the sum-total of the decisions of Government on the report of the Coal Mining Committee. I repeat that assurance and, I am sure, Honourable Members will agree with me that if it was of any importance that we should put into operation measures for the benefit of the miners, we should not delay the putting of those measures into effect until such time as so important issues as sand stowing or nationalisation of mines had been decided. These are important matters that will require much longer and much deeper consideration than it would have been possible to give them between the time of the publication of the report and the introduction of this Bill.

With these words, Sir, I move.

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

“ That the Bill further to amend the Indian Mines Act, 1923, for certain purposes, as reported by the Select Committee, be taken into consideration.”

Prof. N. G. Ranga (Guntur cum Nellore : Non-Muhammadan Rural) : Sir, I am glad that the Honourable Member has given this assurance in regard to the sub-paragraph of paragraph 3 of our minute of dissent and stated that as soon as it is possible and as soon as the Government of India have finished their examination of these two very important things, that is, the compulsory sand stowing in mines and the nationalisation, they will try to place their proposals before this House and take every possible step to increase the facilities that are available today for the miners in regard to their safety and also in regard to their improved comfort and livelihood. I now take up the other point regarding the representation of various parties concerned on the Committees to administer these rescue stations. I have to express my disappointment at the statement of the Honourable Member that he gave the assurance that even if it were to be found to be necessary to increase the representation now proposed to be allotted to other mine owners or mine managers, the representation that is offered to be given to miners will also be correspondingly increased. I have placed this suggestion before him even in my conversations and I find that, most unfortunately, the Honourable Member in charge of this Bill is not prepared to be conciliatory and accommodating in regard to this very small matter. Although it is small in a way from the point of view of the miners themselves, it is a very important matter and that is why we were considering, at the Select Committee stage of the Bill of 1935, to amend the Indian Mines Act of 1923. We took particular care to see that the representation allotted to miners on mine boards was carefully regulated and was safeguarded, and it was in that connection that these

[Prof. N. G. Ranga.]

only too well how the tea cess committee, the coffee cess committee, and the lac cess committee have been carrying on their work. Very highly paid officers have been imported into this country on some specious plea or other and many of them cannot even claim to have had any technical training or qualifications for their jobs. We do not want a repetition of the same thing even in regard to the administration of these rescue stations. It is all very well to say that, after all, when you are setting up these fairly autonomous committees, you must give them sufficient power to appoint whomsoever they like. Viewed from a nationalist point of view, viewed from an Indian point of view, you will find that these powers sought to be given to these committees are highly dangerous and inimical to the interests of Indians, especially in the interests of Indian Industries. Therefore, it is necessary that these rules, according to which these various departments are to be conferred so much power over these rescue stations, should be placed on the table of the House. If they are not placed on the table of the House, each Honourable Member can only give his individual views and can have an opportunity of offering his criticism leaving it to the beneficent decision of the Government to do whatever they like. This is going to be a real deprivation and a serious deprivation of the powers and privileges of this House. I, for one, cannot agree to any such proposal and I hope Honourable Members of this House will agree to our amendment which will be moved later on.

Sir, I have come to the close of my observations, and I need only express my hope that it will not be very long before the Honourable the Industries Member will finish his study and consideration of the Mines Committee's report and come to this House with a more comprehensive and a more satisfactory Bill for safeguarding the interests of miners and also for controlling the vagaries of these managing agents and for improving the state of working conditions that today prevail in these mines. Sir, I support the motion.

Mr. B. Das (Orissa Division : Non-Muhammadan) : Sir, I give my support to the principle of the Bill and I hope the House will pass the Bill, subject to the acceptance of the few amendments that will be moved from this side of the House. I have to make one or two observations which I hope the Honourable Member for Industries and Labour will consider, during the recess, before the formation of the committee to control central rescue stations. I do hope this committee will be of a temporary nature and, by next year, the Honourable Member or his successor, whoever may be in charge of the portfolio of mining, will examine the weighty recommendations of the Mining Committee and try to create a mining authority as has been recommended by that committee. If that authority is created there is no necessity of this temporary mining committee or the central rescue station control committee, as has been suggested by the Honourable Member.

Sir, I was a little disappointed with my Honourable friend conceding two seats to the representatives of the colliery owners. My Honourable friend knows that there are three distinctive Chambers of Commerce which are at present fighting with one another at times and with the Government over the rights of the colliery owners. There is the Indian Mining Association, the Indian Mining Federation and the Indian Colliery Association. I suggest that there should be three seats allotted, one to each of the

Chambers of Commerce that I have named, so that there will be no quarrel or fight or any further representation to the Honourable Member. I would further suggest that the Government of Bihar should have the right to send in a representative as it is the primary function of the Provincial Government to look after the welfare of the people and the Government of Bihar owns those lands and are interested in the welfare of the miners about whom my Honourable friend, Prof. Ranga, spoke so much. I do think that the representative of the Government of Bihar should not be necessarily the mining inspector of the Government of Bihar. Sir, I do hope the Honourable Member for Industries will make a definite statement as to when his Government or he or his successor is likely to introduce a comprehensive Bill and give effect to the Mining Committee's report. Of course, I apprehend there will be serious objections from the colliery owners and the mine owners about the enactment of this six pies cess that is going to be levied under this Bill, because if sand-stowing is to be given effect to and also other recommendations such as stoppage of any further depillaring in those old mines in Jharia and Raneeaganj coal fields, Government will have to meet with objections from the big vested interests, proprietors of these mines. They will always object but it is the interest of this House and of Government to look after, not only the welfare of the miners, how best to save these huge properties that may sink through the process of depillaring after ten or 20 years' work underground and the surface of those lands completely destroyed. It may be as the Coal Mining Committee has rightly observed, that there are colliery proprietors who think that their period of contract would be shortly over and there is no necessity of the conservation of coal as has been recommended, and such colliery proprietors want the depillaring without thinking of the serious danger that these mine areas are liable to by such depillaring. These are things that no national Government can postpone. Government, as at present constituted, may not think in national terms, but as members of international associations or the League of Nations or the international Labour Conferences, Government have the primary function and the primary duty of looking after the welfare of the miners, mines and the collieries; and, therefore, I do hope the next Session of the Assembly will see a comprehensive Bill and Government will bring out their solid proposals as to how coal conservation should take place in India, how there should be no further depillaring by any of the colliery proprietors and how sand-stowing can take place and how there should be no gases or further coal dust in those mines and how they can be prevented. And I do hope, during the recess, the Government of India will collect all the views from these mine owners and mining proprietors which they have not submitted so far to Government. With these observations and with the expectancy of any assurance from Government that a comprehensive Bill will come in the next Session, I support the motion for consideration of this Bill.

Mr. Ram Narayan Singh (Chota Nagpur Division : Non-Muhammadan) : Sir, as this is a salutary measure, I support the motion for consideration. I support also each and every word that has fallen from my Honourable friends, Mr. Das and Prof. Ranga.

Sir, while the motion for Select Committee was being discussed, almost every Member complained that a comprehensive measure was

[Mr. Ram Narayan Singh.]
 not being brought. The Honourable Member in charge of the Bill only said this much that this is not the sum total of the consideration by Government of the Mining Committee's report. He says that as nationalisation of mines and stowing of sand are being considered, there is a delay. Sir, this will not do. We hope and believe that whatever considerations Government have to make, they should make in no time, because, up till now, we have seen that Government have dealt with the question of labour in this country in a most *begari* fashion. We hope that their considerations will be finished soon and a comprehensive measure will be brought forward. Sir, I am glad that the Honourable Member has now supplied us with some more information about the scheme and regulations. We insisted on this in the Select Committee; but we got there only too little. When there is a measure for new taxation for any particular scheme, I think it is proper that the draft scheme in detail—though it may not be an exact one—should be submitted to the House and to the Select Committee, so that we may be able to consider the whole question in the most proper way. I am glad to hear that for the first three years the Honourable Member will realise a cess of only two pies per ton. I have tabled an amendment on this question: I have said that the cess may be realised in relative proportion to the different qualities of coal. I did not raise this point in the Select Committee. This point was brought to my notice after that. Now, I draw the attention of the Honourable Member in charge of the Bill and of the House to the Committee's suggestions as regards the rates of cess to be realised on different qualities of coal. At page 137, paragraph 265, the Committee says:

"As regards the amount of the proposed cess we are of the opinion that eight annas a ton on coal including soft coke, and 12 annas a ton on hard coke, assuming that $1\frac{1}{2}$ tons of coke are necessary to manufacture one ton of hard coke, will be the lowest rates likely to provide adequate funds for the work contemplated at first."

They talk of a large amount of cess, because they were considering a number of recommendations which the Government have not brought forward now. They have said a similar thing in their recommendation at page 198 in paragraph 94, because it is quite just that when any cess is going to be levied, it must not be a flat rate; as the Honourable Member has said that, for the first three years, he is going to realise two pies per ton, if he gives an assurance that after that period, when it will be enhanced, the Government will consider this point that they will raise the cess according to the different qualities of coal, I may not press this amendment.

As regards the other amendments, of course, I shall speak when the time comes, but I think, as the Honourable Member has said, this party has given unstinted support to the Government in the enactment which is just over: as regards the rule-making power, of course, this is a very important power, and as the Honourable Member said, we feel jealous of the legislative power of this House. Of course, we have no doubt; but we must say that as the present Constitution of the Government in this country is, we must not give them unlimited power of rule-making. As regards this, I shall speak later. I support the measure and hope the Honourable Member will consider these points, and if he accepts our amendments, I think the Bill should be passed in a minute or two.

Honourable Members: The question may now be put.

Mr. President (The Honourable Sir Abdur Rahim): I accept closure subject to the reply of the Honourable the Mover. The question is:

That the question may now be put.

The motion was adopted.

The Honourable Sir Thomas Stewart: Sir, at this stage, I do not propose to refer to any matters which may be the subject of discussion in the course of the further stages of the Bill. I should like, however, to protest against an accusation that has been made against me by my Honourable friend, Prof. Ranga. He has accused me of lack of a conciliatory spirit in regard to the question of representation of labour on the committees. That is rather an unkind suggestion of his, considering that the proposals that I am putting forward are proposals which are made at his instance. In connection with the representation of labour on the committees I should, however, like to reassure him that we have in mind the choosing of representatives for those committees in the same way as they are chosen for the mining boards.

Prof. N. G. Ranga: Is the proportion in which the various interests are to be represented in future even after this clause the same?

The Honourable Sir Thomas Stewart: The method which is adopted for representation on the boards will be our model.

Dr. P. N. Banerjea (Calcutta Suburbs: Non-Mohammadan Urban): On a point of information, may I know if the Indian Mining Association and the Indian Mining Federation will also be represented on this board?

The Honourable Sir Thomas Stewart: The proposal is that on these committees there should be one representative of the Government mining inspectorate; there should be two representatives of colliery owners, which term includes the associations to which the Honourable Member refers, two representatives of colliery managers; and two representatives of labour.

Dr. P. N. Banerjea: But there are three bodies of mine owners: how will you divide these two seats between these three?

The Honourable Sir Thomas Stewart: I may remind the Honourable Member that it is proposed that these rules should be published for public criticism and the criticisms of the bodies to which he refers or the comments of individuals interested will receive due consideration.

I have another complaint to make. My Honourable friend, Mr. Ram Narayan Singh, while congratulating me on supplying further information today has said that at previous stages that information was not available. On the contrary, except in regard to the detailed estimates of costs, all the information which I have given today was available at an earlier stage. Sir, that is all I have to say at present.

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

"That the Bill further to amend the Indian Mines Act, 1923, for certain purposes, as reported by the Select Committee, be taken into consideration."

The motion was adopted.

Clause 2 was added to the Bill.

Clause 3 was added to the Bill.

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

“ That clause 4 stand part of the Bill.”

Mr. K. Santhanam (Tanjore cum Trichinopoly : Non-Muhammadian Rural) : Sir, I move :

“ That in clause 4 of the Bill, in the proposed clause (b), after the words ‘ the management of Central rescue stations ’ the words ‘ with adequate representation to the workers in the mines concerned ’ be inserted.”

Sir, the Honourable Member in charge of the Bill has accepted the principle. He has assured us that he will make provision for the purpose, and that is satisfactory. But I am moving this amendment so that this principle should be embodied in every statute ; I want it to be embodied in this Act, and I don't think there need be any objection to it. The Honourable Member has already accepted the principle and has assured us that he will make provision for it. Still, if this is embodied in the Act itself, it will be useful for future reference. He has also assured us that representation to the miners will be in accordance with the principles for the establishment of Mining Boards. Subject to these remarks and the assurance from the Government Member, I place this amendment before the House for its acceptance.

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

“ That in clause 4 of the Bill, in the proposed clause (b), after the words ‘ the management of Central rescue stations ’ the words ‘ with adequate representation to the workers in the mines concerned ’ be inserted.”

Mr. Muhammad Azhar Ali (Lucknow and Fyzabad Division : Muhammadan Rural) : Sir, I am glad of the assurance given by the Honourable Member today that the question of representation of miners will always be borne in mind. Sir, though I hold no brief for mine owners, still I think that their interests should be sufficiently safeguarded. Sir, it is a matter for congratulation that Indians have now taken up in right earnest the mining business, and so, I think, just as the miners are going to be safeguarded the labourers working in the mines should also be adequately protected. Sir, the assurance that has been given is, that two representatives of the miners and two representatives of the labourers will be on this Committee, and there will also be a representative of the Provincial Inspectorate of the Government of India, but I don't find mention of any representation of the Legislatures, either Provincial or Central ; and, if representatives of provinces where these mines are situated, or if one or two members of the Central Legislature are put on this Committee, it will greatly facilitate the work and enhance the prestige of the Committee. I, therefore, hope that the Honourable Member in charge will consider the proposal I have just made. With these words I support the Bill.

The Honourable Sir Thomas Stewart : Sir, I regret I cannot accept this amendment, because, I fear it is based on a misapprehension. Clause 4 (b) provides for the technical management of these central rescue stations. Management in that sense would be in the hands of a trained Superintendent and his assistants, and I suggest to the Honourable Member that it would be inappropriate to make any specific reservation for labour on the technical staff of these stations.

Prof. N. G. Ranga : Sir, I find that it was inadvertently put (b) instead of (a) here. I would like to know from the Honourable Member in charge of the Bill if instead of the letter (b), the letter (a) is substituted he would accept the amendment. Then the amendment will read—“ (a) requiring the establishment of central rescue stations in mines and so on ”. We are anxious to press this amendment for this reason, Sir. We are afraid that after these things are published for public criticism, influential mining organizations might feel inclined to make provision for 3 members, one for each of these mining areas, and leave the number allotted to miners without any corresponding change. Moreover, Sir, we do not know at present whether Government are correct in thinking that the managers are more often than not on the side of the miners and safeguarding their interests and so on, and we feel, even as it is at present, the representation given to the owners and managers is too much, and labour should be provided for adequately. If this particular salutary provision

Mr. President (The Honourable Sir Abdur Rahim) : I want to point out to the Honourable Member that he said that it was by a mistake (b) was printed for (a). That cannot be.....

Prof. N. G. Ranga : Sir, I want to point out

Mr. President (The Honourable Sir Abdur Rahim) : The Honourable Member can continue 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.

Prof. N. G. Ranga : After the House rose for Lunch, we were able to have some conversations with the Honourable Member in charge of this Bill, and we have been able to arrive at some agreed amendments. I hope that you will give me permission to move the agreed amendments. I also hope that Mr. Santhanam will withdraw his amendment.

Mr. N. V. Gadgil (Bombay Central Division : Non-Muhammadian Rural) : I am glad that the Honourable Member in charge of the Bill has agreed to meet us and the amendment that my Honourable friend, Prof. Ranga, proposes, represents a sort of compromise. When the Indian Mines Act, 1935, was being considered in the Select Committee, I quite remember that we pressed our view for representation of the miners on the Mining Board, and as a result of that, in section 10 you will find in sub-clause (1), (i) and (ii) method of representation given to the mines. I am glad that the principle of giving representation to the miners which has been conceded then has again been conceded now. I congratulate the Honourable Member in charge.

Mr. K. Santhanam : I beg leave of the House to withdraw my amendment in favour of Prof. Ranga's.

The amendment was, by leave of the Assembly, withdrawn.

[Mr. Amarendra Nath Chattopadhyaya.]
 the Bill will not find any difficulty in accepting this amendment at the beginning and if he finds that it is not really sufficient, for the purpose for which this Bill is proposed, he will be able to raise this amendment when the comprehensive Bill will be introduced. This Bill is really an emergency Bill and it is not a comprehensive Bill. The report of the Mining Inquiry Committee is exhaustive and if we have to take into consideration the real interest of mining we should have to introduce in this House a very comprehensive Bill so that, in the near future, we may be absolutely sure against all possible difficulties relating to mines. Therefore, I appeal to my friends here to accept this amendment and I also appeal to the Honourable Member in charge of the Bill to accept this as a temporary basis. Sir, I support the amendment.

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

"That in clause 4 of the Bill, in the proposed clause (d) of section 30A, for the words 'six pies' the words 'three pies' be substituted."

The motion was negatived.

Mr. K. Santhanam : Sir, I move :

"That in clause 4 of the Bill, in the proposed clause (e), after the word 'training' the commas and the words ', composition,' be inserted."

The Honourable Sir Thomas Stewart : Sir, I accept the amendment.

Mr. K. Santhanam : Sir, my amendment seeks to complete the sense of this clause. I should also like the Honourable Member to give us an idea as to what sort of brigade it will be, what its composition will be, what sort of officials there will be, whether arrangements will be made to recruit the personnel within India or whether foreign experts from outside will be imported. All these are relevant points. We are anxious that in the name of this measure people should not be imported from outside ; we must start with local talent, we are prepared even for some amount of inefficiency to start with so that ultimately we may grow efficient but we do not want foreign recruitment. Our support to this Bill as well as similar Bills is conditional on this, viz., that we do not want any foreign experts or foreign recruitment. I hope the Honourable Member will, while giving effect to this Bill, remember this condition on which alone he is enabled to pass this Bill so easily through this House.

Mr. Deputy President (Mr. Akhil Chandra Datta) : Amendment moved :

"That in clause 4 of the Bill, in the proposed clause (e), after the word 'training' the commas and the words ', composition,' be inserted."

Mr. M. Ananthasayanam Ayyangar (Madras ceded Districts and Chittoor : Non-Muhammadan Rural) : Sir, I want some information on certain points which arise. This Bill seeks to amend Act XI of 1936. In clause 5 of that Act provision is already made for certain things as regards the control, maintenance and functions of rescue stations. Has anything been done till now regarding the establishment of these stations, and if so, who are the persons in charge, what are the different qualifications necessary, and what other steps have been taken, if none have been taken, why not, and what difficulties have been experienced.

It is difficult to approve of a clause relating to rescue stations here without knowing these particulars.

The Honourable Sir Thomas Stewart : Sir, if I may reply first to the second speaker, I think I explained in my speech asking that this Bill should be referred to a Select Committee that we had found ourselves unable, on the basis of the previous wording of this section, to give proper and adequate effect to our intentions and it is for that very reason that I have brought forward this revised draft. It has not been possible to do anything up to date. As regards the composition of the stations, I did mention, in that very long recital of rules, this morning that the suggestion was that there should be a competent and fully-trained Superintendent in charge, that there should be three instructors, and that there should be at least six men fully-trained in rescue work. Now, it will not be the responsibility of the Government of India to appoint any of these ; that will be a responsibility that will rest with the rescue station committee, but I can see no reason in the world why there should be any need to go outside of India or perhaps to go outside of the coal fields themselves in order to find the personnel.

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

"That in clause 4 of the Bill, in the proposed clause (e), after the word 'training' the commas and the words ', composition,' be inserted."

The motion was adopted.

Mr. Deputy President (Mr. Akhil Chandra Datta) : Prof. Ranga. Prof. Ranga is again absent.

Mr. Ram Narayan Singh : This amendment stands in the name of Prof. Ranga on the Supplementary List, but may I move it ?

Mr. Deputy President (Mr. Akhil Chandra Datta) : It stands in the name of Prof. Ranga and Prof. Ranga alone.

Mr. Bhulabhai J. Desai (Bombay Northern Division : Non-Muhammadan Rural) : If the Honourable Member in charge of this Bill will accept a proper amendment as a substitute, with the words "for such modification as the Legislature may make", we will stand by the agreement but not by an amendment which means nothing, because you may say, "what is the good of having them placed on the table, they are published in the Government gazette" ? What was intended by that change was that we wanted to provide for the interval when the House was not sitting and I was quite prepared to meet that contingency, meaning that if any rules are made during that interval, they should be in operation but that they should be laid on the table for such modification as may be required as soon as the House sits, and I say that the amendment as drawn does not carry out this function.

Mr. Deputy President (Mr. Akhil Chandra Datta) : Prof. Ranga.

Prof. N. G. Ranga : I do not move it.

Mr. Ram Narayan Singh : Sir, I was expecting that some agreed amendment would be moved in place of this, but unfortunately this could not happen, so I beg to move :

"That to clause 4 of the Bill, the following proviso be added :

"Provided that the rules referred to in the second line of the section shall not come into force until they have been placed on the table of both Houses of the Central Legislature for at least a month while they are in session and have been approved by resolutions of both Houses."

Prof. N. G. Ranga : I move :

"That in clause 4 of the Bill, in the proposed clause (b) after the word 'authorities' the following be inserted :

'which shall include representatives of the owners and managers of, and of the miners employed in, the mines or groups of mines concerned'."

As the Honourable Member in charge has agreed to accept this I move it.

The Honourable Sir Thomas Stewart : I accept that.

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

"That in clause 4 of the Bill, in the proposed clause (b) after the word 'authorities' the following be inserted :

'which shall include representatives of the owners and managers of, and of the miners employed in, the mines or groups of mines concerned'."

The motion was adopted.

Dr. P. N. Banerjee : I beg to move :

"That in clause 4 of the Bill, in the proposed clause (d) of section 30A, for the words 'six pies' the words 'three pies' be substituted."

No estimate of cost was placed before the Select Committee and five Members of that body observed in their Note of Dissent that Government pleaded their inability to place before the Select Committee even a draft scheme of the proposed scale and scope of expenditure on the Rescue Stations. An hour ago the Honourable Member in charge of the Bill placed before us a rough estimate of the cost of the Rescue Stations. He said that the expenditure might be divided into two parts, namely, capital and recurring, and he pointed out that capital expenditure would amount to Rs. 95,000, of which Rs. 67,000 would be on buildings, and the recurring expenditure, he said, would amount to about Rs. 35,000 a year. If this estimate be correct, then I wish to say that the expenditure, which will be incurred on buildings, will be a sort of permanent expenditure. That expenditure will not be repeated from year to year, nor will the expenditure on equipment be necessary every year. Now, Sir, as regards the yield of the cess if levied at the rate of two pies per ton of coal, the Honourable Member in charge said that Rs. 75,000 was expected to be collected every year. If we confine ourselves to the payment of the recurring expenditure, then the amount will be twice the amount that will be necessary because the staff and consumable stores will cost only Rs. 35,000 a year. The cost of the buildings may be met out of the general revenues of the Government.....

The Honourable Sir Thomas Stewart : No. There is no suggestion that the cost of the buildings should be met out of the general revenues of the Government.

Dr. P. N. Banerjee : I suggest that the cost of the buildings be met out of the general revenues of the Government. Government have a duty in this matter. Government have a duty in the matter of rescuing miners from disaster. Only a few years ago, the Government of India contributed large sums of money for the earthquake disaster in Bihar and also in Baluchistan. Therefore, you cannot say that the Government have no responsibility in this matter. I suggest, therefore, that so far as the cost of buildings is concerned, the Government should bear

it, and that only the annual expenditure should be incurred out of the cess. If that is done, then it will not be necessary to levy a cess at the rate of six pies per ton. It will do if we levy a cess at the rate of three pies only. Hence the amendment that I have moved. Additional taxation is always unwelcome, and when additional taxation is levied at a fairly high rate it becomes doubly unwelcome. Besides, there is another objection to the levy of the proposed cess. It is proposed, in this Bill, to levy the cess at the rate of six pies per ton on all grades of coal. There are, as we all know, several qualities of coal and to levy a cess on a uniform rate would amount to what is called in Economics regressive taxation. Regressive taxation is always bad ; but when the rate of taxation is very small, the evil is greatly minimised. Therefore, I suggest that the cess be levied at the rate of three pies per ton, instead of at six pies per ton in order to avoid the evil, to some extent at least, of regressive taxation. If further amounts are needed in future, you will be able to increase the rate of taxation, because the Honourable Member in charge of this Bill has assured us that a comprehensive Bill will be placed before the House very soon. There is no hurry in levying a cess at a high rate. I, therefore, strongly urge that the Government will accept my amendment and reduce the rate of cess from six pies to three pies. Sir, I move.

Mr. Deputy President (Mr. Akhil Chandra Datta) : Amendment moved :

"That in clause 4 of the Bill, in the proposed clause (d) of section 30A, for the words 'six pies' the words 'three pies' be substituted."

The Honourable Sir Thomas Stewart : In moving this amendment, I am afraid the Honourable Member has been under a slight misapprehension. The rate of six pies per ton is not necessarily the rate to be levied but it is the upper limit which I am asking this Honourable House to lay upon us, an upper limit beyond which we do not propose to go. In the meantime, our present intention is, as I said this morning, to proceed on two pies per ton. The Honourable Member might say : 'We are giving you too much latitude in view of the figures which you yourself quoted' but in answer to that I would say that my estimates were based on the cost of starting a scheme. To reduce the rate to two pies or three pies would not allow of any possibility of expansion. But further than that the estimate of two pies per ton is based on conditions in Jharia and Ranee-gunj where you have a very considerable concentration of mines. It might be that tomorrow or the next day or next year we might have to apply the regulations to mines elsewhere in which case a two pies or three pies maximum might be inadequate. Therefore, I oppose the amendment.

Mr. Amarendra Nath Chattopadhyaya (Burdwan Division : Non-Muhammadan Rural) : I beg to support the amendment moved by Dr. Banerjee. In my note of dissent I had suggested that as the rescue stations were being proposed as an experimental measure the best thing would be for Government to pay the initial expenses. But if it is not going to be accepted, I think it is best for us to begin from the minimum, that is, three pies per ton instead of six pies, as, even from the raisings which have been shown in the Miners Enquiry Committee Report, if three pies per ton is taken, I believe it will be sufficient for initiating the new experiment. I believe that the Honourable Member in charge of

[Mr. Thirumala Rao.]

means for their administration. This whole business is an extensive one and millions of tons of coal is being taken out from the mines every year. If this organisation of the rescue stations is to be widened on a large scale, as is accepted on all hands, this rule-making power must rest with the Legislature and Members who prize their rights and have also regard of their duties to the people and the industry concerned will, I hope, vote for this amendment. With these words, I support the amendment.

Mr. N. V. Gadgil : Sir, I am surprised that the Honourable Member in charge of this Bill is not inclined to accept the modest amendment of Professor Ranga with a rider which was suggested by the Leader of my Party, namely, "with such modifications" as the House may make. Only a few days ago, when the Insurance Bill came to be discussed before the House, this principle was accepted by the House, as a whole, and I see no consistency in the conduct of the Government Member in charge of the Bill justifying refusal to such a modest request. It is not denied that the Government should have the power to make rules. In modern days when legislation is going on on a very large scale that power is necessary, but at the same time the sovereignty of the Legislature must be maintained. There must be supervision over the rules that may be framed by the Government department concerned. The supervision may be prerequisite or it may be precautionary but, in every case, supervision ought to be there. What is sought by the amendment that has been moved by my Honourable friend Mr. Ram Narayan Singh, is that the rules need not have the force of law unless they have been approved by both the Houses. The suggested amendment of Prof. Ranga was of the other category, that the rules should be laid on the table and, afterwards, they should be adopted with such modifications as the House may make. I think this amendment comes in the latter category, namely, precaution. I agree that a fair measure of delegated legislation or subsidiary legislation, as it is called, should be handed over to the department concerned. But, at the same time, as I have just stated, the supervision of the Legislature must be secured. Having been committed to that principle in the passage of the Insurance Bill, I think it is not fair on the part of the Government to say no to this. As was pointed out by my Honourable friend, Mr. Thirumala Rao, large powers of patronage and other ancillary matters will have to be considered by the department and rules will have to be made. It is necessary that at some stage the argus-eyed Legislature should have an opportunity to see what the departments are doing. Otherwise we will be subject to what is now called the new despotism. I appeal once more to the Government to agree to the suggested amendment with the rider suggested by the Leader of our Party.

Mr. M. S. Aney (Berar : Non-Muhammadan) : Sir, the amendment, I believe, has been sufficiently discussed and the principle on which this amendment is being moved has, in my opinion, already been accepted by the Government during the discussion of the Insurance Bill here. What is after all asked for in this amendment is that the rule-making power which is vested in the Government should be subject to supervision by this House and the House should have an opportunity

of examining these rules before they are promulgated. That is the idea. That is a recognised procedure in English Parliament also. Before any rules are framed and finally promulgated, we find this general procedure being adopted, namely, that these rules are being placed on the table of both Houses of Parliament for a certain period and within that period the House has a right to move any amendment if it likes. If nothing is done within that period the rules are taken as passed. Or if the House makes any change in these rules, then they are promulgated with the modification made. That is the recognised procedure in England. The attempt now made is to bring that procedure into practice here in India also. The amendment of Prof. Ranga exactly reproduces the present practice in England. The only difficulty with regard to the amendment of Mr. Ram Narayan Singh is that it requires a positive resolution of approbation. If the Government do not like the amendment of Mr. Ram Narayan Singh, then they can certainly accept the amendment of Prof. Ranga, namely, that the rules should be placed for a certain period and the House should have the right of making any modification it likes within that period. If that is accepted, then I believe that it will not be difficult to request my Honourable friend, Mr. Ram Narayan Singh, to withdraw his amendment in favour of Prof. Ranga's. If that is not done, the House will have no option but to record its vote in favour of Mr. Ram Narayan Singh's amendment.

Mr. George Joseph (Madura and Ramnad cum Tinnevely : Non-Muhammadan Rural) : Sir, I beg to intervene in this discussion because of the vast constitutional importance of the amendment. Primarily it is the duty of the Legislature to legislate and it has always been recognised as a principle in all constitutions arising out of British experience to divide the functions of the State : the executive to administer, the Legislature to legislate and the courts to judge. But as a result of modern complexities and difficulties that face all Governments in legislation, in the executive and in the judiciary, it has become necessary for the Legislature, as an inevitable necessity, to delegate a part of its legislative functions to the executive government of the day. That should be regarded as an anomaly ; it should be regarded with suspicion, it should be regarded with jealousy and it should be controlled with the greatest amount of care, because, primarily it is the duty of the Legislature to legislate and not the executive. But merely because of the sheer helplessness of modern legislatures on account of the vast quantities of the proposals that come before them—varied, complex and difficult—the legislature feels, in spite of its anxiety to do all the legislative work, all by itself, compelled by the necessity of the case to delegate. But, surely, it should be recognised that it is a delegated authority, it should be only in very exceptional cases that that delegation should take place. What has happened ? There again we follow the example of the British Parliament. The British Parliament assumes its readiness to delegate part of its functions to the executive. Especially during the war such an enormous amount of legislative authority was delegated to the executive government that there was a risk of the Parliament, in its indolence, making over powers of legislation to the executive and the executive doing enormous quantities of legislation without the authority of the Parliament. Hence resulted what had been described by Lord

[Mr. Ram Narayan Singh.]

Sir, so far as this amendment is concerned, the amendment speaks for itself. Besides, the situation in the country also speaks for itself. Sir, we know that whenever there is any agitation in the country for any rights or privileges, laws are made by the Government. In those laws some provision is made as regards the rule-making power of the Government. What they give by the right hand, they take away by the left by their rule-making power. Besides that, the law is one thing, rules made according to the law are something quite different, and, worst of all, the administration is something quite different. Sir, this is the misfortune of the country that the Legislatures have got no full control over this Government. I do not understand what difficulty there is in accepting this amendment. Now, they say that if the Houses are not in Session, there may be delay. Sir, this is an excuse which I do not understand. Several calamities have happened, several disasters have happened in the coal-mines, and several people have lost their lives,

Now, after so many years and after the loss of so many lives, Government have come forward with a scanty proposal and they talk of a delay. We know what the Government have been doing. So far as I understand, such a procedure is prevalent in the British Houses of Parliament. All rules made by the British Government are placed on the tables of both the Houses. I hope the Government will re-consider the situation and accept the amendment without any hitch. I tell them frankly that if they have any faith in the Legislature, there ought to be no hesitation on their part to accept this amendment. It is for them to create that faith in us. I am not going to conceal my thought that this amendment is being moved on behalf of the Congress Party, because we have lost all faith in this Government, and it is the duty of this Government to revive that faith. If they fail to create that faith, then their fate is doomed.

Mr. Deputy President (Mr. Akhil Chandra Datta) : Amendment moved :

“ That to clause 4 of the Bill, the following proviso be added :

Provided that the rules referred to in the second line of the section shall not come into force until they have been placed on the table of both Houses of the Central Legislature for at least a month while they are in session and have been approved by resolutions of both Houses ”.

Mr. Abdul Qaiyum (North-West Frontier Province : General) : Sir, this is a very important amendment, and if it is not carried it would mean that we are surrendering something, which it is our duty to perform, to a Government which is absolutely irresponsible. In a country like England where parliamentary institutions have developed since a long time, owing to the lack of time, the tendency had arisen for the Legislature to leave quite important parts of legislation, namely, the framing of rules, etc., to various departments of the Government. This tendency increased so much that even in that country there was an outcry and people insisted that in future, whenever such rules are framed by some obscure person in a department, those rules should be placed on the table of the Houses of Parliament and positively approved by a resolution of those Houses. When, in a country like England, where the Government is responsible to the Legislature, the necessity for a positive

approval of the rules is felt and has been put into practice, I fail to understand how we can surrender this very important privilege of this House to a Government which is absolutely irresponsible. After all, the rules which are going to be framed will either be good rules or bad rules. If these rules are good, there is absolutely no harm in placing them on the table of the House and in inviting the opinion of the House on those rules. But if they are bad rules, then of course there will be opposition and this House will not be a party to the carrying out of those rules. We regret, therefore, that we cannot carry out the wishes of the Government Benches and we consider that very important matters are being left in the matter of these rules, for example, the organisation of rescue stations and the various matters which are mentioned in parts (a) to (f) of the new section 4. These are very important matters, and we cannot afford to leave them to some irresponsible departmental official. I, therefore, support this amendment and I request the Honourable Members of this House to carry it out and thus vindicate the privilege of this House to look at the rules and to approve of them only when they consider that they deserve our approval.

Mr. M. Ghiasuddin (Punjab : Landholders) : Mr. Deputy President, I rise to support this amendment, and I do so on broad principles. It is the duty of every Parliament and every parliamentarian to increase the powers of the Parliament by constitutional methods as much as possible. The present amendment is a very modest one, and it only seeks that, when the rules have been framed by the Executive, they should be placed on the table of the House and the opinion of the House should be sought. I think it is the duty of every elected Member to try and assert the privileges of this Honourable House, and I think the Government will do well to accede to the wishes to the House. After all, the Government try to be a democratic Government, although they are not, and so, in accordance with what they have said and have been saying, I think this amendment.

Mr. Thirumala Rao (East Godavari and West Godavari cum Kistna : Non-Muhammadan Rural) : Sir, when I listened to the speech of the Honourable Member in charge of the Bill, I felt that he was sweetly reasonable in accepting all the amendments, but when it comes to the real point where powers are to be reserved to Government, all his reasonableness has vanished and he is unable to accept the amendment tabled from this side of the House. We know that Government reserve to themselves large powers by way of rule-making powers. There are certain powers which are supposed to be conferred on this House and our experience, in the past, does not encourage us to arm the Government with those powers. When the Honourable Member has accepted the upper limit of the cess to half an anna and when he has accepted to give adequate representation to labour, I thought he would concede that the House would be wise enough to see that the rules are properly framed. But he wants to reserve the wisdom as well as the privilege to himself because there is much in that. The organisation of these rescue stations, the distribution of patronage, the administration of large funds to the extent of lakhs, all these he wants to remain in the hands of Government themselves without any criticism or without any hand of this House in devising the ways and

[Mr. M. Ghiasuddin.]

temper of the House and the meaning is that the temper of the House is not to be trusted. Is it not derogatory to the House to refer to the temper of the House?

Mr. Deputy President (Mr. Akhil Chandra Datta) : I did not follow the precise words. If the Honourable Member insists on his point of order, I shall ask Sir Muhammad Yakub to repeat what he said.

Mr. M. Ghiasuddin : I insist upon my point of order. As far as I heard him, the Honourable Member said that we all know the temper of the House.

Mr. Deputy President (Mr. Akhil Chandra Datta) : May I know from Sir Muhammad Yakub what were the exact words used by him?

Sir Muhammad Yakub : I said that we do not know what might be the temper of the House when a Resolution is brought before the House. I never meant that the House loses its temper : if once an Honourable Member loses the opportunity of making a speech because closure was moved, then the Honourable Member should not be in such a frame of mind that he should raise such points of order which have no meaning.

Mr. Deputy President (Mr. Akhil Chandra Datta) : In view of the explanation of Sir Muhammad Yakub as to the meaning in which he used that word, I think he may proceed.

Sir Muhammad Yakub : These rules, as I said, are meant only for the safety of the miners, and we have seen recently how disastrous accidents have occurred in the mines resulting in heavy loss of Indian lives. So it is a matter of urgency that the rules for the safety of miners should come into force as soon as possible. If we adopt this amendment I think it will take a very long time. For instance, the House will now rise on or about the 7th of this month. We will again meet sometime in February next year. If these rules are placed on the table in February, it will take a month before they can be discussed. Then the House will be discussing the budget and there will be no time to move a Resolution for passing these rules. If that Resolution is passed in the Delhi Session, they ought to be placed in the other House for a month.

An Honourable Member : Simultaneously.

Sir Muhammad Yakub : Even if they are placed simultaneously, I say, it may not be possible for this House to pass a Resolution in the Delhi Session. Therefore, it will take a long time before these rules come into operation. So, I would request that we should accept the principle which was laid down during the discussion on the Insurance Bill and we should pass only this much that they should be placed on the table of the House for a certain period and then should come into force without a Resolution of the House, unless there is any objection to a particular rule, and a particular Resolution is moved within the period that they are on the table of the House. I oppose the form in which this amendment has been moved.

Mr. Bhulabhai J. Desai : Sir, in view of the attitude adopted by the Government in this case, it becomes my duty to explain the whole

position. It may be that this is a comparatively minor piece of legislation so far as its extent goes. But the principle for which we stand will not be sacrificed even if the Government think it fit to consider that, in a particular case, there must be an exception. The point shortly is this. The Honourable Sir Muhammad Yakub hardly troubled to read clause 4, nor did he trouble to understand what the House had voted.....

Sir Muhammad Yakub : Sir, I rise to a point of order : the Leader of the Opposition is using unparliamentary language.

Mr. Deputy President (Mr. Akhil Chandra Datta) : I do not think it is unparliamentary.

Mr. Bhulabhai J. Desai : I will presently make good how that impromptu speech came to be delivered. In the Insurance Bill, the principle which this House accepted was that, instead of requiring an affirmative vote of the House for the rules to come into force as rules made under the Act, a modification was accepted that the rules should be placed on the table, but an opportunity to the House for its modification should be given : it is those important words which for some known or unknown reason escaped the attention of the Honourable Member who last addressed this House. If he meant what he said, that he was prepared to accept and follow the same principle as we did in the Insurance Bill, he ought to have gone round to those in whose favour he spoke and asked them to accept it. For no effort was wanting on my part so far as I was concerned to see that there was no inconvenience caused by allowing the House an opportunity of modifying the rules if that was thought fit to be accepted. In as much that is not being accepted, the speech of Sir Muhammad Yakub was really inopportune and not to the point.

Coming, therefore, to the position as it now stands, with every effort that was made in order to get a *via media* which we accepted on the Insurance Bill on the appeal of the Honourable the Leader of the House who was in charge of that Bill, if the House is left no option, the inconvenience will have to be faced. But inasmuch as the Honourable Sir Thomas Stewart at all events apparently accepted the wisdom of Lord Hewart's book in that the Civil Service and the permanent services are getting too much power, are getting too fond of exercising that power, are getting too fond of anybody who, to a certain extent, supports the exercise of that power, and getting unfond of those who wish to restrict the exercise of such unrestricted power, this House is left with no alternative, but to support this amendment.

Honourable Members : The question may now be put.

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

“ That to clause 4 of the Bill, the following proviso be added :

“ Provided that the rules referred to in the second line of the section shall not come into force until they have been placed on the table of both Houses of the Central Legislature for at least a month while they are in session and have been approved by resolutions of both Houses ”.

[Mr. George Joseph.]

Hewart as the new despotism. Now, therefore, it became necessary for Parliament to get control of this again. When legislative authority is delegated to the executive, there are two ways of resuming this power again by the legislature. There was the necessity on the part of the executive government framing the statutory rules and placing them on the table of the House of Commons. There were two ways of dealing with them. One was for these draft rules laid on the table of the Houses of Parliament to have legislative authority in the absence of modification or in the absence of veto by the legislature. That was one way. The second way was to put them as drafts before the Houses of Parliament and they would not assume legislative or statutory authority without formal consent by Resolution of both Houses. Now, recently, in connection with the Government of India Act, we came to know of this procedure, the procedure of laying the draft rules or draft Orders in Council before both Houses of Parliament and the Orders in Council would have legislative authority provided both the Houses resolved on approving the draft Orders in Council laid on the table of both Houses of Parliament. That should be a familiar thing to Honourable Members here. There is a negative thing also, that is the veto. What is sought in Mr. Ram Narayan Singh's amendment is on the lines of what happened in connection with the draft Orders in Council under the Government of India Act. The other amendment, which is in the name of Prof. Ranga—which by the way seems to be in a state of suspended animation now.....

Mr. Bhulabhai J. Desai : It is dead now.

Mr. George Joseph : Under that amendment the rules have to be laid before both Houses of Legislature in India—the Assembly and the Council of State. Now, as my Honourable friend, Mr. Aney, has pointed out, this is a precedent which was followed in connection with the rule-making powers under the Insurance Bill. Unfortunately, the Honourable Member for Industries and Labour seems to be a little more suspicious of this House than was the Honourable the Law Member, it may be on account of his training as an administrator, because administrators always mistrust legislatures and lawyers—I do not know what exactly has happened. However, even now, I join in the appeal made by my Honourable friend, Mr. Aney, to the Honourable the Member for Industries and Labour that he will still try to draw inspiration from his Colleague, the Honourable the Law Member, and I hope it may be possible for him to accept the amendment of Mr. Ram Narayan Singh, for the amendment of Prof. Ranga, I suspect, is in a state of suspended animation. If that compromise is not accepted, obviously we shall have to vote in favour of my Honourable friend, Mr. Ram Narayan Singh's amendment and I am fully confident, at least I hope, the House will carry that.

The Honourable Sir Thomas Stewart : Sir, I should like in the first place to make it quite clear that the second of the formulæ which I accepted,—the two were inter-dependent,—was not of my drafting. I should like that to be perfectly clear. I have been saved by the last speaker the trouble of controverting my Honourable friend, Mr. Abdul Qaiyum, who was in a historical mood and was telling us exactly what had happened in the United Kingdom. But, as Mr. Joseph was good enough to quote on my behalf Lord Hewart's most estimable book, I am

saved the trouble of going further in that direction. In my remarks this morning I went to some length to set out the reasons why I thought in respect of this particular Bill that there would be no invasion of the powers of this House to which reasonable objection could be taken if powers were given to the executive to frame rules which, after all, are purely technical and of local effect only.

Mr. George Joseph : Why not have administrative rules ? Why do you want statutory authority ?

Mr. S. Satyamurti (Madras City : Non-Muhammadan Rural) : They are not all technical.

The Honourable Sir Thomas Stewart : I will admit that in one respect they are not technical rules, namely, in respect of the constitution of the committee. The main objection which was taken was in respect of the composition of the committee. I went out of my way to meet the objections from the other side of the House by accepting an amendment which gave statutory force to the desire of those opposite. It has been urged that unless the amendment is accepted there will be left in the hands of Government enormous patronage. That is entirely wrong. The patronage will not remain in the hands of Government but in the hands of the committee. Sir, much as I appreciate the efforts that have been made towards compromise, I am still unconvinced that in the case of this particular Bill it is necessary and I, therefore, oppose the amendment.

Sir Muhammad Yakub (Rohilkund and Kumaon Divisions : Muhammadan Rural) : Sir, I did not like to intervene in this debate, but I find that the amendment, in the form in which it has been tabled here, makes the whole clause impracticable : I do not find fault with the principle which was accepted during the discussion of the Insurance Bill that the rules should be laid on the table of the House for a certain period ; but the way in which this amendment is drawn up, namely, that they shall not come into force until they have been placed on the table of both Houses of the Central Legislature for at least one month, while they are in Session, and have been approved by Resolutions in both Houses, is surely impossible. In the first place, if we accept this amendment I think it will not be less than one year, at least, before these rules can be passed and can come into force. These rules are to be framed for the safety of the miners and to delay even a day in bringing such rules into operation would certainly be dangerous for the people of our own country. This is not a political matter, and if we look at everything with an eye of suspicion I do not think we can do any good to the people of this country. I accept the principle which was laid down that the rules should be laid on the table of the House but to say that they will not come into operation before they have been for a month on the table of the House, when it is in Session, and have been approved by Resolutions, is to say the impossible. Sir, we know what is sometimes the temper of the House ; we do not know in what frame of mind the House might be ; and if the Resolution is turned down by the House it will be very damaging for the safety of the miners.

Mr. M. Ghiasuddin : Sir, I rise on a point of order. I am sorry I am not in my seat just now, but the Honourable Member referred to the

The Assembly divided :

AYES—44.

Abdul Ghani, Maulvi Muhammad.
Abdul Qaiyum, Mr.
Aney, Mr. M. S.
Asaf Ali, Mr. M.
Ayyangar, Mr. M. Ananthasayanam.
Azhar Ali, Mr. Muhammad.
Banerjee, Dr. P. N.
Chaliha, Mr. Kuladhar.
Chattopadhyaya, Mr. Amarendra Nath.
Chaudhury, Mr. Brojendra Narayan.
Das, Mr. B.
Das, Pandit Nilakantha.
Desai, Mr. Bhulabhai J.
Gadgil, Mr. N. V.
Ghiasuddin, Mr. M.
Govind Das, Seth.
Gupta, Mr. K. S.
Jedhe, Mr. K. M.
Jogendra Singh, Sirdar.
Joseph, Mr. George.
Kailash Behari Lal, Babu.
Lalchand Navalrai, Mr.

Maitra, Pandit Lakshmi Kanta.
Malaviya, Pandit Krishna Kant.
Mangal Singh, Sardar.
Misra, Pandit Shambhu Dayal.
Mudaliar, Mr. C. N. Nuthuranga.
Muhammad Ahmad Kazmi, Qazi.
Pande, Mr. Badri Dutt.
Raghubir Narayan Singh, Choudhri.
Ranga, Prof. N. G.
Rao, Mr. Thirumala.
Saksena, Mr. Mohan Lal.
Sant Singh, Sardar.
Santhanam, Mr. K.
Satyamurti, Mr. S.
Sham Lal, Mr.
Sikandar Ali Choudhury, Maulvi.
Singh, Mr. Gauri Shankar.
Singh, Mr. Ram Narayan.
Sinha, Mr. Satya Narayan.
Som, Mr. Surya Kumar.
Sri Prakasa, Mr.
Varma, Mr. B. B.

NOES—49.

Abdul Hamid, Khan Bahadur Sir.
Abdullah, Mr. H. M.
Ahmad Nawaz Khan, Major Nawab Sir.
Aikman, Mr. A.
Asghar Ali, Sheikh.
Bajpai, Sir Girja Shankar.
Bhutto, Mr. Nabi Baksh Illahi Baksh.
Boyle, Mr. J. D.
Chanda, Mr. A. K.
Dalal, Dr. R. D.
Dalpat Singh, Sardar Bahadur Captain.
Fazl-i-Haq Piracha, Khan Bahadur Shaikh.
Fazl-i-Haqq, Khan Sahib Shaikh.
Ghulam Muhammad, Mr.
Gidney, Mr. C. W. A.
Griffiths, Mr. P. J.
Grigg, The Honourable Sir James.
Hudson, Sir Leslie.
Kamaluddin Ahmed, Shams-ul-Ulema.
Kushalpal Singh, Raja Bahadur.
Lloyd, Mr. A. H.
Mackeown, Mr. J. A.
Manavedan Raja, Rao Bahadur K. C.
Mani, Mr. R. S.
Mehr Shah, Nawab Sahibzada Sir Sayad Muhammad.
Mehta, Mr. S. L.

Mudie, Mr. R. F.
Nagarkar, Mr. C. B.
Nayudu, Diwan Bahadur B. V. Sri Hari Rao.
Ogilvie, Mr. C. M. G.
Parsons, Lieut.-Colonel A. E. B.
Purcell, Mr. R. S.
Rahman, Lieut.-Colonel M. A.
Roy, Mr. S. N.
Scott, Mr. J. Ramsay.
Shahban, Mr. Ghulam Kadir Muhammad.
Sher Muhammad Khan, Captain Sardar Sir.
Sircar, The Honourable Sir Nripendra.
Slade, Mr. M.
Spence, Mr. G. H.
Staig, Mr. B. M.
Stewart, The Honourable Sir Thomas.
Sukthankar, Mr. Y. N.
Sultan Ahmad, The Honourable Sir Saiyid.
Thorne, Mr. J. A.
Tylden-Patterson, Mr. A. E.
Yakub, Sir Muhammad.
Yamin Khan, Sir Muhammad.
Ziauddin Ahmad, Dr.

The motion was negatived.

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

“ That clause 4, as amended, stand part of the Bill.”

The motion was adopted.

Clause 4, as amended, was added to the Bill.

Clause 5 was added to the Bill.

Clause 1 was added to the Bill.

The Title and the Preamble were added to the Bill.

The Honourable Sir Thomas Stewart : Sir, I move :

“ That the Bill, as amended, be passed.”

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

“ That the Bill, as amended, be passed.”

The motion was adopted.

THE PATNA UNIVERSITY (AMENDMENT) BILL.

Sir Girja Shankar Bajpai (Secretary, Department of Education, Health and Lands) : Sir, I beg to move :

“ That the Bill further to amend the Patna University Act, 1917, for a certain purpose, be taken into consideration.”

This measure, Sir, is designed to correct an inadvertent error. When the adaptation of the Indian Laws Order, 1937, was promulgated, it had the effect of extending the academic jurisdiction of the University of Patna to the whole of the new Province of Orissa. What we did not intend at the time, but what came to pass as a result of the wording of that order was, that the jurisdiction of the Andhra University was ousted from that part of the territory of the new province of Orissa which was transferred from Madras to the new Province. The point was put to the present Government of Orissa in August, and they said that they did not want the jurisdiction of the University of Andhra to be removed from those portions of the province which had come from the Presidency of Madras. The amendment which we now propose, Sir, will have the effect of retaining the jurisdiction of the University of Patna over that part of the province which formerly belonged to the province of Bihar and Orissa and the jurisdiction of the Andhra University over the part which came over from the Presidency of Madras. That, Sir, is all that this Bill purports to achieve. Sir, I move.

Mr. Deputy President (Mr. Akhil Chandra Datta) : Motion moved :

“ That the Bill further to amend the Patna University Act, 1917, for a certain purpose, be taken into consideration.”

Pandit Nilakantha Das (Orissa Division : Non-Muhammadan) : Sir, I want merely to ascertain some facts and their implication. The Madras portion of Orissa is already included in the Patna University. Technically, it is so under the Adaptation Order. This Bill excludes that portion, with the result that the University of Patna will not be effective in the Madras portion of Orissa. In that case how can the Andhra University by itself, come in ? The Andhra University Act was superseded by this adaptation.....

Sir Girja Shankar Bajpai : If I may correct my Honourable friend, what happened was that as a result of the promulgation of this Order, the jurisdiction of the University of Patna was extended to the whole of the new Province of Orissa including the portion which came over from Madras, with the result that the jurisdiction of the Andhra University was

[Sir Girja Shankar Bajpai.]

automatically ousted. Now that we are specifically limiting the jurisdiction of the University of Patna to the territory described in the measure, the jurisdiction of the Andhra University will be automatically restored over the other part.

Pandit Nilakantha Das : What I want to know is this. Is there no dual jurisdiction at present in the Madras portion and have not the students there the option of appearing in either University ? If that is the position, I suggest that this exclusion is not necessary ; if that is not the position, for the present there is no objection.

Sir Girja Shankar Bajpai : I may tell my friend at once that there is no such thing as a duality of jurisdiction, because section 11 of the Patna University Act runs as follows :

"Notwithstanding anything in any other law for the time being in force, no University in British India, other than the Patna University, shall, after the commencement of this Act, admit any educational institution in the province of Bihar and of Orissa to any privileges whatever."

Mr. B. Das (Orissa Division : Non-Muhammadan) : I take this opportunity of acquainting the House as to how Orissa is suffering, after its separation, under the dispensation of the Honourable the Finance Member and the Government of India. There cannot be any Provincial Autonomy unless the province has its own university, but the poor Oriyas will have to suffer under two different cultures, one, the Bihar culture and the other, the Andhra culture. That is our misfortune. We have got very friendly relations with our Biharee friends, and some of them are my valued friends including my Honourable friend, the Commerce Member, Sir Sultan Ahmad. But still the two cultures differ and no use in trying to amalgam and produce a uniform result. Although my Honourable friend, Sir Girja Shankar Bajpai, will say that we have his sympathy, he is as helpless as I, though a mere non-official, am on this side, because he cannot persuade the Government of India nor can he modify the Niemeyer award in order that Orissa may have sufficient money to found a university of her own. It is an anomaly which I hope my Honourable friend realises and I do need the sympathy of my Honourable friend when an opportunity arrives, so that the Government of India may give us sufficient money in order that we may have Orissa University whereby the culture of the Oriyas may progress onwards and the Oriyas may not be compelled to seek education at two different universities with two different cultures.

Dr. P. N. Banerjee (Calcutta Suburbs : Non-Muhammadan) : Why don't you be associated with the Calcutta University ?

Mr. B. Das : I would rather have my own Orissa University. I would rather have my own Oriya culture. I wish to point out one little difficulty that the Oriya boys have to suffer under the present arrangement. The timing of examination of the Patna University is not the same as the timing of the examinations of the Andhra University, and, when an official is transferred from north Orissa to south Orissa, his sons and daughters find difficulty in getting admission to the Andhra University. These are our difficulties and sufferings ; but the initial mistake is that of the Government of India in that they did not give sufficient money so that we could have founded a university of our own. I hope my Honourable friend will have a sympathetic attitude in this matter and that, if an opportunity arrives, he will help me in founding an Orissa University.

Mr. M. S. Aney (Berar : Non-Muhammadan) : I think the speeches of my two Honourable friends from Orissa were not intended to oppose the Bill as it is. They see that the Bill is a necessity, but they did not say one word in favour of the Bill but took occasion to ventilate certain grievances which have very little to do with the Bill before the House. The House wants to know what their view is so far as the present Bill is concerned. Do they think that there is a need for rectifying the mistake inadvertently committed by the promulgation of the Adaptation of Indian Laws Order ?

Mr. B. Das : Mistakes must be rectified, and it is their mistake and they are rectifying it.

Mr. M. S. Aney : I have now got the opinion of my Honourable friend, Mr. B. Das, who represents that province with credit to himself and credit to his province, and I am now satisfied. He also thinks that the Bill is necessary and we are all free from doubt and we shall vote for the Bill.

Mr. S. Satyamurti (Madras City : Non-Muhammadan Urban) : I want to raise just one or two points.—first, a point of law. I believe the Patna University Act was originally made by the Central Legislature. Am I right ?

An Honourable Member : Yes.

Mr. S. Satyamurti : And all subsequent amendments have been made by the Bihar and Orissa Provincial Legislature. Under the Adaptation of Indian Laws Order, they have amended the original Patna University Act. I want to know what the effect under the Government of India Act, 1935, is, on the powers or jurisdiction of this House to interfere with University Acts in respect of Provincial Universities. I want to explain that, under the Government of India Act, except the Benares and Aligarh Universities, all other universities are under the jurisdiction of the Provincial Legislatures.

Dr. P. N. Banerjee : No.

Mr. S. Satyamurti : Yes, I have read the Government of India Act, this morning.

Dr. P. N. Banerjee : Where the jurisdiction of a University extends to two provinces, it is a Central subject.

Mr. S. Satyamurti : Under the Federal List, I find only the Benares and Aligarh Universities. That is the Federal List, and with regard to the Provincial List, I find the word "Education". It is unqualified, and I understand it to mean all education, from elementary to university. Where a university functions in respect of more than one area, it is possible for this House to have some kind of power. I should like to know what is the power, under which this law is sought to be enacted by this House, with regard to the restriction of the jurisdiction of the Patna University to those parts of the province of Orissa which originally belonged to Bihar, and retaining or extending the jurisdiction of the Andhra University, in respect of those parts of Orissa which originally belonged to Madras.

Then, the second point I want to take is on the merits. I want to know whether the Government of India have consulted the Patna University and the Andhra University and the Orissa Legislature on this matter,

[Mr. S. Satyamurti.]

because *prima facie* it looks somewhat anomalous. Here is a province which has been created for the purpose of giving the people of Orissa a chance of developing themselves. Undoubtedly, culture is one of the directions in which they ought to develop themselves, consistent with an all-India culture. I want to know whether the people of Orissa, as represented in the local Legislature, were consulted over this amphibious jurisdiction or diarchic jurisdiction,—one part of Orissa, under the Patna University, and one part of Orissa, under the Andhra University. I want to know further whether the two universities agree to this process of exercising jurisdiction. In the small province of Orissa, two universities functioning—it does seem to me somewhat anomalous. It may be that Orissa cannot afford university of her own just now, but it does seem to me that the people of Orissa must be given a chance of pronouncing on this question. They may choose, till they have a university of their own, rather to get themselves affiliated completely to the Patna University or to the Andhra University, so that, when the transition does take place to a university entirely for Orissa, it may not have to function in a province where two universities have been functioning. It will be much better, from the point of view of future development, that there is only one university functioning, either the Patna University, or the Andhra University, and it appears to me that it is not fair to the people of a small province like Orissa to have two universities let loose on them, if I may use that expression.

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

Sir Girja Shankar Bajpai : I shall attempt to deal with the two points which my Honourable friend, the Deputy Leader of the Opposition, has raised. The first is a constitutional point, as to how it comes about that this Legislature is undertaking legislation on the subject of education amending the jurisdiction of the University of Patna over another unit. The position as regards that is this. Entry 33 in List No. 1 of the Seventh Schedule to the Government of India Act, 1935, has been held by the law officers of the Crown and our own Legal Departments to cover the item of what may be called multiple unit universities; that is to say, a university whose jurisdiction extends over more than one province is a corporation which comes under item 33 of the List to which I have referred, and, therefore,.....

Mr. S. Satyamurti : What is this corporation?

Sir Girja Shankar Bajpai : Corporation is an association with activities of different kinds, not necessarily commercial activities. I think it is admitted that the University of Patna, having jurisdiction not merely over the new province of Bihar but also over part of the new province of Orissa, is a multiple unit university, and not a single province university. As such the only legislative body in the country under the provisions of the Act which is capable of legislating in the direction suggested is the Central Legislature and not the Legislature either of the Province of Bihar or of the Province of Orissa. That, Sir, is as far as the constitutional point goes. Then comes the cultural point which has been made by my Honourable friend, Mr. Satyamurti, and which was, in a measure, anticipated by my Honourable friend, Mr. Das. I have no doubt, whatsoever, that in certain educational aspects it is desirable that the new province of Orissa should have a university of its own,

eliminating the duality of function or authority that exists at the present moment, but all that I wish to point out is that this duality or anomaly is not of our creation. It so happens that when the new province of Orissa came into being it brought together territories with different linguistic as well as educational traditions. The part which came over from Bihar brought with it the educational traditions of the Patna University and the part which came over from Madras brought with it the traditions and the system of the University of Andhra. And, what is more, I speak subject to correction on this point, apparently there are certain linguistic divergencies also which make it necessary, until a new university is created, to retain the respective jurisdictions of the two universities. So, although the educational ideal may be the one which my Honourable friend, the Deputy Leader of the Opposition, has placed before the House, considering the position as it is at the present moment, I think that it is in the interest of the province itself that the respective jurisdictions of the two universities should be maintained. My Honourable friend's third point was—have the people of Orissa been consulted?

An Honourable Member : Both the Universities and the Provincial Legislatures?

Sir Girja Shankar Bajpai : Very well. I shall answer both the points. First, as regards the Legislatures, the position is that we consulted not the interim ministry of Orissa but the present ministry which has a majority of elected members of the Legislature behind it. If that Government tells us that "you can go forward with this legislation", then I think we are entitled to assume that they have the support or can really count upon the support of the elected majority of the Legislature. So far as the two universities are concerned, the Government of Orissa have not indicated to us whether they have approached either of the two universities but I want to point out this for the consideration of the House that the examinations of the two universities will be held in the near future and, apparently, it was felt that in the interest of the students concerned the matter is of sufficient urgency, assuming that the two universities have not been consulted, for them to press us to go forward with this legislation now. That is all that I have to say.

Mr. Bhulabhai J. Desai (Bombay Northern Division : Non-Muham-madan Rural) : A somewhat important question which undoubtedly has been sought to be dealt with by my Honourable friend, Sir Girja Shankar Bajpai, requires further consideration by this House. Let the House remember that it is not a mere matter of vote that is going to determine this. If it is *ultra vires* of this House, any vote, however obtained, is perfectly useless, and let me now deal with item 33 which was the only one on which reliance was placed in the belief that this House was entitled to legislate about this. Item 33 is this, but, before quoting that, I shall briefly mention the point that is before the House. This particular legislation seeks to amend the Patna University Act by excluding certain areas which, as they now stand, are within that jurisdiction, namely, the areas which originally belonged to Madras, but which were transferred from Madras to Orissa when that province was formed. The question is, whether this House has got jurisdiction within the Government of India Act to legislate in this behalf or whether the proper Legislatures are not the two respective Provincial Legislatures. That is the issue.

Then, it is suggested on behalf of the Government that item 33 in List No. I of the Legislative Lists covers this point. With great deference,

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[Mr. Bhulabhai J. Desai.]

one has only got to read it to see that it cannot possibly cover this case. As regards corporations, my friend said, a corporation may be any corporation. Now, item 33 begins by saying : "Corporations, that is to say", so that it is not even a case of inclusive definition. If it were an inclusive definition, I can appreciate it—that the corporation may have a wider scope than the lists which follow. Item 33 is : Corporations, that is to say, the incorporation, regulation and winding up of trading corporations, including banking, insurance and financial corporations, but not including corporations owned or controlled by a Federated State and carrying on business only within that State or co-operative societies, and of corporations, whether trading or not, with objects not confined to one unit, so that the definition here has not an inclusive meaning. The only corporations there referred to are trading corporations. I am not concerned with the exception. So far as the exception is concerned, it is immaterial. Corporations—that is to say, the incorporation, regulation and winding up of a trading corporation. Then, there are certain things which are included and certain things which are excluded, so that, so far as the exclusion and the inclusion are concerned, the matter is immaterial. The only matter of importance is whether the power that is given covers the case of a corporation, that is called the University, and it is of importance to observe that item 13 was the appropriate place, if it was thought that it was necessary to confer on or continue the power in this Legislature to legislate in respect of all Universities. You might remember, with reference to the Naturalization Act, we had a discussion with regard to multiple jurisdiction, that is to say, where the jurisdiction is extended to more than one province. Item 13 is the Benares Hindu University and the Aligarh Muslim University. I quite agree that by itself it is not a complete answer, but it is an answer to this extent. If it was present to the mind of those who legislated in support of the powers of this Legislature to include not merely those two main Universities, but all Universities which had jurisdiction over more than one province, the appropriate place was item 13. I do not know what the word "unit" means in item 33. I do not know if it means a province or not. The question would still remain, as I have said, where the objects are not confined to one unit. It is functioning, I presume, in more than one province. It is a very difficult subject so far as I can see, and the point really is whether, when the thing can be done by the Orissa Legislature with much more propriety, why do you seek to do it here.

Mr. President (The Honourable Sir Abdur Rahim) : What is sought to be done here ?

Mr. Bhulabhai J. Desai : The original words were "of Orissa".

Then, the words which are now intended to be substituted are—"in the province of Orissa less or exclusive of those areas which are transferred by the Government of India Act"—it means, "Orissa less the transferred portion of Madras".

Mr. President (The Honourable Sir Abdur Rahim) : That is to say, the Patna University will exercise jurisdiction over what was Bihar and Orissa before, but not over the area mentioned.

Mr. Bhulabhai J. Desai : And in effect transferring the jurisdiction of the Madras transferred province back again to Madras. The whole

point is this. With great deference, I do not deny that Universities have been called bodies incorporated or created by Statute ; I am not unaware of that, but the question is whether it can be said to have this ; it does not mean what is claimed that corporations have been embracing more than one province. Supposing there is a charitable object. It may be that an object may be charitable. Its operation may be in India or, as it often happens, as you are aware, a charitable scheme may extend to Indian States, and I can easily understand the distinction between the two. "Object" is one thing, then the "operation of that object" is quite a different thing. The object is to promote education, but the point is this—whether the words "all corporations whether trading or not" can be construed like this. An University is an incorporated body, but the question still remains whether the incorporation of that can be said to be "with objects not confined to one unit". Any way, I have done my duty in pointing this out, and I was waiting to see whether there was any answer. The answer did appear to me to be unsatisfactory, and I have drawn the attention of the House to that.

Dr. Ziauddin Ahmad (United Provinces Southern Divisions : Muhammadan Rural) : Sir, the view-point of the Honourable the Mover is that whenever a university has got jurisdiction over more than one province, it comes under the purview of this House. I look at it from the point of view of the Andhra University which has got jurisdiction over an area exclusively under the Madras Presidency and therefore it is directly under the Madras Government. But as soon as a part of Orissa is given to the Andhra University, the Andhra University will have to deal now not with one province but with two provinces,—Madras and Orissa,—and immediately it will come under the Government of India. Therefore, we have to consider not only the interests of the people of Orissa and the interests of the Patna University but also the interests of the Andhra University, because now according to this legislation the Andhra University will have jurisdiction over two provinces and therefore it will not come under the jurisdiction of the Madras Presidency but will come immediately under the jurisdiction of this House, if the view-point of the Honourable the Mover is correct.

The Honourable Sir Nripendra Sircar (Law Member) : Sir, I propose to be very brief, because if I heard correctly the speech of my Honourable friend, Mr. Bhulabhai Desai, he said, that the promotion of education would be an object. I think he also conceded, as he must, that a university is a corporation. Therefore, as a university has for one of its objects the promotion of education in two provinces—or rather in two units of the Federation—I submit it comes within the words of section 33—"objects not confined to one unit"—the promotion of an object not confined to one province. The only other thing I desire to point out is this that the Government of India Act and the Orders in Council which have the force of a statute lay this down—I will read out the Orders in Council under the Government of India Adaptation Act. If you will turn to page 447, Sir, the first entry is the Patna University Act, 1917, Act XVI of 1917. Throughout the Act, except where otherwise provided, for "Local Government" it substitutes the Central Government. That is what has been done.

Mr. President (The Honourable Sir Abdur Rahim) : You mean the whole university becomes a Central subject ?

The Honourable Sir Nripendra Sircar : Yes. I am reading from the Patna University Act, Act XVI of 1917 :

“(a) the admission of an institution as a college on application made..... recorded in such application approved by the Senate and the Local Government”—

Now that “Local Government” is substituted by the Central Government. Section 10 (a) says :

“The Senate shall consider the proposal and shall, if it approves the same, either with or without modifications, transmit a copy of the proceedings of the Syndicate and of its own proceedings to the Local Government (now Central Government).”

I submit that apart from any reliance on the adaptation.....

Mr. President (The Honourable Sir Abdur Rahim) : Then, according to you, certain matters of administration also rest with the Central Government.

The Honourable Sir Nripendra Sircar : Yes, Sir. Now, as regards my Honourable friend, Dr. Ziauddin Ahmad's point, if my contention is right, the Andhra University will become a multiple university and that does not lead us anywhere. That is neither an argument in support or against any of the arguments raised by my Honourable friend opposite.

Mr. Bhulabhai J. Dessai : If the construction is right, of course it will cover both.

The Honourable Sir Nripendra Sircar : I do not know that I can take up the time of the House usefully any longer. I rely on section 33 and I also rely on the adaptation.

Mr. K. Santhanam (Tanjore *cum* Trichinopoly : Non-Muhammadan Rural) : Sir, there may be a doubt whether item 33 applies to the Patna University or not but there is no doubt at all that it cannot apply to the Andhra University because the Andhra University is confined to one province. Therefore, it cannot possibly come under item 33. In the case of the Patna University, the area has been transferred by the Order in Council. As things stand at present, the Andhra University is confined to the province of Madras alone and, therefore, it does not come under item 33. I do not know how it is possible to re-transfer areas to the Andhra University by this Bill, because the Andhra University, as things stand at present, is subject only to the Madras Legislature. This Bill ought not to affect the powers of the Madras Legislature. The Andhra University is under that Provincial Government.

Mr. President (The Honourable Sir Abdur Rahim) : If this Bill is passed, all that area be governed by the Madras University.

Mr. K. Santhanam : If my contention is right, then this Legislature has no business to transfer any area from Orissa to the Andhra University without the permission of the Madras Legislature. We cannot take away the powers of a responsible Provincial Legislature and transfer them to this irresponsible Central Legislature. It is a matter of vital importance. People who adapted the laws may have made a mistake and they cannot override the provisions of the Government of India Act. Item 33 relates to corporations which have got jurisdiction over two provinces but the Andhra University has got jurisdiction within one province only. The purpose of this Bill is to transfer certain areas from the jurisdiction of the Patna University to the Andhra University.

Mr. President (The Honourable Sir Abdur Rahim) : It does not say so. There is no provision to that effect in the Bill.

Mr. K. Santhanam : If that is not the purpose of the Bill, then there is no meaning in it at all. We are making laws only to achieve certain objects. Therefore, I say that this Bill must be withdrawn and re-drafted and sent to the Provincial Legislatures and then brought for the consideration of this Legislature.

Mr. M. Asaf Ali (Delhi : General) : Mr. President, I am afraid the Honourable the Law Member, for whose legal talent I have very great respect, has relied on a section which does not help the Government. He is relying on Item 33 of List I of the Federal Legislature, which reads as follows :

“Corporations, that is to say, the incorporation, regulation.....”

Mr. President (The Honourable Sir Abdur Rahim) : Why should you repeat it ? It has been quoted already.

Mr. M. Asaf Ali : For the simple reason that the Law Member has not read it properly.

Mr. President (The Honourable Sir Abdur Rahim) : It has been read more than once and I do not see any reason why you should read it again. You can explain it in any manner you like.

Mr. M. Asaf Ali : As it has been read according to your ruling more than once, I shall not read the whole of it.

Mr. President (The Honourable Sir Abdur Rahim) : It is a fact.

Mr. M. Asaf Ali : Let it be fact then. The Law Member has read the whole of it, but I would like him to stop at the word ‘corporations’ in line 3 and read it again :

“but not including corporations owned or controlled by a Federated State and carrying on business only within that State or co-operative societies.”

This is exclusive, and then there is the word ‘and’. This ‘and’, I submit, is cumulative and not conjunctive. It would, therefore, read thus :

“Corporations, that is to say, the incorporation, regulation and winding-up of trading corporations, including banking, insurance and financial corporations,.....and of corporations, whether trading or not, with objects not confined to one unit.”

In support of this contention I would like to draw your attention particularly to other items of the List which are consistent with one another. For instance, reference has been made to Item 13 which refers to the Benares Hindu University and the Aligarh Muslim University. If you read the preceding Item (Item 12) you will see that it runs thus :

“Federal agencies and institutes for the following purposes, that is to say, for research, for professional or technical training, or for the promotion of special studies.”

Item 14 refers to the Survey of India, the Geological, Botanical and Zoological Surveys of India follow this item. All these subjects relate to the Department of Education, Health and Lands. But if you go further up than Item 33, you will find light-houses, carriage of passengers, copyright, etc., etc. All these are subjects which relate to the Departments of Commerce and Industry. Therefore, while you are trying to interpret Item 33, please apply to it the ordinary rules of interpretation which may be found somewhere in Maxwell's book or any other book.

Mr. President (The Honourable Sir Abdur Rahim) : Now, I want to know this. There is no other item that is likely to cover that. What about something that is not provided in the Government of India Act ? What about residuary powers ?

Mr. Bhulabhai J. Desai : Section 103 of the Government of India won't apply because neither the Bihar Legislature nor the Orissa Legislature has asked the Central Government to legislate for them. Section 104 says :

"The Governor General may by public notification empower either the Federal legislature or a provincial legislature to enact a law with respect to any matters not enumerated in any of the Lists....."

I submit, Sir, that condition also is not fulfilled, unless the Governor General publishes a notification. In any view of the case so long as it is not expressly in the list, you cannot invoke the aid of that forum without the previous notification of the Governor General, referred to in section 104.

Mr. President (The Honourable Sir Abdur Rahim) : I shall decide this matter and give my ruling tomorrow.

The Honourable Sir Nripendra Sircar : Then, the Bill may stand over till tomorrow.

Mr. President (The Honourable Sir Abdur Rahim) : Very well.

THE MANŒUVRES, FIELD FIRING AND ARTILLERY PRACTICE BILL.

Mr. C. M. G. Ogilvie (Defence Secretary) : Sir, I beg to move :

"That the Bill to provide facilities for military manœuvres and for field firing and artillery practice, as reported by the Select Committee, be taken into consideration."

In the early part of last year, it became clear to us that the arrangements for military manœuvres and field firing were by no means entirely satisfactory, and, in certain cases, a considerable amount of dislocation in the ordinary life of the people was occasioned, which was not compensated either adequately or promptly. It was decided, therefore, to place these matters on a regular footing, and one of the originators, in fact I think the chief originator, of this measure was my Honourable friend, Mr. Sri Prakasa, to whose unflagging interest in this subject and great knowledge of it I should like here to pay a tribute. (Applause.) The Bill was circulated for public opinion in October, 1936 ; but it was not possible to hold a duly constituted meeting of the Select Committee in the Budget Session last year. Two informal meetings were, however, held at which every clause of the Bill was discussed. Finally, a reconstituted Select Committee sat during the current Session. Very wide changes were made in the Bill as originally drafted. The first five clauses were agreed to without any difficulty and a substantial measure of agreement was early arrived at on clause 6, which might seem possibly to be the most contentious clause in the measure. Chapter II of the Bill, however, which deals with field firing and artillery practice was entirely reconstructed. There was, at first, an idea that it might be best to acquire rights of user over lands

on which field firing took place, but, after consideration, it was decided that this course was impracticable and that it would be better to assimilate the procedure in Chapter II of the Bill to that existing in Chapter I which deals with manœuvres. That is to say, the Provincial Governments,—I should like to lay stress on those words,—is given authority to inform the Defence Department, by notification, that they may carry out field firing and artillery practice at certain places. It was also decided that compensation for damage, if any, caused by field firing, should be paid in the same way as in Chapter I ; that is to say, instead of a lump sum payment being made for the acquisition of rights of firing, payment should be made every year, if the land is used, for whatever damage, loss of privileges, rights and so forth which might have occurred. In Chapter III also a very vital alteration was made. Originally it was proposed that the rule making power under this Bill should be in the hands of the Governor General in Council. It was, however, decided that the rule making power should be in the hands of the Provincial Governments, and instead of a general rule making power the power should be, in certain respects, particularised. This necessitated a considerable amount of revision and redrafting. When the measure ultimately emerged from the Select Committee a very considerable, in fact I think almost entire, measure of agreement had been achieved. But a minute of dissent was attached, with the points of which I will now shortly deal.

The first objection raised was that the English practice had not been followed more closely, particularly in regard to the laying on the table of the House of Commons proposals to hold manœuvres. I wish to lay stress on the fact that from the point of view of manœuvres, at any rate, India is an infinitely superior country to England, that, whereas in England, there is, unfortunately, great congestion not only in the countryside but also on the roads, and the moving of moderately large bodies of troops may cause great loss and trouble, that is not normally the case in India. One could, of course, find extremely congested places in India where the maximum inconvenience to the people would be occasioned, but with very little trouble one can find places where that inconvenience could be reduced to a minimum. We were able, therefore, to follow what is to me the truest path of progress,—simplification, and to avoid the expense and elaborate routine which characterises the English measure. The second objection dealt with the publication of notices and expressed the wish that the means taken to publish the fact that manœuvres, etc., were going to be held should be published in certain ways, e.g., by beating drums, affixing notices to trees, and so on. I should like to say with regard to that that I do not think that regulations of that kind should find a place in the body of the Bill, and that Provincial Governments are the bodies most qualified both for stating the exact method in which publication should be carried out in the particular circumstances of their provinces and also that they should be the persons to lay down the proper rates of compensation. I hardly think there can be any doubt on that point. I would here suggest that perhaps, as, from several amendments I have seen, a number of Honourable Members appear interested in this question of publication, that the proper course might be for the Defence Department to address Provincial Governments officially stating that subject to any alterations which

The Honourable Sir Nripendra Sircar : What page ?

Mr. M. Asaf Ali : If you want me to quote chapter and verse, I shall even do that. My point, however, is this. If the Patna University is included in the Federal List, show it to me. It is an extremely important matter from the point of view of Provincial Governments. You are going to oust the jurisdiction of the province and we will not allow it. Nobody will allow it. If you think it is a doubtful matter, why don't you ask the proper authority, the Governor General to make a reference to the Federal Court which has now come into existence ? Why don't you refer the matter to the Federal Court ?

Mr. President (The Honourable Sir Abdur Rahim) : The Honourable Member will address the Chair.

Mr. M. Asaf Ali : I am saying, Sir, that the Government, if they feel any doubt in the matter, should refer the matter to the Federal Court now that the Court has come into existence.

Mr. President (The Honourable Sir Abdur Rahim) : The matter has to be decided by the Chair and Ruling given on the subject.

Mr. M. Asaf Ali : I have not the slightest doubt that you will be able to give us your ruling and it would be absolutely sound on the point. I am submitting that in case the Government are in doubt about this point, they may make a reference to the Federal Court.

Mr. President (The Honourable Sir Abdur Rahim) : Is the Honourable Member's suggestion based on any ruling that if there is any doubt in the mind of the President it should be referred by me to the Federal Court. Is there any ruling like that ?

Is there any provision in the Government of India Act authorising the President to refer the matter to the Federal Court ?

Mr. M. Asaf Ali : I am not asking you, Sir, to refer the matter to the Federal Court. I am suggesting that the Government may if they feel any doubt on the point.

Mr. President (The Honourable Sir Abdur Rahim) : I have got to decide the point in so far as it has been raised in this House.

Mr. M. Asaf Ali : Precisely. In coming to a conclusion as regards this point all that I am requesting you is to read the provisions of law in the manner in which I have tried to read it to the House and see whether the contention of the Government can ever hold water particularly having regard to the fact that the subject of education is practically confined to three or four earlier items of list No. 1, whereas the other items of this list cover other grounds and item No. 33 is incapable of the interpretation which the Government would like to put upon it. It would be straining the language of the Act far too much in favour of the Centre and against the Provinces which I suggest is extremely objectionable. Therefore, I support the point raised by my Honourable friend, the Deputy Leader of our Party.

The Honourable Sir Nripendra Sircar : The question is what is the proper interpretation of item 33 of this List. Incorporation of a corporation or its regulation is enough for my purpose.

Mr. Bhulabhai J. Desai : The point that I raised has not been answered.

Mr. President (The Honourable Sir Abdur Rahim) : A corporation requires incorporation.

The Honourable Sir Nripendra Sircar : There cannot be a winding up of a Corporation so far as the University is concerned. It does not lay down whether a University can come to an end or not. A Municipal corporation does not contemplate winding up either.

Mr. President (The Honourable Sir Abdur Rahim) : I want to know what is meant by winding up in the case of a University.

The Honourable Sir Nripendra Sircar : I do not think a technical winding up applies to a University.

Mr. Bhulabhai J. Desai : What was pointed out was as if 'corporation' beginning with the last words was an independent and additional item. I can understand corporations 'including trading or not'. I tried my best to call attention to the 'of' which precedes. Therefore, the only item was 'Corporation'.

Mr. President (The Honourable Sir Abdur Rahim) : Does winding up apply to it ?

Mr. Bhulabhai J. Desai : It cannot apply to a University.

The Honourable Sir Nripendra Sircar : May I point out, Sir, that the last portion has nothing to do with the winding up. We are relying on the last portion.

Mr. President (The Honourable Sir Abdur Rahim) : The point is that "corporations", that is to say, the incorporation, regulation and winding up of trading corporations.....

Mr. Bhulabhai J. Desai : As I already submitted that 'of' is not appreciated.

The Honourable Sir Nripendra Sircar : My point is, that if any one of these items in this List is applicable, we come under item 33, namely, whether it is incorporating, whether it is winding up or whether it is regulation.

Mr. Bhulabhai J. Desai : It is "of".

The Honourable Sir Nripendra Sircar : It does not mean that all the three processes should apply together before the Regulation can be applied.

Mr. President (The Honourable Sir Abdur Rahim) : I think the point is perfectly clear. You say it is not a trading corporation and, therefore, winding up won't apply.

The Honourable Sir Nripendra Sircar : There may be no winding up after incorporation.

Mr. Bhulabhai J. Desai : My point is that incorporation, regulation and winding up all go together in the case of corporation. I submit that the proper words must be looked at.

The Honourable Sir Nripendra Sircar : Are we going on for ever ?

Mr. Bhulabhai J. Desai : Not longer than you do.

[Mr. C. M. G. Ogilvie.]

local conditions might render necessary, they consider that such and such means of publication should generally be adopted.

The third objection was the fear expressed that court fees will be charged for claims made and appeals lodged in proceedings under the Bill. At first, Government were inclined to think that such a provision was unnecessary as there is nothing in the rules entitling the Provincial Governments to charge fees; but, on reconsideration, it seemed possible that the fixed fee portion of the Court Fees Act might be applied, and, in those circumstances, the Government is prepared to regard that objection as valid.

The fourth and last is the question of compensation to landlords, by which is meant, I gather, absentee landlords, people who have a right of ownership in the land but do not reside on it or cultivate it and the suggestion is that these landlords should be paid a fixed annual fee for the use of land over which they hold these rights of ownership. That, I submit, would not be fair to Government or to the general taxpayer. Rights of landlords are, I submit, amply guaranteed by section 5 of the Bill; and any damage to person, property, rights or privileges is covered both in regard to manœuvres and in regard to field firing. If, therefore, the land itself were damaged and the landlord himself had to fill up an enormous hole made or something of that kind, he could claim damages. If he was prevented from some amenities he had been in the habit of enjoying on that land, he could undoubtedly claim compensation. In fact the landlord's position is as fully safeguarded by the terms of the Bill as that of the tenant.

Finally, I should like to say that Government have decided that the right thing to do in this matter is to leave the working of the Act as far as possible to the local civil authorities. The only important function that the Defence Department will play in the working of this Act is paying the bill which will be presented to them by the local authorities. In the second place the Bill has been drafted so as to ensure that compensation is fairly assessed and promptly paid; and adequate representation has been given to purely local interests who are after all in these matters probably the persons best qualified to say how much damage or annoyance has been caused. Sir, I move.

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

“ That the Bill to provide facilities for military manœuvres and for field firing and artillery practice, as reported by the Select Committee, be taken into consideration.”

Mr. Sri Prakasa (Allahabad and Jhansi Divisions : Non-Muhamadan Rural) : Sir, I do not know how I can adequately express my thanks to my Honourable friend, Mr. Ogilvie, for the very kind words he has been good enough to use for me. I fear, however, that I cannot honestly take all this credit to myself. My dear and Honourable friends, Pandit Shri Krishna Dutt Paliwal and Mr. Mohan Lal Saksena along with myself, brought some facts to the notice of the former Defence Secretary; and I am happy to say that Mr. Tottenham was good enough to listen to what we had to say. I think a great deal of credit must go to Mr. Tottenham—I call him Mr. Tottenham lest the House should not recognise him under his new mask of Sir Richard—for the sympathy which he evinced. To him

I must admit, it came as a matter of surprise that such things could happen as had actually happened at the manœuvres and artillery practice that had taken place at Babina in the district of Jhansi in my own province. Sir, formerly it seems that there was no law about this matter at all; and the Local Government used arbitrarily to fix a certain amount of compensation for those who suffered because of these military manœuvres. It also seems that the military authorities were authorised to carry on their manœuvres and their artillery practice wherever they so liked. In 1935, when the military manœuvres and artillery practice took place at this village of Babina in the district of Jhansi, the House will be surprised to know, that a whole village was evacuated overnight; that a woman who had been delivered of a child had to leave the House, within an hour of her delivery, and another woman was actually delivered under the trees while it was raining. The little ones, of course, died. Sir Richard Tottenham was taken aback when we put these facts before him. It was but natural that he found it difficult to believe them and he made elaborate inquiries. This Bill was the result. I am happy to be able to pay my tribute to the present Defence Secretary also, Mr. Ogilvie, for carrying on the traditions of Sir Richard Tottenham. Mr. Ogilvie, despite his very military look (Laughter), carries really a very warm heart; and I am sure, from the little that I have seen of him, that he is most anxious that the relations between the military and the civil population should be cordial. (Cheers.) I can only hope now that the good opinion that he has of me will last my speech. I should, however, assure him at the very start that he should not be frightened at the long list of amendments. My Deputy Leader, Mr. Satyamurti, has, in his own inimitable way, already assured the House, during the last stages of the Insurance Bill, that though we, individual Members of the Congress Party, burn the midnight oil at our own expense in drafting our amendments, a few units of electricity supplied at public expense in the Committee Room here at midday suffice to electrocute the greater number of them at the meetings of our Party. Sir, this fate has already been ordained for most of the amendments that are on the Order Paper; and my friend, Mr. Ogilvie, need have no anxiety that we shall not get through this Bill quick enough.

Mr. President (The Honourable Sir Abdur Rahim) : The Honourable 5 P.M. Member can continue his speech tomorrow.

The Assembly then adjourned till Eleven of the Clock on Wednesday, the 6th October, 1937.

LEGISLATIVE ASSEMBLY.

Wednesday, 6th October, 1937.

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

STARRED QUESTIONS AND ANSWERS.

(a) ORAL ANSWERS.

APPOINTMENT OF MUSIC DIRECTORS IN BROADCASTING STATIONS.

1022. *Mr. Badri Dutt Pande : (a) Will the Honourable Member for Industries and Labour inform the House as to who appoints the Music Directors in the broadcasting stations ?

(b) What are the technical qualifications of these Music Directors ?

(c) Have they been through any recognised Music Colleges of India ?

(d) Is mere serving in a Gramophone Record Company sufficient qualification to hold the post of Director of Music ?

(e) What action do Government propose to take to select suitable qualified musicians for appointments as Music Directors at the radio stations ?

(f) Are Government aware of the existence of the Marris College of Music in Lucknow and the number of people who are coming out of that college after a nine years' course ?

(g) Is it the intention of Government to appoint such people in future as Music Directors in all stations ?

The Honourable Sir Thomas Stewart : (a) There are no such posts in the All-India Radio at present.

(b) and (c). Do not arise.

(d) This is a matter of opinion.

(e) If and when it is decided to create a post of Music Director, the method of selecting him will be carefully considered.

(f) The reply to the first part is in the affirmative and to the second in the negative.

(g) I am not prepared to make any such statement. It would obviously be undesirable to restrict recruitment to students of a particular College.

(3081)

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Mr. Lalchand Navalrai : May I know from the Honourable Member who select the musicians ?

The Honourable Sir Thomas Stewart : I have said that there is no such post. The question of selection has not yet arisen.

Mr. Badri Dutt Pande : Is it not a fact that at present there are musicians of lesser talent and without education ?

The Honourable Sir Thomas Stewart : That is a matter of opinion.

Mr. Badri Dutt Pande : Is it a fact that prostitutes are engaged and there are scandals ?

The Honourable Sir Thomas Stewart : Not on the Directorate of the A. I. R. (Laughter).

Mr. Badri Dutt Pande : I mean the artists at the stations.

Mr. S. Satyamurti : With reference to the answers to parts (a), (b) and (c) of the question, may I know what is the arrangement by which musicians are now selected, that is to say, with regard to their capacity to entertain those who are bound to listen to them ?

The Honourable Sir Thomas Stewart : I would suggest that this question does not arise out of either the original question or my answer. The original question referred to the Directorate. The Honourable Member is asking me about the artists who perform.

Mr. M. Asaf Ali : Is it not a fact that there is an advisory committee and this advisory committee has divided its work into different sections, including the section which deals with music ? I think there are respectable people who select these artists.

The Honourable Sir Thomas Stewart : In answer to a later question I shall allude to that fact.

SUPERVISION AND CONTROL OVER THE ADMINISTRATION OF THE CONTROLLER OF PRINTING AND STATIONERY.

1023. ***Mr. Sham Lal :** (a) Will the Honourable Member for Industries and Labour be pleased to state whether Government exercise any supervision and control over the administration of the Controller of Printing and Stationery (Central) ?

(b) Who is the officiating incumbent of the post and what are his educational and technical qualifications as a printer ?

(c) Is it a fact that Government on the floor of the House on many occasions have stated that the holder of the post of Controller must be a trained printer with long experience in the line ?

(d) Is it a fact that the officiating incumbent is an Anglo-Indian and a non-technical hand originally appointed in the Printing Clearing Office from the ranks of the clerical establishment of the Secretariat ? If so, on what grounds was the aforesaid officer appointed as Controller of Printing in supersession of several highly qualified European and Indian technical officers holding the posts of Managers and Assistant Managers of Government Presses ?

(e) In appointing the said officer as Controller of Printing, did Government consider the said officer sufficiently qualified to understand the technicalities of printing and to criticise the technical work of the Managers of the Presses who are senior to him in rank and pay in the technical side of the officers' cadre ?

(f) Is it a fact that a large number of memorials, petitions and complaints addressed to the Government of India on matters affecting the welfare, conditions of service, suppressions and victimisation of the staff of the offices of the Printing and Stationery Department, especially the Central Publication Branch, were withheld by the officiating Controller and not allowed to reach the Government of India ? If so, what is the number of such memorials, etc., withheld ?

(g) Do Government propose to call for the withheld memorials and petitions and scrutinise whether they were rightly and justly withheld ?

The Honourable Sir Thomas Stewart : (a) Yes.

(b) **Mr. R. A. Halfhide, M.B.E.,** He has passed the Bengal European High School Examination. He is not a qualified printer, but he has long experience of press administration.

(c) No. Printing qualifications are not essential for the holder of this post which is of an administrative character.

(d) The officiating incumbent who is of non-Asiatic domicile was formerly in the offices mentioned. He was selected as the most suitable officer available.

(e) The Managers of the Government of India Presses, with the exception of the Manager of the Government of India Press, Calcutta, are not senior to him in rank or pay. As I have already explained, it is in no way essential that the Controller should have the same technical qualifications as Managers of presses.

(f) and (g). Under the instructions for the submission of petitions to the Governor General in Council, the Controller of Printing and Stationery has discretion to withhold petitions and memorials addressed to the Government of India in certain circumstances. Government do not propose to interfere with his discretion. The list of memorials withheld by Heads of Departments is scrutinised by Government.

Mr. Sham Lal : Why is not technical knowledge required for this job ?

The Honourable Sir Thomas Stewart : Because this is a purely administrative post.

Seth Govind Das : How can anybody administer anything of which he has no knowledge, for which he is not qualified ?

Mr. President (The Honourable Sir Abdur Rahim) : That is a matter of argument.

APPOINTMENT OF AN ANGLO-INDIAN TO OFFICIATE AS MANAGER OF PUBLICATIONS.

1024. ***Mr. Sham Lal :** (a) Will the Honourable Member for Industries and Labour be pleased to state whether it is a fact that an Anglo-Indian officer has been appointed over the head of senior Indian officers

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In adopting this provision the Government of India were guided by the conditions prescribed in other countries. It is widely recognised in all countries that the mere possession of a commercial pilot's licence is not all that is necessary to qualify a pilot for employment. As in other professions, long experience is the ultimate qualification. Some leading air transport companies employ no pilot who has not had as much as 1,000 hours flying experience.

Mr. Abdul Qaiyum : May I know that under the old rules 50 hours solo flying was laid down in this country for a certificate ?

The Honourable Sir Thomas Stewart : I should require notice of that.

Mr. Abdul Qaiyum : May I know when this 200 hours solo flying was prescribed by the Government ?

The Honourable Sir Thomas Stewart : In 1932.

Mr. Abdul Qaiyum : May I know how many hours solo flying was required before that ?

The Honourable Sir Thomas Stewart : Of that I should require notice.

Mr. Abdul Qaiyum : Is it not a fact that it was 50 hours solo flying in the beginning, then it was raised to 100 hours, and then again to 200 hours ?

The Honourable Sir Thomas Stewart : I have already said that I must have notice of that.

Mr. Abdul Qaiyum : May I know why 200 hours has been prescribed in India, while it is only 100 hours in England ?

The Honourable Sir Thomas Stewart : I have already given a very elaborate answer.

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

INCOME-TAX REALISED FROM ASSAM AND THE MANAGING FIRMS OF TEA ESTATES IN CALCUTTA.

1028. ***Mr. Kuladhar Chaliha :** Will the Honourable the Finance Member please state :

- (a) the amount of income-tax realised from the Province of Assam ;
- (b) the amount of tax realised from the managing firms of tea estates in Calcutta which have tea estates in that Province ;
- (c) the principle on which the income-tax is realised in Calcutta from these managing agents and apportioned to Assam and Bengal ; and
- (d) what is the total income-tax paid by the tea industry in Assam and outside the Province ?

Mr. A. H. Lloyd : (a) Rs. 25,41,346 in 1936-37.

(b) and (c). I have called for the information which will be laid on the table when received.

(d) The total income-tax paid by the tea industry in Assam in 1936-37 was Rs. 1,06,634 and in other provinces Rs. 17,08,160.

Mr. Kuladhar Chaliha : Will the Government make a representation to the British Government for a portion of the income-tax paid by these companies in London ?

Mr. A. H. Lloyd : I do not understand the question. Does the Honourable Member wish that the British Government should abstain from taxing profits of the tea industry in Assam which are remitted to England ?

Mr. Kuladhar Chaliha : I want the Government of India to get a share of the income-tax paid in London ?

Mr. A. H. Lloyd : At present, the profits of sterling tea companies are taxed both in the United Kingdom and in India, and then double tax relief is given, the effect being that the two countries share the tax.

Mr. Abdul Qaiyum : What is the proportion in which they share the tax ?

Mr. A. H. Lloyd : That is a little complicated. If the Honourable Member will ask me in the lobby, I can show him the reference.

MISAPPROPRIATION AND EMBEZZLEMENT IN SUBORDINATE OFFICES OF THE CIVIL AVIATION DIRECTORATE.

1029. ***Mr. H. M. Abdullah :** (a) Will the Honourable Member for Industries and Labour please state if there has been any case of misappropriation and embezzlement of Government money in any of the subordinate offices of the Civil Aviation Directorate ?

(b) If so, will the Honourable Member please state what action was taken by Government against the officers responsible for the same ?

The Honourable Sir Thomas Stewart : (a) There has been no case of misappropriation or embezzlement of Government money.

(b) Does not arise.

TRAVELLING ALLOWANCES FOR GOVERNMENT SERVANTS.

1030. ***Mr. Sham Lal** (on behalf of Mr. Mohan Lal Saksena) : Will the Honourable the Finance Member be pleased to state whether the attention of Government has been drawn to the new rules framed by the United Provinces Government regarding the travelling allowance for Government servants ? If so, are Government prepared to consider the feasibility of the same for the employees under the Central Government ?

The Honourable Sir James Grigg : I am aware that the United Provinces Government propose to effect a reduction in the amount of travelling allowance paid. Some of this was to be achieved by reducing the number of journeys. As regards the lowering of actual rates I believe that the rules have not yet been issued. When they are received I will consider whether any of them can appropriately be adopted by the Central Government.

RECOUPERATIVE FURNACE CONSTRUCTED AT THE STAR GLASS WORKS, FIROZABAD.

1031. ***Mr. Sham Lal** (on behalf of Pandit Sri Krishna Dutta Paliwal) : (a) Will the Honourable Member for Industries and Labour please state whether it is a fact that Government had granted Rs. 5,000

to one Mr. Mushtaq Ali Khan, proprietor, the Star Glass Works, as reward to his factory on the recommendation of Mr. Rab and Mr. Dixon and had paid him the said sum in two instalments ?

(b) If so, will Government please state why this factory was singled out for the purpose of construction of the recuperative furnace when a joint application has been made by fourteen members of the association as early as 19th August, 1936 ?

(c) Is it a fact that half the sum was contributed by the Star Glass Works ?

(d) Will Government please state the terms of the contract with the Star Glass Works ?

(e) Will the furnace be open to the interested glass manufacturers ? If so, what has been done for an immediate issue of the passes to these manufacturers ?

(f) What remedy, if any, will the glass manufacturers have against the Star Glass Works, if they are not allowed to see the furnace ?

The Honourable Sir Thomas Stewart : (a) No.

(b) Does not arise.

(c) The attention of the Honourable Member is invited to the concluding sentence of the reply given by me to part (c) of his question No. 623 on the 20th September, 1937.

(d) A copy of the agreement with the Star Glass Works is placed on the table.

(e) I invite the Honourable Member's attention to my reply to part (c) of his question No. 624 given on the 20th September, 1937. The Director of Industries, United Provinces, was informed when the construction of the furnace at the Star Glass Works was commenced. He has also been informed recently that the foundation work is expected to be completed by the 7th October and that this date would be suitable for interested parties to inspect the work so far carried out.

(f) It is unlikely that such a contingency will arise, in view of the terms of the agreement.

This agreement made the 25th day of June 1937 between the GOVERNOR GENERAL IN COUNCIL (hereinafter called the Government, which expression shall where the context so admits or implies be deemed to include his successors in office and assigns) of the one part and M. A. Khan, Proprietor of the Star Glass Works, Ferozabad, United Provinces (hereinafter called the Contractor, which expression shall where the context so admits or implies be deemed to include his executors and administrators) of the other part.

WHEREAS the Industrial Research Bureau of the Government of India have designed an improved type of glass pot furnace and the Government is desirous of having the same erected and tested out at a Glass Factory and the Contractor as Sole and absolute owner of the said Star Glass Works has offered to arrange for this to be done at his said Factory on the same terms and conditions hereinafter mentioned NOW IT IS HEREBY AGREED AND DECLARED AS follows :

- (1) The Government has on the signing of this Agreement delivered to the Contractor the drawings of the said furnace. The Contractor agrees to keep same secret and not to apply for any patent rights in connection

with same and to redeliver same to the Government on completion of the said furnace without keeping copies and to give Government free the benefit of any improvements noted in the construction and working of same.

- (2) The Contractor shall at his own expense in the first instance and under the direction and to the satisfaction of the Director of the said Bureau cause such a furnace as aforesaid to be built in his said factory on Government delivering at Ferozabad station refractory blocks, bricks and materials, and all iron and steel work shown in Drawing No. I.R.B.7A attached hereto by the numbers 1, 2, 3, 4, 5, 8 and 9 of the Materials Chart thereon and as detailed in Drawings No. I.R.B. 5, 8, 9, 15 and 17. The Contractor shall provide and in the first instance pay for a suitable pyrometer, wiring and indicator of type and make approved by the Director, and also the materials, i.e., red brick and concrete, shown by the numbers 6 and 7 of the Materials Chart on the said Drawing No. I.R.B. 7A together with any timber and formwork required. The Contractor shall also supply a flue of size and shape as shown on Drawing No. I.R.B. 7A connecting the waste gas collecting flues behind the furnace to a chimney 100 ft. high and 3 ft. 6 in. diameter at the base and fitted with a chimney damper, and all other things including skilled and unskilled labour, the said Director shall consider necessary to get the said furnace erected and working.
- (3) The Contractor shall pay half the cost of things to be provided by the Government as aforesaid and to secure this has deposited Rs. 5,661 Rupees Five thousand six hundred and sixty one) in the Ferozabad Treasury. If half the cost of the things to be provided by the Government is more or less than this amount the necessary adjustment will be made after the Furnace has been erected. The said flue and chimney shall be provided by the Contractor at his own expense without any right on his part to call upon the Government to contribute towards the cost of same but all other things to be provided by the Contractor as aforesaid shall be paid for by the Contractor in the first instance but the Contractor shall have the right to call upon the Government to repay half the reasonable cost thereof and of the cost of the transport necessary to move the things to be provided by Government as aforesaid from Ferozabad Station to the said Factory.
- (4) For the purpose of ascertaining Government's contribution to expenditure by the Contractor as aforesaid the Contractor shall, to the satisfaction of the said Director, keep accurate accounts of the actual expenses on transport and erection charges and other charges to which Government has to contribute as aforesaid, and the Government shall within one month after the completion of the furnace reimburse the Contractor half the cost of such actual charges (which however shall not include any charges for supervision by the Contractor) provided they are certified by the said Director, as reasonably chargeable to the Government.
- (5) The arrangements for the erection of the furnace shall be approved and supervised free of charge by the said Director, or his nominee.
- (6) Notwithstanding anything aforesaid if on the settlement of accounts it is found that half the cost of the said furnace (apart from the said flue and chimney) exceeds Rs. 8,000 (Rupees eight thousand) the Contractor's liability to contribute shall be limited to Rs. 8,000 (Rupees eight thousand) and the Government shall pay the balance.
- (7) The said Director and his nominees shall have access to the said furnace at all times during construction, and after completion the Officers of the said Bureau shall have access to the furnace at any time during the first six months of working of the said furnace and at such other times as shall be mutually agreed upon, and shall be at liberty to make such tests and experiments as they deem desirable free of charge, and shall be supplied by the Contractor with such information as they may require regarding its costs and performance and the Contractor shall free of charge undertake the preparation of glass from experimental batches, if so desired by the said Director.

viz., Deputy Controller, Stationery, Assistant Controller Stationery, Store Examiners, and Assistant Managers (with European qualifications), to officiate as Manager of Publications in place of another Anglo-Indian gazetted officer degraded for misconduct? If so, on what grounds?

(b) Is it a fact that the seniormost Indian gazetted officer (Mr. D. D. Mazumdar) represented against the supersession, but his request has been turned down? If so, for what reasons?

(c) Do Government propose to stop the influx of Anglo-Indians to the gazetted ranks in the Printing and Stationery Department over the head of senior officers? If not, why not?

The Honourable Sir Thomas Stewart: (a) The appointment of the officer does not involve any supersession. The second part does not arise.

(b) No. The other parts do not arise.

(c) Does not arise in view of the reply given to parts (a) and (b).

†1025*.

APPOINTMENT OF A STATION DIRECTOR FOR THE PESHAWAR BROADCASTING STATION.

1026. ***Mr. Abdul Qaiyum:** Will the Honourable Member for Industries and Labour please state:

(a) whether there is any proposal to appoint a Station Director for the Peshawar broadcasting station;

(b) whether the above named Peshawar station was managed by the Publicity Office, Peshawar, before the Government of India took it over;

(c) whether in making the above appointment the claims of those who were formerly managing the above mentioned station will be considered; and

(d) whether it is a fact that part of the programme broadcast is in the Pushtu language and whether the claims of Pushtu knowing applicants will be fully considered?

The Honourable Sir Thomas Stewart: (a) and (c). The Peshawar Station was taken over by the Government of India in April last and the appointment has already been made. The claims of those formerly employed were considered.

(b) Yes.

(d) All members of the programme staff know Pushtu.

Mr. Abdul Qaiyum: May I know whether Government would consider the desirability of appointing a Pushtu speaking individual in charge of the staff?

The Honourable Sir Thomas Stewart: I understand that the Station Controller is a Pushtu speaking gentleman.

Prof. N. G. Ranga: Is this gentleman an Indian or an Englishman?

The Honourable Sir Thomas Stewart: He is an Indian.

†For this question and reply thereto, see pp. 3115-16 of these Debates.

Mr. M. Asaf Ali: Is there such a post as Station Controller? I thought there was only a Director.

The Honourable Sir Thomas Stewart: I accept the Honourable Member's correction.

OBLIGATORY HOURS FOR SOLO FLYING FOR THE GRANT OF A CERTIFICATE AS A COMMERCIAL PILOT.

1027. ***Mr. Abdul Qaiyum:** Will the Honourable Member for Industries and Labour please state:

(a) whether his attention has been drawn to an article headed "How Government kills Indian Aviation" published in *Roy's Weekly*, dated the 20th September, 1937;

(b) whether it is a fact that the Indian Aircraft Rules make 200 hours solo flying obligatory for the grant of a certificate as a commercial pilot;

(c) whether this flying costs such a pilot Rs. 6,000;

(d) whether in all other countries, including England, only fifty hours flying is required;

(e) whether it is true that fifty per cent. of the fully qualified Indian pilots and ground engineers passed by the Air Ministry, London, failed in the examination set up by the Indian Directorate of Civil Aviation; and

(f) what steps Government propose to take to do away with these hardships, and if none, why not?

The Honourable Sir Thomas Stewart: (a) Yes.

(b) Yes.

(c) The cost of training for a commercial pilot's licence, in India, is at least Rs. 8,000 excluding the cost of living during the long course necessary. The cost of training a commercial pilot at a well-known school in England is not less than Rs. 15,000.

(d) No. The flying experience required for a commercial pilot's licence in England is 100 hours. In some other countries, including the United States of America and South Africa, the flying experience required is 200 hours.

(e) There is no examination at stated intervals, but no pilot who returns to India with the bare qualification of a British B licence is regarded as qualified for the issue of an Indian B licence. He has to complete the required 200 hours flying. Ground Engineers who have duly qualified in England have no difficulty in obtaining licences in India.

(f) Government do not consider that any hardship is involved and do not propose to modify the Rules. The requirement of 200 hours solo flying for commercial pilots was introduced into the Indian Aircraft Rules because it was considered to be the minimum necessary to ensure that the pilot could safely be entrusted with the lives of passengers.

- (8) During the erection period and also during the first twelve months of working, facilities shall be given by the Contractor free of cost for other glass manufacturers authorised by the Director of Industries of the Government of the United Provinces to see the said furnace. Dates and times of such inspections shall be arranged mutually between the said Director of Industries and the Contractor.
- (9) The Contractor shall supply free of cost all labour and materials required for the starting and operation of the furnace and the experiments and inspection aforesaid including fuel, glass batch materials, and glass pots but the glass made shall belong to the Contractor.
- (10) All information concerning the design, manufacture, erection, and operation of the said furnace, together with all drawings, sketches, photographs made or taken may be made public either in the form of publications or in any other form at the discretion of the Government.
- (11) Subject to the payment of amounts due from him and the right of user and inspection reserved as aforesaid the said furnace shall belong to the Contractor.
- (12) Except for their contribution towards its cost as aforesaid the Government shall not be liable for any claims or compensation in respect of the said furnace or its erection or user and nothing herein shall be deemed to constitute a partnership and subject as aforesaid the Contractor hereby agrees to indemnify the Government against all claims cost and demands that may arise in consequence of the working of the said furnace.
- (13) Should any dispute arise at any time over the interpretation of these terms and conditions, or any matter whatsoever in this connection, the decision of which has not hereinbefore been provided for the same shall be referred to Secretary of the Government of India in the Industries and Labour Department and his decision shall be final and binding.

As witness the hands of the parties the day and year first above written.

Signed by the said M. A. Khan. Sd. (M. A. KHAN).

In the presence of witness :

(Sd.) D. KH. A. RAZVIE,

Manager,

Star Glass Works.

Signed by the Chief Controller of Stores, Indian Stores Department, on behalf of the Governor General in Council

(Sd.) J. S. PITKEATHLY.

In the presence of witness :

(Sd.) KIRPA RAM,

Deputy Director,

Indian Stores Department.

RECUPERATIVE FURNACE CONSTRUCTED AT THE STAR GLASS WORKS, FIROZABAD.

1032. *Mr. Sham Lal (on behalf of Pandit Sri Krishna Dutta Paliwal) : Will the Honourable Member for Industries and Labour please state whether Government propose to :

- (i) instruct the Director for Industries, United Provinces, to issue the passes immediately to the interested glass manufacturers ;
- (ii) order Mr. Khan of the Star Glass Works not to hinder them in seeing the furnace ; and
- (iii) inform the Chairman, Glass and Glass Bangle Industries, Firozabad of the same ? If so, when ?

The Honourable Sir Thomas Stewart : (i) The attention of the Honourable Member is invited to the reply just given by me to part (e) of his question No. 1031.

(ii) In view of the terms of the agreement, it is not considered necessary to issue any further instructions to the proprietor of the Star Glass Works.

(iii) It is presumed that the Chairman, Glass and Glass Bangle Industries, Ferozabad, will, together with other interested parties, apply to the Director of Industries, United Provinces, for permits. The attention of the Honourable Member is invited in this connection to the answer given by me to part (c) of his question No. 624 on the 20th September, 1937.

Prof. N. G. Ranga : May I take it that every *bona fide* businessman who applies for a pass will be issued this pass ?

The Honourable Sir Thomas Stewart : That is a condition of the agreement.

†1033*—1034*.

PERMANENT LOCATION OF CERTAIN OFFICES IN NEW DELHI.

1035. *Mr. Sham Lal : Will the Secretary for Education, Health and Lands be pleased to state :

- (a) whether the Departments of Archaeology and of Imperial Council of Agriculture Research and the office of the Director General, Indian Medical Service have got any direct connection with the Government of India Secretariat ;
- (b) whether any examination or Agricultural Research or any work in connection with Indian Medical Service is being done at Simla ;
- (c) what particular necessity there is for these offices being transferred to Simla during summer ;
- (d) whether these offices at Simla are being located in rented buildings ;
- (e) what rent Government have to pay for these offices at Simla ;
- (f) whether Government have considered if these offices can be located in Delhi during summer ;
- (g) what the saving in rent would be if they are located in Delhi during summer ;
- (h) what expenses Government have to bear in the form of travelling allowances and railway freights in shifting these offices from Delhi to Simla ;
- (i) whether Government are prepared to consider the advisability of keeping these offices at Delhi during the summer ?

There is a misprint here. In clause (b), "examination" should be read "excavation".

†For these questions and reply thereto, see page 3116 of these debates.

Sir Girja Shankar Bajpai : (a) Yes.

(b) Yes.

(c) The offices work in close association with the Government of India.

(d) The office of the Director General of Archaeology and a portion of the research staff of the Imperial Council of Agricultural Research are located in a private building. The others are located in a Government Building.

(e) Rs. 2,000 plus occupier's taxes for the Director General of Archaeology's office and Rs. 2,000 for the research staff of the Imperial Council of Agricultural Research.

(g) About Rs. 4,000.

(h) About Rs. 28,000.

(f) and (i). I would refer the Honourable Member to the reply given by Sir Frank Noyce to Mr. C. N. Muthuranga Mudaliar's starred question No. 601 in this House on the 9th March, 1937. No decision inconsistent with that reply has been taken since.

Seth Govind Das : Most of the employees in this department are Indians and it is not necessary for Indians to come to Simla in summer and so this expenditure can be saved ?

Sir Girja Shankar Bajpai : The point which my friend ought to appreciate is that the move is determined not on a racial basis but with regard to administrative considerations.

Mr. S. Satyamurti : With reference to the answer to clause (a) of the question, may I ask for some more light ? What is the nature of the direct connection between the Director General of Archaeology, the Imperial Council of Agricultural Research and the office of the Director General, Indian Medical Service, and the Government of India Secretariat ?

Sir Girja Shankar Bajpai : In so far as the Director General of Archaeology is concerned, the position is that the Director General is the adviser of the Government of India in regard to programmes which come up from the Superintendents. Questions of postings are involved. Then references are received from outside, learned societies and so on. They come up to the Government of India and have to be dealt with in consultation with the Director General. For this reason, there ought to be close association between the Government of India and the Director General and I might draw the Honourable Member's attention to the fact that only the Director General and his Deputy move up with a small staff. The whole office does not come up. As regards the Imperial Council of Agricultural Research the position is that all programmes that come up from the provinces and universities and so on have to be examined in consultation with the Government of India from the financial point of view. As regards the Director General of the Indian Medical Service, he is our main adviser in regard to postings.

Seth Govind Das : Then is it not a case for all the offices to be kept down in Delhi and not moving to Simla at all ?

Sir Girja Shankar Bajpai : That point was raised by Mr. Mudaliar in his question to which I have referred. Sir Frank Noyce informed the House that Government did not propose to come to any decision on the matter pending Federation.

Mr. Sham Lal : Cannot all this work be done by consultation by correspondence ?

Sir Girja Shankar Bajpai : I do not think that considering the volume of work involved consultation by correspondence would be conducive to expedition.

Mr. S. Satyamurti : What is the administrative inconvenience in disposing of all these questions about programmes and about postings after the budget which is complete, so far as the annual programme is concerned ? What is the administrative inconvenience in disposing of these matters after they have been sent up from Delhi to Simla within 12 hours, or by telephone if it is very urgent, and what is the administrative advantage which the Government gain by bringing these offices up to Simla ?

Sir Girja Shankar Bajpai : I have already endeavoured to explain the nature of the consultation that takes place between the department and these attached offices. With reference to the point regarding the budget, as my Honourable friend is aware, that would have to go to the Finance Department some time not later than the beginning of October and the summer is really the formative period for proposals for the next year's budget.

Mr. S. Satyamurti : With reference to the answer to clause (i), may I know whether Government propose at any time before the Federation to endeavour to consider the question of locating these offices mentioned in clause (a) permanently in Delhi ?

Sir Girja Shankar Bajpai : My impression from reading Sir Frank Noyce's answer is that the intention of Government is to consider the question in connection with Federation. When other departments consider their relationship with their attached offices, we shall certainly consider ours, not merely in regard to these but any other attached office.

PERMANENT LOCATION OF CERTAIN OFFICES IN NEW DELHI.

1036. ***Mr. Sham Lal :** Will the Honourable Member for Industries and Labour be pleased to state :

- whether the Indian Stores Department and the Civil Aviation Directorate have got any direct connection with the Government of India Secretariat ;
- whether there are any aerodromes in Simla, or whether there are any firms in Simla with whom the Stores Department has to deal ;
- what special necessity there is for shifting these Departments from Delhi to Simla during summer ;
- whether these Departments are located at Simla in Government buildings or buildings to be rented ;

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- (e) what rent Government have to pay ;
- (f) whether Government have considered if these offices can be easily located in Delhi during summer ;
- (g) what the saving in rent, travelling expenses and railway freights would be, if these offices are located at Delhi during summer ; and
- (h) whether Government are prepared to consider the advisability of keeping these offices at Delhi during summer ?

The Honourable Sir Thomas Stewart : (a) They are attached offices of the Government of India.

(b) No.

(c), (f) and (h). These offices move between Delhi and Simla like other migratory offices of the Government of India, the question of their location in future is under consideration.

(d) In Government buildings.

(e) None.

(g) The approximate saving in travelling expenses and railway freights would be about half a lakh.

Mr. Sham Lal : What is the association between these departments and the Government of India ?

The Honourable Sir Thomas Stewart : Sir, Civil Aviation is one of the subjects which is dealt with in the Industries and Labour Department. The subject has become such an important one that it has been necessary to create a separate organisation outside of the Secretariat staff. But that does not remove from the purview of the Industries and Labour Department the problems arising out of civil aviation, and for that reason it was necessary to attach the new creation to the permanent Department.

Seth Govind Das : Do Government not think that by saving this half a lakh every year they will be able to develop this Department better than by having this office at Simla ?

The Honourable Sir Thomas Stewart : I have said that the question is under consideration.

Mr. S. Satyamurti : Apart from the actual attachment of this office to the Secretariat, are there any reasons as to why this office must move between Simla and Delhi ?

The Honourable Sir Thomas Stewart : I suggest there are obvious advantages in having part of one's Department attached to the main body.

Mr. S. Satyamurti : What are the main advantages of moving up to Simla, and not staying on in Delhi and corresponding with my Honourable friend ?

The Honourable Sir Thomas Stewart : Sir, I can say no more than what I have said in reply to the last question, viz., that there are advantages in a close physical proximity.

Mr. M. Asaf Ali : Sir, the Controller of Broadcasting has as much work to do as the Controller of Civil Aviation but the Controller of Broadcasting stays on in Delhi, and is there any reason why the Director of Civil Aviation should be up here ?

The Honourable Sir Thomas Stewart : Sir, I am prepared to take it from the Honourable Member that the Controller of Broadcasting has as much work to do as the Director of Civil Aviation, but the work that he has to do and the problems with which he is faced do not require the attention of the Department of Industries and Labour to anything like the same extent.

Seth Govind Das : Do Government not think that there would be more advantages in saving this half a lakh than any disadvantages which the Government of India might suffer on account of not bringing this office up to Simla ?

(No reply.)

Mr. S. Satyamurti : What are the specific advantages to the Government of India or to the taxpayer in the Civil Aviation Department being away from all aerodromes for six months in the year, and in the Indian Stores Department being out of touch with all supplying firms for six months in the year ?

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

Mr. S. Satyamurti : I am asking, Sir, what are the specific advantages to the taxpayer or to the Government in the Civil Aviation Department being away from aerodromes and in the Indian Stores Department being out of touch with all supplying firms for six months in the year ? What are the specific advantages ?

The Honourable Sir Thomas Stewart : Sir, I do not think it is a matter of any particular advantage or any particular disadvantage to the taxpayer.

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

AFFAIRS OF THE INDIAN INSTITUTE OF SCIENCE, BANGALORE.

1037. **Mr. C. N. Muthuranga Mudaliar :** (a) Will the Secretary for Education, Health and Lands be pleased to state whether any comments were submitted to Government by the editors of the *Current Science*, Bangalore (*vide* their editorials in the last January and February issues), the Government of Mysore, the Governing Council of the Institute of Science or by any member of the Institute or its staff, including the then Director on the Irvine Committee Report ? If so, will Government please lay a copy of these criticisms on the table and state what action has been taken on them ?

(b) With reference to the answers given by Government in the course of supplementary questions on part (b) of question No. 74 asked on the 25th August last, is it a fact that the authorities of the Institute propose to confirm the present incumbents in the Departments referred to in their respective posts? If so, how do Government reconcile such a step with the answer they gave?

(c) With reference to part (b) of this question, have Government considered the question of appointments in the Institute on a permanent as against a temporary or contract tenure basis? If so, what is the conclusion that they have reached?

(d) Have Government considered carefully whether the Institute is suited to carrying on applied research work as against pure research? Are Government satisfied that, having regard to the facilities provided in the Institute, applied research work can be carried on without its descending to mere routine analysis or consultative work?

Sir Girja Shankar Bajpai: (a) The Government did not receive any comments from the Editors of *Current Science* but did receive the views of the Government of Mysore, the Council of the Institute and from amongst members of the staff, of the Director. Such of these papers as were necessary to an understanding of the Irvine Committee's report and the decisions thereon of His Excellency the Visitor have already been published along with the Government of India Resolution No. F. 53-336-E., dated the 21st November, 1936, and copies of which have been placed in the Library of the House. A statement of the action taken on the report has already been promised to the House and will be furnished as soon as it is compiled.

(b) Government have not yet been approached by the Council on the subject.

(c) Government are in agreement with the conclusion of the Council that a satisfactory probation of two years should normally be followed by permanent appointment.

(d) The intention is that the Institute should carry on both applied and pure research. The answer to the second part is in the affirmative.

ELECTRO-TECHNOLOGY DEPARTMENT OF THE INDIAN INSTITUTE OF SCIENCE,
BANGALORE.

1038. ***Mr. C. N. Muthuranga Mudaliar:** (a) Is the Secretary for Education, Health and Lands aware that the Department of Electro-Technology of the Institute of Science at Bangalore is unknown for its work in the field of international scientific research?

(b) Is it a fact that the Irvine Committee have suggested that the policy of the Department of Electro-Technology should be so devised as to place more emphasis on research and advanced instruction in such subjects like Communication Engineering?

(c) What is the qualification or equipment of the Assistant Professor in charge of the subject of Communication Engineering to give advanced instruction and direct instruction in that subject? Is it a fact

that he has neither qualified for a Doctorate through research nor published even a single research paper of merit during the ten years that he has been at the Institute? If so, how do the authorities concerned justify his continuance in charge of Communication Engineering?

Sir Girja Shankar Bajpai: (a) No.

(b) Yes.

(c) The present incumbent of the post is one who is a B.Sc. (Mysore), A.I.I.S., A.M.I.E.E., and a Mem. R.I.E. Information as to what research work he has done and what papers written by him have been published is not available. As regards the last part of the question, the matter is one for the Council of the Institute.

Mr. C. N. Muthuranga Mudaliar: Will Government make inquiries about it and make it available to this House?

Sir Girja Shankar Bajpai: Does my Honourable friend wish to read the papers that this officer has published?

Dr. Ziauddin Ahmad: Sir, what is the meaning of international scientific research?

Sir Girja Shankar Bajpai: That is a question which my Honourable friend might address to Mr. Muthuranga Mudaliar.

Mr. B. Das: I think I can understand it better if I may read those papers?

Sir Girja Shankar Bajpai: If my Honourable friend wishes to read those papers, I shall endeavour to obtain copies and supply them to him.

BIO-CHEMICAL RESEARCHES IN THE INDIAN INSTITUTE OF SCIENCE, BANGALORE.

1039. ***Mr. C. N. Muthuranga Mudaliar:** (a) Is the Secretary for Education, Health and Lands aware that a knowledge of Botany, Organic Chemistry and Micro-chemistry is essential for conducting biochemical researches and that all eminent biochemists have also been organic chemists?

(b) Are Government aware that both the Sewell and Irvine Committees expressed themselves strongly against the absence of certain essential requisites in the Department of Biochemistry including the lack of a specialist in Micro-chemistry?

(c) Is it a fact that no single review of Biochemistry published anywhere in the world has anything complementary to say about biochemical work in India?

(d) Are Government prepared to consider the urgent need to reform the Department of Biochemistry in the Institute?

Sir Girja Shankar Bajpai: (a) No.

(b) The reports of these Committees contain some comments on the subject and the Irvine Committee has specifically referred to the absence of a specialist in Micro-chemistry.

(c) I have no information.

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(d) The matter is under the consideration of the Council in connection with the recommendations of the Irvine Committee.

BIO-CHEMICAL RESEARCHES IN THE INDIAN INSTITUTE OF SCIENCE, BANGALORE.

1040. *Mr. C. N. Muthuranga Mudaliar : (a) With reference to the reply given by Government to part (b) of question No. 74 asked on the 25th August, 1937, and the supplementary questions thereon, is the Secretary for Education, Health and Lands aware that according to the reports referred to, the Department of Biochemistry is supposed to be carrying on research on sugar syrup, starch, fruit preservation, oxidising agents such as fertilisers, tree killers, milk and milk products, metallic contamination of foodstuffs, agricultural chemistry, utilisation of molasses, etc. ?

(b) Is it not a fact that there is no original investigation underlying the preparation of sugar syrup from cashew apple ?

(c) Are Government aware that better facilities and better and more experienced research direction is available in the Government laboratories at Poona ?

(d) Why has not the Imperial Council of Agricultural Research applied the results of the Department of Biochemistry on the use of oxidising fertilisers ?

(e) Is the Department of Biochemistry a manufacturing concern for tree killers ? What is the applied research work involved here ? What is the new knowledge given here which has not already been known before ?

Sir Girja Shankar Bajpai : (a) Yes.

(b) This is a technical question on which I can express no opinion.

(c) No.

(d) The direct application of the results of research is not the function of the Imperial Council of Agricultural Research which is concerned merely with research and publicity.

(e) The answer to the first part of the question is in the negative. As the investigation aims at discovering economical and effective methods of destroying undesirable forest vegetation, it obviously falls in the category of applied research. As regards the last part, I wish to point out to my Honourable friend that Copernican or Newtonian discoveries are not a matter of everyday occurrence. (Laughter.)

Prof. N. G. Ranga : With reference to the answer to part (d) of this question may I know whether the Imperial Institute of Agriculture at Delhi are doing anything on the use of oxidising fertilisers ?

Sir Girja Shankar Bajpai : As far as I know, the Imperial Council of Agricultural Research assists the Institute at Bangalore among other institutions to conduct investigations into this particular kind of fertilisers.

Mr. S. Satyamurti : With reference to the answer to part (c) of the question, is it the position of the Government that better facilities are not available in Poona, or that they have no knowledge of the same ?

Sir Girja Shankar Bajpai : What I wished to convey to the House was that we do not know that better facilities are available at Poona.

Prof. N. G. Ranga : Sir, I have not got any definite answer to my question whether the Imperial Institute of Agriculture situated at Delhi are doing anything at all on the use of oxidising fertilisers ?

Sir Girja Shankar Bajpai : Sir, I submit for your consideration that the question relates to the Imperial Council of Agricultural Research. My Honourable friend wants information as to what the Imperial Institute of Agricultural Research is doing, and he had better give me notice of that separate question.

Mr. S. Satyamurti : May I know whether Government are taking steps directly, or through the Council of the Institute, to see that the institute does not degenerate into a mere manufacturing concern, but keeps in the forefront the dominant idea of the founder, viz., to pursue pure scientific research ?

Sir Girja Shankar Bajpai : Sir, I think I can confidently assure my Honourable friend that there is no intention of converting this Institute into a factory. That is not the idea at all. The idea is that the right balance should be maintained between pure and applied research.

REPRESENTATION OF ANDHRAS IN THE POSTS AND TELEGRAPHS DEPARTMENT.

1041. *Mr. Thirumala Rao : (a) Will the Honourable Member for Industries and Labour please state whether it is a fact that nearly five hundred candidates are to be shortly recruited for service in the Posts and Telegraphs Department in the Madras Presidency ?

(b) Is it a fact that the proportion of Andhras (Telugus) in higher and other grades of the service is proportionately small ?

(c) Has any Andhra acted as Postmaster General or Presidency Postmaster in Madras ?

(d) Do Government propose to see that a proper proportion of Andhras is maintained in the service in view of the fact that nearly half the area in the Madras Presidency is Andhra ?

The Honourable Sir Thomas Stewart : (a) Government understand that the fact is substantially as stated by the Honourable Member.

(b) Government have no information but they have no reason to conclude that the representation of Andhras is disproportionately small.

(c) No.

(d) The rules of the Department already provide for the recruitment of candidates in the Madras Presidency within the revenue districts in which they are domiciled. Government do not consider that any further measures are called for to ensure the proper representation of Andhras.

DISCHARGE OF CERTAIN CLERKS IN THE MADRAS POSTAL CIRCLE.

1042. *Mr. Thirumala Rao : (a) Will the Honourable Member for Industries and Labour please state whether it is a fact that seventy postal

clerk in the second grade in the Madras circle were discharged on the ground that they were not up to the test set up by the Director General of Posts and Telegraphs recently ?

(b) Were the above mentioned clerks serving either on probation or on the permanent cadre for at least one year before they were called upon to undergo the test ?

(c) Is it a fact that the Director General in his memorandum No. E.S.B.-220-12/36, dated the 26th November, 1936, laid down that persons on probation for one year after the 1st April, 1935, should be deemed as permanent ?

(d) If the answer to part (c) be in the affirmative, are Government prepared to re-instate all the clerks alluded to in part (b) ?

The Honourable Sir Thomas Stewart : (a) The facts are generally speaking as described by the Honourable Member.

(b) No.

(c) The orders referred to directed that no candidates appointed in a permanent capacity, i.e., on probation for one year on or after the 1st April, 1935, should be subjected to any fresh test.

(d) The orders mentioned in reply to part (c) of the question are not applicable to these candidates who were officiating and not permanent employees. Such of these men as have already passed the second grade test and are eligible for the concessions which I have already placed on the table of the House will be reinstated forthwith, but the case of the remainder will receive further consideration from the Government.

VILLAGE POSTMASTERS.

1043. ***Mr. Thirumala Rao :** Will the Honourable Member for Industries and Labour please state :

(a) whether village Postmasters form part of the regular postal service under Government or are they considered as extra-departmental ?

(b) If they are extra-departmental, is any cash or personal security demanded from them ? If so, what is the amount ?

(c) What are their pay and privileges and duties ?

The Honourable Sir Thomas Stewart : (a) Village post offices are manned both by departmental and extra-departmental sub and branch postmasters.

(b) The extra-departmental sub-postmasters are usually required to give a personal security of Rs. 300 or a cash security of Rs. 200. Retired Government servants, station masters and school teachers who are Government employees are exempted as a class, but in the Madras Circle securities are taken at present irrespective of the class from which the agent is drawn.

(c) The extra-departmental sub and branch postmasters receive allowances and not pay. In the case of extra-departmental sub-postmasters, the allowances vary from Rs. 30 to Rs. 40 and in the case of

extra-departmental branch postmasters, the allowances range from Rs. 6 to Rs. 20 according to a graduated scale based on the volume of postal work actually performed. No special privileges are given to these part-time workers, but they are eligible for the benefits of the Postal Life Insurance Fund. Extra-departmental sub-postmasters normally perform all classes of business and deal conditionally with treasuries and branch post offices. Extra-departmental postmasters are restricted to the collection and distribution of unregistered and registered correspondence and parcels and the booking of money orders and their payment. Certain offices are specially authorised to do insurance, savings bank and cash certificate work and to book foreign parcels in addition. All offices are required to maintain departmental accounts.

Mr. Lalchand Navalrai : May I know whether there have been complaints that the allowance that is being given to these extra-departmental postmasters, which is Rs. 6 onwards, is too little ?

The Honourable Sir Thomas Stewart : The amount paid to these extra-departmental agents depends entirely upon the amount of work which they perform. It does not necessarily follow that in any particular case Rs. 6 would be an inadequate payment.

Mr. Thirumala Rao : Am I right in assuming that the responsibilities and duties of departmental sub-postmasters and extra-departmental sub-postmasters do not differ and that they are identical ?

The Honourable Sir Thomas Stewart : Yes, Sir, that follows from the answer I have given in which I gave the description of their duties.

Mr. Thirumala Rao : But the difference in emoluments and salaries in the case of the departmental sub-postmasters and the extra-departmental sub-postmasters is very great. Do the Government agree to it ?

The Honourable Sir Thomas Stewart : My answer to the Honourable Member is this that if he claims that the extra-departmental agents should be paid as much as the purely departmental agents, then the case for the employment of these ex-railway officials, etc., disappears.

Prof. N. G. Ranga : Will Government review the scales of pay and allowances made to these departmental sub-postmasters and extra-departmental sub-postmasters and see if any increase can be made therein ?

The Honourable Sir Thomas Stewart : We have done that recently.

Prof. N. G. Ranga : When was it done ?

The Honourable Sir Thomas Stewart : It was done within the last two years.

Mr. Badri Dutt Pande : Were the posts of these extra-departmental sub-postmasters created for the pensioners ?

The Honourable Sir Thomas Stewart : No, Sir. They were not created *ad hoc*.

Prof. N. G. Ranga : Has that examination resulted in any increase in the allowances of these sub-postmasters ?

The Honourable Sir Thomas Stewart : No, Sir. The examination revealed the fact that no increase in pay was warranted.

Mr. Badri Dutt Pande : Are some young men also employed as extra-departmental sub-postmasters ?

The Honourable Sir Thomas Stewart : Yes, if they are school-masters.

ALLOTMENT OF QUARTERS TO OFFICERS.

1044. ***Prof. N. G. Ranga** (on behalf of Mr. T. S. Avinashilingam Chettiar) : Will the Honourable Member for Industries and Labour state whether under the rules for allotment of Government houses to officials there are cases in which officers of higher grade get houses of lower grade and *vice versa*, and if so, the reasons for such happenings ?

The Honourable Sir Thomas Stewart : Yes, but such cases occur very rarely, as, for example, when owing to any particular circumstance a residence is found to be surplus to the requirements of the officers eligible for that class, or when a residence falls vacant during the season and no officer of that class claims it

RULES FOR ADMISSION INTO THE WALKER HOSPITAL, SIMLA.

1045. ***Prof. N. G. Ranga** (on behalf of Mr. T. S. Avinashilingam Chettiar) : (a) Will the Secretary for Education, Health and Lands be pleased to state what class of people are entitled under the rules for admission into the Walker Hospital, Simla ?

(b) Are Indians entitled for admission into the Hospital ? If so, what class of people ?

(c) Are all officers of Government from the position of the Secretaries to Superintendents entitled under the rules for admission into the Hospital ?

(d) Are Members of the Central Legislature and Council of State entitled for admission ?

(e) What are the fees for operation or otherwise for those who are admitted in the Walker Hospital ?

(f) What fees were realised in the Walker Hospital for operations during the year 1936-37 ? Did any portion of this go to the finance of the Walker Hospital ? If so, what portion ?

Sir Girja Shankar Bajpai : (a) to (d). All persons who are prepared to conform to the rules and usages of the Hospital are admitted.

(e) The fees are laid down in the rules, copies of which are available in the Library of the House.

(f) I lay a statement on the table.

Statement.

Rs. 3,425 apart from the charges for nursing, diet and accommodation. Out of this a sum of Rs. 1,052 was credited to the finances of the Hospital, Rs. 400 was paid as fees to the Surgeon assisting at the operations and the rest, Rs. 1,973 was paid to the Civil Surgeon as his fees.

Prof. N. G. Ranga : Are we to understand that no racial discrimination is made ?

Sir Girja Shankar Bajpai : No, Sir, and I can testify to that from personal experience.

INTEREST ACCUMULATED ON POSTAL SAVINGS BANK AND CASH CERTIFICATES DEPOSITS BELONGING TO MUSLIMS.

1046. ***Khan Sahib Nawab Siddique Ali Khan :** (a) With reference to question No. 118 asked by the Honourable Sir Haroon Jaffar in the Council of State on the 12th September, 1927, will the Honourable the Finance Member please state the amount of interest that has so far accumulated on the deposits in the Postal Savings Banks and on cash certificates belonging to Muslims on which interest has not been drawn by them on religious grounds ?

(b) In view of the statement made by the Honourable Mr. A. F. L. Brayne in answer to the above question in the Council of State, are Government prepared to consider favourably the formation of a Committee of the elected Muslim Members of this House and of the Council of State for administering as trustees the amount of such interest for improvement of Muslim education, such committee to be elected at the beginning of every newly elected House ?

(c) Do Government propose to draw up necessary rules for the formation and functioning of such a Committee ?

The Honourable Sir James Grigg : (a) I would invite a reference to the reply which I gave to part (a) of Mr. Sri Prakasa's question No. 340 asked on the 7th of September, 1937.

(b) and (c). As was explained in the statement to which the Honourable Member has referred, Government consider that this is a matter in which the initiative must be taken by the community concerned.

Dr. Ziauddin Ahmad : May I ask whether the Government keep separate accounts of this unclaimed interest ?

The Honourable Sir James Grigg : I do not think so.

Khan Sahib Nawab Siddique Ali Khan : Will the Honourable Member kindly allow a few Members of this Honourable House to wait on him or any other responsible officer to discuss the matter with him ?

The Honourable Sir James Grigg : It is no good discussing the matter until two conditions have been fulfilled. Those steps must be (1) the establishment of a Fund started by a representative body of Mussalmans, and (2) the receipt by Government of requests from a substantial number of depositors that the interest due to them should be paid into that Fund. It is really no good for the Honourable Member to come and discuss it with me until he has got these two conditions fulfilled. After that, there will not be much difficulty on my part.

Khan Sahib Nawab Siddique Ali Khan : May I take it that the offer is still open ?

The Honourable Sir James Grigg : As I said, once the conditions are fulfilled there will be no difficulty on the part of the Government, but the conditions must be fulfilled and the initiative in that matter must be taken by the community concerned and not by the Government.

Maulana Zafar Ali Khan : Has the unclaimed amount of interest on deposits in postal savings banks been realised by the Government, and, if so, in what manner do they spend it ?

The Honourable Sir James Grigg : I answered that question before. It is realised by Government and is spent on general purposes.

Dr. Ziauddin Ahmad : What is the definition of a 'representative body' of men ?

The Honourable Sir James Grigg : The Honourable Member can answer that better than I can.

Dr. Ziauddin Ahmad : Will the Muslim Members of the Central Legislature be considered as a representative body of Mussalmans ?

The Honourable Sir James Grigg : I do not think they are sufficiently representative of the whole of the Muslim community.

Dr. Ziauddin Ahmad : What, in his opinion, is the representative body of Mussalmans ?

The Honourable Sir James Grigg : I do not think I am called upon to express an opinion.

Maulana Zafar Ali Khan : Will the Honourable Member please place on the table of the House a list of the depositors who have refused to accept the interest ?

The Honourable Sir James Grigg : Certainly not.

Maulana Zafar Ali Khan : May I know why not ?

The Honourable Sir James Grigg : Because it will take too much time and trouble and will be incommensurate with the labour involved. As I have said already, the initiative in this matter must be taken by the Muslim community.

Mr. M. Asaf Ali : May I know, in view of the fact that the Members of the Central Legislature are not sufficiently representative of Muslim opinion,.....

The Honourable Sir James Grigg : I am sorry I made a joke. It is a great mistake to do that if one is to be taken seriously all the time.

Mr. M. Asaf Ali : Even as a joke, will the Honourable the Finance Member be prepared to consider a representation addressed to him by the Muslim Members of the various Provincial Legislatures who may be considered as more representative than we are ?

The Honourable Sir James Grigg : The Honourable Member has misunderstood me. I do not want representations at all. I want evidence that a Fund has been set up which is sponsored by a representative body of Mussalmans.

Mr. Sri Prakasa : Will Government refuse in future to take money from such depositors as decline to take interest ?

The Honourable Sir James Grigg : No, Sir.

ABOLITION OF THE OBSERVATORY AT MADRAS.

1047. ***Mr. S. Satyamurti :** Will the Honourable Member for Industries and Labour be pleased to state :

- whether his attention has been drawn to the leading article entitled "Central funds and Provincial needs" in the *Hindu* of the 15th September, 1937 ;
- the reasons why the grant for 'Meteorology' under the Civil Aviation Fund is not being fully utilised ;
- whether the Observatory at Madras was abolished owing to lack of funds at the time ; and
- whether the Observatory proposed is to be re-established now as there are funds and if not, why not ?

The Honourable Sir Thomas Stewart : (a) Yes.

(b) The Honourable Member is presumably referring to the provision of Rs. 1,20,000 made in the budget estimates for 1935-36 for expenditure on Meteorology from the Civil Aviation Fund. Of this Rs. 1 lakh was intended for the extension of the Agra Observatory buildings and Rs. 20,000 for the construction of quarters for Meteorological staff at civil aerodromes and landing grounds. The provision for the extension of the Agra buildings was not utilised as the Government of India had, and still have, under consideration the question of transferring the Agra Office to Delhi. The provision for quarters for the Meteorological staff was not spent as some delay occurred in coming to a decision on the question of the standard types of accommodation suitable for the various classes of personnel at aerodromes and landing grounds.

(c) The Observatory at Madras continues to be a pilot balloon and first class observatory. It was decided in 1931 as a measure of retrenchment to discontinue the issue from the observatory of daily weather reports and the supply of time to local shipping by visual time ball signals. Arrangements were made, instead, for the inclusion of the information contained in the Madras Weather Reports in the All-India Weather Reports issued from Poona ; and the supply of time to shipping by mechanical means was considered unnecessary in view of the wireless time signals broadcasted from the Alipore Meteorological Office.

(d) No, Sir. The existing arrangements are satisfactory and there is no need to restore the activities discontinued in 1931.

Mr. S. Satyamurti : Have Government received any representation from any interest concerned for the restoration of the Madras Observatory ?

The Honourable Sir Thomas Stewart : No, Sir.

Mr. S. Satyamurti : Will the Honourable Member consult the Local Government of Madras with regard to the need for restoring this observatory to the position it occupied in 1931 prior to its discontinuance ?

The Honourable Sir Thomas Stewart : No, Sir.

Mr. S. Satyamurti : Why not, Sir ?

The Honourable Sir Thomas Stewart : Because the services that were discontinued in 1931 are adequately replaced by those which I have described in my answer to part (c) of the question.

FUND FOR THE ECONOMIC DEVELOPMENT AND IMPROVEMENT OF RURAL AREAS.

1048. Mr. S. Satyamurti : Will the Honourable the Finance Member be pleased to state :

- (a) the latest figures of the allotment of the fund for the economic development and improvement in rural areas, to the several Provinces, the portion of the funds spent or earmarked by the Provinces, the balance of the funds still unspent with them, the main purposes on which the funds have been or are proposed to be spent, and the balance of the fund with the Central Government ;
- (b) whether the Provincial Governments have been addressed recently to formulate their schemes without delay and what their replies are ; and
- (c) what the latest proposals of the Government of India are for the expenditure of this fund in the several Provinces ?

The Honourable Sir James Grigg : (a) A further statement will be supplied to the Honourable Members when the requisite information has been obtained from the Provincial Governments.

(b) and (c). I place on the table a copy of the letter addressed to Provincial Governments on this subject last February.

No. D-1274/B-37.

GOVERNMENT OF INDIA.

FINANCE DEPARTMENT.

New Delhi, the 20th February, 1937.

FROM

A. J. RAISMAN, Esquire, C.I.E., I.C.S.,

Additional Secretary to the Government of India,

TO

ALL LOCAL GOVERNMENTS (EXCEPT BURMA) AND ADMINISTRATIONS.

SUBJECT :—Utilisation of the Government of India's grants for rural reconstruction.

SIR,

With reference to your letter—

Madras—No. M. S-411, dated the 10th September, 1936,

Bombay—No. 3591-G/33, dated the 19th September, 1936,

Bengal—No. 8029-F.B., dated the 31st August, 1936,

United Provinces—Nos. 382-A. and 651-A., dated the 25th July and 26th September, 1936, respectively,

Punjab—No. 1598-D.(S.), dated the 10th August, 1936,

Orissa—No. 4746-E./1-C-73/36, dated the 6th September, 1936,

Bihar—No. 7633-F.B., dated the 2nd November, 1936,

Central Provinces—No. C-593/1801/IV, dated the 3rd October, 1936,

Assam—No. 3083-L.S.G., dated the 31st July, 1936,

North-West Frontier Province—No. 10141-T.D.N.-36/7, dated the 30th September, 1936,

Sind—No. G-5692, dated the 9th September, 1936,

Chief Commissioner, Delhi—No. B-77/36-FinI, dated the 11th September, 1936,

Chief Commissioner, Ajmer-Merwara—No. 911/52-A./35, dated the 26th July, 1936,

Chief Commissioner, Coorg—No. 1962/231-36, dated the 27th July, 1936,

I am directed to say that the Government of India, having reviewed the proposals and observations of the provincial Governments on the utilisation of the grants for rural reconstruction, have decided to attach to the further allotments now to be made the conditions set forth in my letter No. D-2598/E, dated 29th June, 1936, subject to the modifications indicated below.

2. The local Governments have, generally speaking, concurred in the desirability of concentration of effort and avoidance of wasteful diffusion over too wide a field, but have asked that, in view of the different conditions prevailing in different areas of the same province, the number of schemes to be financed should not be strictly limited to the 'two or three' originally laid down. In particular, they are disposed to add rural sanitation to rural communications and water supply as an object deserving of primary attention. The Government of India have no objection to this. Besides these primary objects the provinces have usually put forward two or three special schemes, such as schemes for cattle improvement or the distribution of improved seed. The Government of India have decided that generally speaking the revised proposals of the local Governments now comply sufficiently with the condition laid down in this regard.

3. The second principle put forward in paragraph 4 of my letter of the 29th June, 1936, has also met with general and substantial acceptance. Provided the local Governments aim at the achievement of stable results, the Government of India are not disposed to insist on a rigid five year programme, and agree that the expenditure may be spread over a somewhat shorter period, not less than three years, where this appears to be desirable. The Government of India also accept the proposals of the local Governments in regard to the re-allocation of the first year's grants, a procedure which has naturally been restricted by the extent to which those Governments have entered on commitments from which they have found it impossible or highly undesirable to renege.

4. The Government of India's third condition was that all schemes should be contributory, i.e., that the villages which are to benefit from the expenditure should themselves make a contribution of not less than one-third, either in cash or in kind (including labour) as a condition of receiving the remaining two-thirds. The object of this condition was not merely to make the grants go as far as possible, but also to evoke a much closer and more real co-operative interest on the part of the cultivators themselves. All the provincial Governments have accepted the principle but most of them desire to be allowed some latitude in enforcing it. There are certain schemes of an educative character which cannot be put on a contributory basis. Again it is represented that the poorest and most distressed areas may be unable to make any contribution. It has been suggested that where works constructed from the grant are to be maintained by local boards or village authorities, a considerable local contribution is in effect involved, and also that the condition should be regarded as satisfied if the contribution is made by philanthropists, district boards, or public associations. The Government of India feel that while contributions by persons other than the villager himself help to make the grants go much further than they otherwise would, they do nothing to evoke his active interest and co-operation. The Government of India attach the greatest importance to the villager's contribution and are exceedingly reluctant to admit any widespread relaxation of the contributory principle. They do not see why, even in needy areas, free labour at least should not be forthcoming. At the same time they recognise that certain schemes desirable in themselves do not

Prof. N. G. Ranga : Will the Government also consider the precedent set up by the constitution of the Road Development Fund from which today and for a certain number of years past, grants have been made to the various Provincial Governments for this purpose ?

The Honourable Sir James Grigg : I can assure my Honourable friend that the Road Development Fund has at times caused the Provincial Governments to complain that they ought to get money without condition, a contention which I do not myself accept. That again is a question which is impossible to answer without considering all the facts involved.

DETERIORATION OF INDIAN ECONOMIC POSITION IN SOUTH AFRICA.

1049. ***Mr. S. Satyamurti :** Will the Secretary for Education, Health and Lands be pleased to state :

- (a) whether his attention has been drawn to an address by the Indian Agent in South Africa on the 16th September, 1937, to a meeting of the Indo-European Joint Council in Durban wherein he stated that a considerable deterioration of the Indian economic position had taken place in the Union during the last 20 years ;
- (b) whether Government propose to examine that statement and report to the House the causes of this deterioration ; and
- (c) whether Government are prepared to take necessary steps early in this behalf ?

Sir Girja Shankar Bajpai : (a) and (b). Government have seen a newspaper report of the meeting referred to by the Honourable Member and await a copy of the official text.

(c) The attention of the Honourable Member is invited to the reply given by me on the 1st October, 1937, to part (e) of his question No. 943.

Mr. S. Satyamurti : Will the Government of India get into touch with the Indian Agent, and ask him for a detailed statement as to how the position of Indians has degenerated for the last 20 years ?

Sir Girja Shankar Bajpai : When we get a report of his speech and if we find that that point has not been sufficiently elucidated or elaborated, we shall follow the suggestion of my Honourable friend.

Mr. S. Satyamurti : May I know if copies of these speeches are automatically sent to the Government from time to time, or have they got to ask the Agent for copies of the speeches ?

Sir Girja Shankar Bajpai : There is no hard and fast rule about that. If he makes any important pronouncement, then he automatically forwards copies of that to the Government of India.

Mr. S. Satyamurti : In view of the fact that the Agent represents the Government of India and therefore all his speeches have a meaning as representing the views of the Government of India to the extent to which he speaks as the Indian Agent, will the Government of India consider the advisability of asking the Agent to send copies of all his important speeches on the position of Indians in South Africa, as and when they are made, automatically to the Government of India ?

Sir Girja Shankar Bajpai : My Honourable friend assumes that that is not the existing practice. I tried to explain that copies of any important pronouncement made by the Agent are automatically sent to the Government of India.

Mr. S. Satyamurti : Has a copy of this speech referred to in the question been received ?

Sir Girja Shankar Bajpai : It has not yet been received. If it had been, then in that case, I should have based my answer on a perusal of that speech.

BROADCASTING OF INDIAN MUSIC.

1050. ***Mr. S. Satyamurti :** Will the Honourable Member for Industries and Labour be pleased to state :

- (a) whether Government are taking any steps by way of consulting musical critics and connoisseurs and eminent musicians in India for evolving a plan of broadcasting good Indian music from the broadcasting stations ;
- (b) whether Government are considering any proposal to have the best Indian music broadcast from these stations by arranging for the services of the best all-India musicians at the several stations throughout the year ; and
- (c) whether Government propose to consult expert non-official opinion in the matter by constituting a Committee or otherwise and if not, why not ?

The Honourable Sir Thomas Stewart : (a) All-India Radio does its best to mould its programmes upon criticisms which it receives generally by letter and telephone every day. The Music Sub-Committee of the Advisory Council meets every fortnight to discuss forthcoming programmes and comment upon them. The general policy of All-India Radio, as of most broadcasting organisations, is to increase the public taste for good music without antagonising its listeners by broadcasting music which is appreciated by a minority but disliked by a majority.

(b) Best all-India musicians are engaged by All-India Radio as frequently as its funds permit and proposals for long-term contracts have been for some time under consideration.

(c) All-India Radio already has an Advisory Council with a sub-committee on music for giving expert advice.

Mr. S. Satyamurti : With reference to the answer to clause (a), may I know what the composition of this sub-committee is, and what are the musical qualifications of the members of the sub-committee, either as singers or as critics ?

The Honourable Sir Thomas Stewart : I could not give off-hand the entire composition of the sub-committee. But I am informed that a co-opted member is the Principal of the Marris College of Music to which reference was made earlier in the morning.

Mr. S. Satyamurti : May I know how Government are satisfied that a plan of broadcasting good Indian music is being followed today in the broadcasting stations ?

admit of the application of the principle, and for such schemes, which should not ordinarily account for more than 20 per cent. of the grant, they agree that the condition may be waived.

5. The fourth condition was that, in the absence of special reasons, there should, wherever the nature of the scheme admits, be the maximum degree of delegation to the district officer: and that central control should not ordinarily go beyond a clear definition of the objects of expenditure, periodic inspection and review of the reported results, leaving complete freedom of initiative to the district officers. Apart from local variations in the machinery for inspection and review, there has on the whole been no difficulty in the acceptance of this condition except in one province, which is being addressed separately on the subject.

6. Finally, the Government of India intended that the bulk of the grants (say 80 per cent.) should be allocated to the districts on a rural population basis, the remainder to be available for allocation to specially needy districts or possibly to special local schemes. Several provinces have found it difficult to accept this condition in respect of as much as 80 per cent. of the grant. It has been pointed out that it is precisely the thinly populated districts with poor natural resources that are most in need of help, and it has been suggested that the proportion distributable on the basis of rural population should be reduced to two-thirds of the grant. The Government of India are prepared to accept this modification, which they trust will go a long way to meet the difficulties which have been described.

7. The Government of India will be glad to receive by the end of August and February consolidated reports reviewing the progress of the schemes in the province as a whole for the half-years ending 30th June and 31st December respectively. I am to ask that Local Governments will take steps to ensure the punctual submission of the reports on these dates, so that the Government of India may be in a position to present a review of progress to the Legislature during its two sessions.

8. The Government of India do not intend to place further funds at the disposal of the local Governments so long as the latter still have in their hands funds sufficient to enable them to prosecute their schemes. Further allotments will be made as and when funds are required for expenditure. It will be convenient if local Governments indicate their probable requirements against each scheme for six months at a time, and I am to request that this information may now be supplied.

I have the honour to be,

Sir,

Your most obedient servant,

A. J. RAISMAN,

Additional Secretary to the Government of India.

Mr. S. Satyamurti: With reference to part (a), may I know if the Honourable the Finance Member is in a position to make the statement referred to therein, sometime early next Delhi Session?

The Honourable Sir James Grigg: I will try.

Mr. S. Satyamurti: I have not yet read the statement which the Honourable Member has laid on the table in reply to parts (b) and (c). May I ask whether all the Provincial Governments have now formulated their schemes for the expenditure up to the full amount provided for by the Government of India for the respective Provinces?

The Honourable Sir James Grigg: Speaking off-hand, I think it was an earlier letter which we sent to the Provincial Governments in which we specified our conditions and the classes of schemes which we should accept. They then sent up their schemes and asked for a relaxation of some of the conditions. I think this second letter to some extent relaxes the conditions and it approves individual schemes subject to these new conditions.

Mr. S. Satyamurti: Taking all these schemes together, are they large enough in extent to spend all the money set apart by the Government of India for this purpose?

The Honourable Sir James Grigg: Except one or two lakhs?

Prof. N. G. Ranga: Will Government consider the advisability of setting up a Central Committee on the lines of the Road Development Fund Committee for the distribution and also for the proper allocation and expenditure of these sums?

The Honourable Sir James Grigg: I think in this case I may give the Honourable Member the advice from the old cookery book 'First catch the hare'.

Prof. N. G. Ranga: Will the Government consider the advisability of making some allotment towards the Rural Development Fund from out of the next year's anticipated surplus?

The Honourable Sir James Grigg: I am not in a position yet to say whether Government are in a position to catch the hare.

Mr. S. Satyamurti: May I know whether or not the hare has disappeared and whether hereafter the Government of India do not propose to make any grant for this purpose?

The Honourable Sir James Grigg: The Honourable Member need not assume that or anything else.

Mr. S. Satyamurti: Was its discontinuance due to temporary aberration, or is it because the Government of India are hoping to renew this grant as early as possible?

The Honourable Sir James Grigg: That raises a good many questions which one cannot deal with suitably in this way in reply to supplementary questions. I imagine that the Provinces would much rather that we make a delegation of revenues to them under section 140 of the Government of India Act than make grants for specific purposes and so, Sir, the matter is not quite as free from argument as the Honourable Member seems to suggest.

Mr. S. Satyamurti: May I know whether the Government of India have definitely dropped the practice of making *ad hoc* grants specifically for certain purposes, and would rather make general grants under the Government of India Act, as provided in the various sections thereof?

The Honourable Sir James Grigg: I do not think the Honourable Member can assume that. The Honourable Member can assume that there are two alternative possibilities which will have to be considered and carefully weighed against each other.

Mr. S. Satyamurti: Before coming to a conclusion on either possibility will the Government consider the advisability of consulting the Provincial Governments and taking their opinions into careful consideration?

The Honourable Sir James Grigg: That, Sir, is again a question of first catching the hare.

The Honourable Sir Thomas Stewart : I have already confessed to the Honourable Member that I am not a critic of Indian music and I can offer no opinion as to the goodness or badness of the music.

Mr. S. Satyamurti : The Honourable Member may not be a critic himself, but there are critics of Indian music available in this country. I am asking my Honourable friend what steps Government have taken or propose to take to see that first-class Indian music is broadcast by getting the services of eminent and disinterested critics of Indian music.

The Honourable Sir Thomas Stewart : As I have said in reply to part (a) of the question, and as I have mentioned to the Honourable Member before, we are always ready to accept any criticism and advice ; and I have already mentioned that we have a sub-committee that advises on the question of the type of music that should be broadcast.

Mr. S. Satyamurti : In view of that rather helpful answer, may I ask my Honourable friend what is the specific answer to clause (c) ? Apart from the sub-committee which deals with it from time to time, may I know whether Government will or will not appoint an *ad hoc* non-official committee of experts all over India,—I offer my services to recommend to him the names of people who can serve on this committee,—to evolve a scheme of getting high class Indian music broadcast from the broadcasting stations ?

The Honourable Sir Thomas Stewart : Government are not yet persuaded of the necessity for the appointment of such a committee.

Mr. S. Satyamurti : Are Government then satisfied that the highest available Indian music is now being broadcast from the broadcasting stations ?

The Honourable Sir Thomas Stewart : Government are not so complacent as to assume that perfection has been attained.

Mr. Mohan Lal Saksena : Will Government consider the advisability of putting Mr. Satyamurti on that committee ?

REVENUE AND EXPENDITURE FIGURES.

1051. ***Mr. S. Satyamurti :** Will the Honourable the Finance Member be pleased to state :

- (a) the latest available figures under revenue and expenditure this financial year ;
- (b) whether there have been no requests from any of the spending departments for supplementary demands so far ;
- (c) the amounts of money so far reappropriated under the different heads ;
- (d) the number of new posts created since the 1st April, 1937, not provided for in the Budget, the reasons why, and the financial commitments thereof ;
- (e) the progress of expenditure in the several departments so far ; and

- (f) the steps taken this year to prevent the rush of expenditure in the closing months of the year, especially March ?

The Honourable Sir James Grigg : (a) and (e). I would invite the attention of the Honourable Member to the Statements of Receipts and Disbursements which are published monthly in the Gazette of India.

(b) A few requests have been received, but it is not yet certain that supplementary demands will, in fact, be necessary.

(c) and (d). This information is not readily available since power to sanction reappropriations and to create posts has been delegated to a large number of different authorities.

(f) So far as the civil departments are concerned I have no reason to believe that any special measures are necessary. As regards military expenditure a report on the subject will be submitted to the Military Accounts Committee in due course in accordance with the recommendation made in paragraph 6 of their report on the Accounts of 1935-36.

Mr. S. Satyamurti : With reference to the answer to clause (d), will Government consider the desirability of withdrawing this power, except from a few people, in view of the fact that more than one new post has been recently created in the middle of the financial year, without provision in the budget ?

The Honourable Sir James Grigg : In important posts I do not think the power has been delegated, and I think the Honourable Member is referring to that. I do not think the Honourable Member is quite reasonable in suggesting that you can avoid altogether creating new posts in the middle of the financial year. What can be foreseen rather more than it is now, I daresay, is that a new post will be created in the course of the year, and in that case it should be budgeted for in the beginning. I have said several times that I am in sympathy with the Honourable Member on this and I hope that in course of time our practice will conform to that particular precept of his.

Mr. S. Satyamurti : In view of that, may I know whether the Honourable Member will be good enough to collect the information asked for in clause (d), which only asks for information since the 1st April, and supply it to the House when it next meets ?

The Honourable Sir James Grigg : I am collecting information in connection with a somewhat narrower question by Mr. Avinashilingam Chettiar, and I hope the Honourable Member will wait to see that and see if that does not give him all that he really requires. He obviously does not want me to collect information about minor staff, but refers to important posts. That information I am collecting and I hope that when he sees it he will be satisfied.

Mr. S. Satyamurti : Are there any rules made by the Finance Department, with regard to the creation of these new posts in the middle of the year without budget sanction ? And will the Honourable Member consider the stiffening of those rules ?

The Honourable Sir James Grigg : There are no rules because each case requires the Finance Department's sanction.

Mr. S. Satyamurti : With reference to the answer to clause (f), in view of my Honourable friend's answer that, in the civil departments there is no need for any special steps, may I know whether his attention has been drawn to the expenditure in the Department of Public Works which has shown, during the last two or three years, a special rush towards the closing months of the year ?

The Honourable Sir James Grigg : I am not aware of that or rather it had escaped my memory that it has manifested itself in the Civil Works budget ; but I am assured that steps have been taken which will do away with it and I think the Honourable Member will reflect that the picture we get in the Public Accounts Committee is a little out of date, as the expenditure takes place 18 months at least before we examine it.

Mr. S. Satyamurti : Will my Honourable friend examine the Civil Works vote this year as early as possible, with a view to avoiding or reducing the rush of expenditure at the close of the year ?

The Honourable Sir James Grigg : That is the implication of what I said to the Honourable Member.

CONSTRUCTION OF ADDITIONAL QUARTERS FOR THE STAFF OF THE GOVERNMENT OF INDIA PRESS, NEW DELHI.

1052. ***Mr. M. Asaf Ali :** (a) Will the Honourable Member for Industries and Labour be pleased to state if it is a fact that a building scheme for additional quarters for the workers of the Government of India Press, Delhi, was sanctioned by Government in March last and funds included in the budget estimates for the current year ? If so, is it a fact that the Central Public Works Department has not yet taken up the construction work so far ?

(b) Are Government aware that a large number of the poorly paid workers of the Press are living in the slums of the old Delhi and suffering much hardship owing to the delay in building new quarters ?

(c) Why is the scheme held up ?

(d) Do Government propose to expedite the work and complete it with the least possible delay ?

The Honourable Sir Thomas Stewart : (a), (c) and (d). After the scheme was approved, detailed plans and estimates were prepared and formal sanction to the expenditure was given on the 2nd September, 1937. The scheme has not been held up. It is receiving the attention of the Public Works Department authorities.

(b) I am aware that those press employees not already provided with quarters live under much less satisfactory conditions.

Mr. M. Asaf Ali : Is there any hope of the work being expedited ?

The Honourable Sir Thomas Stewart : I understand that if the work has not already been commenced, it will be in the very near future, and the buildings will be completed by March.

(b) WRITTEN ANSWERS.

LEVY OF MINIMUM CHARGE ON ELECTRICITY IN NEW DELHI.

1025. ***Mr. S. K. Hosmani :** (a) Is the Secretary for Education, Health and Lands aware that the New Delhi Municipal Committee has fixed a minimum charge for the supply of electrical current in the houses situated within the New Delhi municipal area ?

(b) Is it a fact that in computing the minimum watts required in a house they have fixed 60 watts for each lighting point and 120 watts for each fan in a house ? If so, on what basis ?

(c) If the reply to part (b) be in the affirmative, will he be pleased to state under what section of the Electricity Act the New Delhi Municipality is entitled to fix 60 watts and 120 watts for the purpose of computing the minimum watts required in a house ?

(d) Is it a fact that the licencees of electric supply are expected to enter into an agreement with the consumers of electricity before such connections are given in a house ?

(e) Is it a fact that in all such agreement forms the consumers are expected to put down the minimum number of watts that they would require in the house ?

(f) Is it also a fact that in all such agreement forms the following statements are required to be filled up by the consumers of electricity ?

No. of lighting points.	No. of points with 20 watts.	No. of points with 30 watts.	No. of points with 60 watts.	Maximum number of watts required.

If so, whether the tenants of the A, B, C, D and E type quarters of the New Delhi Government quarters were asked to give their requirements ? If not, why not ? If so, what were their requirements ?

(g) Will the Secretary for Education, Health and Lands please state whether there is any licensee for the supply of electricity in New Delhi ? If so, will he be pleased to place a copy of the agreement with the licensee on the table of the House ?

(h) If there be no agreement, is the electric plant the property of the Government of India ? If so, will the Honourable Member be pleased to state whether there was any agreement between the Government and the New Delhi Municipality for the supply of electricity to the owners or tenants of the houses in New Delhi as required by the Electricity Act of 1910 ?

(i) In the absence of any such agreement referred to in paragraph XI A of the Schedule to the Electricity Act, 1910, is the New Delhi Municipality authorised to fix a minimum charge in a manner not specified in the agreement ?

(j) Are Government aware that most of the tenants of A, B, C, D and E type clerks quarters generally use between 30 and 40 watts lamps in their quarters? If so, will Government be pleased to state the reasons why the New Delhi Municipal Committee have been allowed to compute the minimum watts required in such quarters as a minimum of 60 watts per point?

Sir Girja Shankar Bajpai : Information is being obtained and will be supplied to the House in due course.

CENTRAL HAJ COMMITTEE.

1033. ***Maulvi Muhammad Abdul Ghani :** Will the Secretary for Education, Health and Lands be pleased to state :

- (a) the date for the election of members of the Central Haj Committee ;
- (b) the name of the present Chairman or President of the Central Haj Committee ; and
- (c) the number of meetings held during the term of the existing Haj Committee ?

Sir Girja Shankar Bajpai : (a) There is no fixed date. The term of office of elected members is three years.

(b) The Honourable Kunwar Sir Jagdish Prasad.

(c) Six.

LATRINES OF THE PILGRIMS CAMPING GROUND IN BOMBAY.

1034. ***Maulvi Muhammad Abdul Ghani :** Will the Secretary for Education, Health and Lands be pleased to state :

- (a) whether it is a fact that the latrines of the pilgrims camping ground in Bombay face towards the west ; and
- (b) whether the attention of Government has been drawn to the agitation of Muslims through the vernacular press ; if so, what action Government have taken to convert the latrines so that they might face any other direction but the west ?

Sir Girja Shankar Bajpai : (a) There is no Pilgrim Camp in Bombay. The Honourable Member presumably refers to the Camp at Karachi.

(b) Yes. The matter is receiving attention.

UNSTARRED QUESTIONS AND ANSWERS.

TRAINING OF INDIANS IN COMMERCIAL AVIATION, ETC.

196. **Mr. Amarendra Nath Chattopadhyaya :** (a) Will the Honourable Member for Industries and Labour be pleased to state whether the Department of Directorate of Civil Aviation was started in India and with what object this Department was established ?

(b) What has the department done in the way of training Indian commercial aviators during the period starting from the establishment of the department ?

(c) What was the actual total cost incurred at the commencement of the department up to the commencement of the working of the department, and what were the recurring expenses on the maintenance of the department ?

(d) Is it a fact that the Indian Aircraft Rules for a person to qualify himself as a commercial pilot required a candidate to do 50 hours solo flying at Rs. 30 per hour ?

(e) Will the Honourable Member be pleased to state how many persons applied for this training of commercial piloting year by year from the year the department was established, and how many secured licences as successful commercial pilots ?

(f) Is it a fact that later on Government demanded 100 hours compulsory flying to qualify for commercial training and subsequently it was changed to 200 hours compulsory flying and why ?

(g) Is it a fact that it costs Rs. 6,000 for the training of a commercial pilot in India ? If so, will the Honourable Member be pleased to state the expenses for similar training in European and American countries and in Japan and also the hours of training required in those countries ?

(h) Is it a fact that several persons having secured certificates of qualified commercial pilots from England offered themselves to work in India ? If so, how many of such candidates offered and what did Government do with them ? Did they get appointments in the Indian Aviation Department as commercial qualified pilots ?

(i) Is it a fact that they were examined here again and failed even after having passed the aviation examination held by a Ministry in London ? How many appeared and how many of them failed ? When were such examinations held ?

(j) Do the Government of India propose to consider the question of making aviation a provincial subject ere long ?

The Honourable Sir Thomas Stewart : (a) The Department was started in 1927. The main object was the direction, control and development of civil aviation in India.

(j) No. 'Civil Aviation' occurs in the Federal List.

(b) to (i). The information is being collected and will be laid on the table of the House in due course.

OUTSIDERS RECRUITED AS CLERKS BY THE POSTMASTER GENERAL, LUCKNOW.

197. **Mr. Mohan Lal Saksena :** (a) Will the Honourable Member for Industries and Labour be pleased to state whether it is a fact that the Postmaster General, Lucknow, has recruited certain outsiders to the posts of clerks in supersession of hands in the department who had passed the test examination ? If so, how many hands have been so superseded and for what reasons ?

(b) Is it a fact that some of the hands so superseded are likely to become overage for the clerical posts ? If so, are Government prepared to see that they are not made to suffer any disability on that account ?

The Honourable Sir Thomas Stewart : (a) and (b). It is not a fact that any fresh recruitment of outsiders has been made by the Postmaster-General, Lucknow, to the detriment of existing qualified departmental staff. The rest of the question does not arise.

MOTION FOR ADJOURNMENT.

APPOINTMENT OF MR. S. P. CHAMBERS FROM ENGLAND AS CHIEF COMMISSIONER OF INCOME-TAX.

Mr. President (The Honourable Sir Abdur Rahim) : I have received notice of a motion of adjournment from Mr. Sham Lal who wants to discuss a definite and specific matter of urgent public importance of recent occurrence, namely, the appointment of Mr. S. P. Chambers from England as Chief Commissioner of Income-tax on a salary of Rs. 2,500—3,000 per month for five years. When was this appointment made ?

Mr. Sham Lal (Ambala Division : Non-Muhammadan) : My information is that the appointment was made recently. I came to know about it only yesterday.

The Honourable Sir James Grigg (Finance Member) : Sir, may I ask the Honourable Member if he will be good enough to disclose from whom he got the information ?

Mr. Sham Lal : I will not disclose that ; I am not here as an accused. And if the Honourable Member says that the information is wrong, the matter ends.

Mr. President (The Honourable Sir Abdur Rahim) : Is there any question of policy involved in this ?

Mr. Sham Lal : Yes, Sir. The question of policy is that competent Indians are available, and still a Britisher from England has been recruited on a high salary of Rs. 2,500—3,000, when he is only drawing there £400 a year.

The Honourable Sir James Grigg : Sir, apart from the fact that in at least two particulars the motion is inaccurate, the only objection I wish to take is that I, personally, do not regard the appointment of an Adviser to the Central Board of Revenue which is not the highest class of official, as a matter of urgent public importance within the meaning of the rules.

Mr. President (The Honourable Sir Abdur Rahim) : As regards 12 Noon. the question of an appointment like this, as to whether it is a matter of urgent public importance within the meaning of the rule, I am inclined to hold that it is so.

The next point is that the information was received only yesterday by the Honourable Member who wishes to move this motion. I am not informed that the announcement of this appointment was made earlier, so that it could be said that there was no urgency. As regards the question whether the matter is of public importance, undoubtedly it is a very important post involving considerable expenditure, and I think it comes within the purview of the rule ; but as objection has been taken, I would like to know how many are in favour of the motion being taken up.

The Honourable Sir James Grigg : I have merely one word to say before you ask Members to stand up. No announcement has been made and the information has reached Honourable Members in consequence of an unauthorised disclosure.

Mr. Sham Lal : If the information is wrong, the matter ends there. We also keep a watch over the revenues of India, especially when it is to be made a free gift to the Britisher.

Mr. President (The Honourable Sir Abdur Rahim) : As regards that, all I have to see in dealing with this motion is whether the information was obtained recently or not. If the information was available earlier, that would have been another matter. As many Members as are in favour of leave being granted will rise in their places.

(More than 25 Members rose.)

As not less than 25 Members have risen, the motion is allowed.

MESSAGE FROM THE COUNCIL OF STATE.

Secretary of the Assembly : Sir, two Messages have been received from the Council of State. The first Message runs as follows, namely :

“ Sir, I am directed to inform you that the Council of State has at its meeting held on the 2nd October, 1937, agreed without any amendment to the Bill to make provision for the application of the Muslim Personal Law (*Shariat*) to Muslims in British India, which was passed by the Legislative Assembly at its meeting held on the 16th September, 1937.”

The second Message is as follows, namely :

“ Sir, I am directed to inform you that the Council of State at its meeting held on the 5th October, 1937, agreed without any amendment to the following Bills which were passed by the Legislative Assembly at its meeting held on the 2nd October, 1937, namely :

1. A Bill further to amend the Indian Tariff Act, 1934, for a certain purpose ; and
2. A Bill further to amend the Indian Securities Act, 1920, for a certain purpose.”

THE CONTROL OF COASTAL TRAFFIC OF INDIA BILL.

RE-APPOINTMENT OF MR. M. SLADE TO THE SELECT COMMITTEE.

The Honourable Sir Saiyid Sultan Ahmad (Member for Commerce and Railways) : Sir, I beg to move :

“ That Mr. M. Slade be re-appointed to the Select Committee on the Bill to control the Coastal Traffic of India.”

The motion was adopted.

THE INDIAN TEA CONTROL BILL.

The Honourable Sir Saiyid Sultan Ahmad (Member for Commerce and Railways) : Sir, I move for leave to introduce a Bill to provide for the control of the export of tea from, and for the control of the extension of the cultivation of tea in British India.

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

“ That leave be granted to introduce a Bill to provide for the control of the export of tea from, and for the control of the extension of the cultivation of tea in, British India.”

The motion was adopted.

The Honourable Sir Saiyid Sultan Ahmad : Sir, I introduce the Bill.

THE PATNA UNIVERSITY (AMENDMENT) BILL.

Sir Girja Shankar Bajpai (Secretary, Department of Education, Health and Lands) : Sir, when the matter of the Patna University Bill was being discussed yesterday, you will remember that a point of order was raised as to whether the legislation which I had brought up for consideration was covered by item 33 in the list 1 of Schedule VII to the Government of India Act. I do not wish it to be understood that we do not consider our view to be right ; but, on the other hand, the other side argued that this is not covered by that particular entry. The matter is of considerable importance, and we wish to examine it further. Therefore, I feel that if you agree and the House agrees, we should withdraw the motion for consideration.

Mr. President (The Honourable Sir Abdur Rahim) : Has the Honourable Member the leave of the House to withdraw the motion ?

Honourable Members : Yes.

The motion was, by leave of the Assembly, withdrawn.

THE MANŒUVRES FIELD FIRING AND ARTILLERY PRACTICE BILL.

Mr. Sri Prakasa (Allahabad and Jhansi Divisions : Non-Muhamadan Rural) : Sir, when we adjourned yesterday evening, I was giving an assurance to my Honourable friend, Mr. Ogilvie, that most of the amendments, which are exercising him, will disappear as the morning mists, when they come to be put before the House ; and I was also hoping that the good opinion that he was kind enough to express of me will survive my speech. If it does, I shall certainly pray that his shadow may never grow less in length and may considerably increase in breadth.

I shall begin with one small point which to me is of considerable importance. It is with reference to the circulation of the Bill. As the Honourable Mr. Ogilvie himself was generous enough to admit yesterday, this Bill was introduced into the House because of some representations that we, from the United Provinces, had made to Government in the matter of military manœuvres and artillery practice. But if the Honourable Members will kindly turn to the front page of the Select Committee's Report, they will find that this Bill was not circulated in my province at all ; neither was it printed in the United Provinces Gazette in English nor was it printed anywhere else in Hindi or Urdu in the province. It is rather difficult to make the Honourable

the Law Member believe that there is anything wrong in the method of the circulation and publication of these Bills. But I hope that this particular fact will serve as an eye-opener to his department.

The second thing that I was wanting to say and which might also come like a shock to the Defence Secretary is that I regard all these manœuvres as futile. We cannot but remember the dictum of George Bernard Shaw when he says that these military rehearsals are for the purpose of a remote contingency which may never occur, and when it does occur it is very different from the rehearsal itself. In my province they had lately taken to police rehearsals ; to show to the people what the police will do when Hindu-Muslim riots take place. Though I have never seen military rehearsals, I have seen these police rehearsals in the streets of Benares ; and having been an unfortunate witness to a Hindu-Muslim riot a few years ago, in my city, I can say that these rehearsals are very different from what actually takes place at the time of riots. But, so far as military rehearsals are concerned, though I think they are more or less useless, I fear, that as things are, we have got to regulate them as we regulate so many evils in life. As conditions in the world are, I fear we have to have a military ; and if there is a military we have to give it some business lest, like the *Jinn* in the fable, it might start eating us ; and the best way to keep it employed, I believe, is in harmless rehearsals and military practices. I, therefore, naturally, welcome this Bill, because I feel that by this the relations between the civil and military population will be regularised and made more friendly ; and the military department will also know its duties to the civil population in this behalf.

Sir, there are two or three points to which I should like to draw the attention of the Honourable the Defence Secretary in the hope that when he replies to this preliminary debate, he may be able to give sufficient satisfaction to those of us who have any doubts on the subject. The Honourable the Defence Secretary, referring to the Note of Dissent, said that, as far as the first point went, he felt it was not possible to translate the English practice of laying the papers on the table of the House before hand because conditions here and there were different. I agree with him to a certain extent ; but I shall hope that though he cannot agree to the papers being laid before the Legislature in the beginning, he will kindly agree to the amendment of my friend, Mr. Abdul Qaiyum, that when Provincial Governments make their rules under section 13, they may place them before the table of the Provincial Legislatures for such changes as the Legislatures may like to make. Sir, as has been pointed out in the House on more than one occasion, it is not safe to allow a lot of legislative power in executive hands ; and however the executive may be constituted, I think the legislature and the general public have a right to be jealous of its powers. It may be contended that in a number of provinces there are Congress Governments and, therefore, we need have no fear. Sir, I cannot hide the fact that though the Congress does represent a preponderating majority of the population, there may be, and are, many persons who are not friendly to the Congress ; and their feelings must also be respected, and satisfied, when we are making a general law. Moreover, power is power ; and it can demoralise even the best of us. We already find that even Congress Cabinets are beginning to think that a separation of the executive from the judiciary is no more required ! Therefore, Sir, we have to guard ourselves against all

Mr. Sri Prakasa : I was only giving an illustration.

Mr. President (The Honourable Sir Abdur Rahim) : I must remind the Honourable Member and the House that tomorrow is the last day and there is a lot of business yet to go through.

Mr. Sri Prakasa : I am most anxious to finish and I will not take more than five minutes. I was only giving this illustration because I think it is to the point. If you bear with me for half a minute I shall be through with this incident. Though the Arms Act only lays down that a certain fee is to be charged on the various arms, the officers always ask for an extra eight annas stamp on the application paper because they do not exactly know that these applications are exempt from the Stamp Act ; and the man being helpless pays it. My application was already stamped and the license fee paid. But when I found that the matter was being delayed, I wrote affectionate D. O.'s addressing Mr. Mudie as "My dear Mr. Mudie", requesting him to be good enough to hurry up matters. But he asked for eight annas stamps to be affixed on every one of those D. O.'s saying that they were also all applications ! (Laughter.) Therefore, I say that it is very necessary that the Act should contain a provision to the effect that no fees or stamps are to be charged at all. I am glad that the House thinks that I am absolutely relevant in this matter ; and I am very glad that the Honourable Member is going to accept this amendment of ours.

Then, there is the question of compensation to landlords. The original Bill contained elaborate provisions about the acquiring of the user of particular lands for purposes of field firing. My Honourable friend, Mr. Mohan Lal Saksena, has an amendment in the identical language. Though I have my own sneaking sympathy for landlords, I do not want to stand very much for them here ; and the Government of the United Provinces is already laying a heavy hand on them. But I hope that the Central Government at least will be a little more generous. What happens is this. Artillery practice is usually carried on on barren land. Therefore there are no cultivators on the land to whom any compensation is to be paid for evacuation, damage, etc. But the land does belong to the landlord. In a zemindari province like mine, all rights in such lands always belong to the zemindar himself. If anybody wants to build a hut on it or to set up a shop on it, the landlord is authorised to charge a certain sum of money for the use of the land. The land is always available to be settled to cultivators in case any cultivator should be adventurous or resourceful enough to turn barren soil into a smiling field. Therefore, it seems to me that when Government, under clause 9 of the Bill, are authorised to declare any particular piece of land as a fit place for the carrying on of artillery practice, and supposing there are no tenants on that land, then, surely the landlord should have some sort of compensation. My Honourable friend, Mr. Ogilvie, pointed out in his opening speech that clause 5 of the Bill, which permits compensation for any interference with rights or privileges that may be violated by any manœuvres or artillery practice, covers such cases. I want to make sure whether those words : "rights and privileges" do cover these very abstract rights and privileges that a landlord enjoys over such bits of barren land that are in his zemindari. It is quite possible that the revenue officer may say ; "You have suffered nothing. It is barren land. You were getting nothing out

of it. There is nothing that we have disturbed. Therefore, we give you no compensation." Is Mr. Ogilvie sure that the mere fact that the land is the landlord's land, and that his abstract right and privilege is being invaded in the matter of its occupation,—will be enough to enable him to claim and get compensation ? If it is, I have nothing more to say ; but if it is not, I hope the Honourable Member will kindly see his way to accept some amendment of ours on the Order Paper on the subject, anyone that he likes, so that the landlord's rights and privileges may be protected.

There is just one more point and I have done. If the House will see the proviso to clause 11 of the Bill, it will find that there is a reference to minimum rates of compensation to be paid to certain individuals as prescribed by clause 13 of the Bill. In the rule-making clause that is clause 13, I do not see any sub-clause which gives the Provincial Government the right to fix minimum rates. I think it is an omission unless sub-clause (d) covers what I mean. It runs as follows :

"Defining the principles to be followed by the Revenue officers and commissions referred to in section 6 in assessing the amount of compensation to be awarded."

If these words can be regarded as covering the provision about minimum rates of compensation referred to in the proviso to clause 11, I have nothing to say. But I fear that the exact point that I am making is not covered. There will be no harm in adding a sub-clause (e) to the effect that the Provincial Government may, from time to time, prescribe the minimum rates of compensation to be paid in various emergencies.

The great and good provision of the Act, to my mind, is the one which makes the system self-complete. A commission has been appointed consisting of the Collector of the district, a military officer or a nominee of the military officer, and two members of the local district board, who will dispose off all applications that are made under this Act for compensation, etc. As the compensations are usually of small amounts, a few rupees at best, I think it is a very reasonable provision that the Act does not allow any further appeals, because when there is a loophole of appeal, lot of interested persons come in and the amount of compensation that a man actually gets in the end becomes very little, because it is distributed among the various middlemen. When a commission, like the one proposed, sits in which there are representatives of all interests, one can be sure that full compensation will be given, the matter will be disposed of expeditiously, and there will be satisfaction all round.

With these remarks I welcome this measure ; and I greatly hope that when the Bill has passed into law, it may improve the relations between the military and the civil population of the land. I also hope that this may prove to be an auspicious augury of happy days when the army of the country, instead of being an army of occupation to terrorise the people, may be regarded as and become a national army for the protection, the helping and the succouring of our men and women.

Mr. M. Ananthasayanam Ayyangar (Madras ceded Districts and Chittoor : Non-Muhammadan Rural) : Sir, I want to raise a point of order in connection with this Bill. The point of order is this—that this Bill requires the previous sanction of the Governor General, in his discretion, and that has not been obtained. The provision is made in section 299 of

possible wrongs. I will, therefore, earnestly suggest to my Honourable friend, the Defence Secretary, who has been very accommodating in this matter, to accept the principle which we have already accepted in the insurance legislation; and I, therefore, without any desire to press any amendment about the preliminary laying of the papers on the table of any legislature, hope that he will permit the laying of the rules when they are framed by the Provincial Governments, on the tables of their respective legislatures so that the members of that legislature may have a chance of having their say and of advising the Government as to whether particular rules are good or bad.

Then, Sir, the second point is about the publication of notices. So far as I myself am concerned, I am satisfied with the assurance given by the Defence Secretary, on behalf of his department, that he will address them and tell them about the feeling of this House and perhaps of the members of the Select Committee also, that notices should be published by beat of drum and by attaching them at prominent places in the locality and also taking such other steps as may be desired.

Then, the third point to which my friend referred was about the rates of compensation. I have my own very serious feelings on this subject. So far, in my province, the rate was 2½ annas per man and 1½ annas per woman; nothing for children below 16; nothing for cattle; nothing for agricultural fields unless they are actually harmed; nothing for the first day; nothing for the last day; nothing if the manoeuvres and artillery practices were to take only three days in the month. Therefore, if artillery practice took place on the last three days of one month and the first three days of the next month, nothing was paid to anybody. I can understand the plea of my friend when he says that Provincial Governments should be trusted to make proper rules on the subject, and when payments have to be made from the defence estimates that is, by the Central Government, it may be taken for granted that Provincial Governments will have a fairly high tariff, because one is usually generous at another person's expense; but the fact is that it is the Provincial Governments themselves that have been fixing such a low tariff so far; and it is not always that a Congress Government or a Government in which the people may have faith will be in power. It is not improbable that the Governments may be suspended. In fact I am myself looking forward to a time when these Provincial Governments may be suspended. Then the Governor of the province will be the Government: and how are we to be assured that a proper schedule will be drawn up? Therefore, my feeling is that if the Central Legislature gives an indication to the Provincial Legislatures as to the minimum of compensation, it might help them. But, Sir, I for one will be satisfied if my friend will give us the further assurance that he will communicate to the Provincial Governments our feelings in the matter. When the Central Government will write to the Provincial Governments on the subject, then the attention of the Provincial Governments will be drawn to the matter; and I have reason to hope that a proper schedule will be laid down. I, therefore, have no desire to press my amendments on the subject. In this connection it must be noted that it is not always the District Magistrate who looks into the details of such things. He very often leaves it to Tahsildars. The Tahsildar, as the name itself implies, is a person who takes;

and therefore, when he is used always only to taking, he is very chary in giving out generously. He has also the feeling that he should be loyal to the Government and make it pay as little as possible. An ordinary Tahsildar in a remote district may not be able to realise the difference between a Provincial Government and the Central Government; he may not feel that it is getting money for his province from some one else; and, therefore, we cannot be too careful on this point. I am very anxious that the poor villager in the field may not remain, even after the passing of this Act, in the condition of the king in the story. It is said that once a king dreamt that all his teeth had fallen off. He called his astrologer the next morning and asked him what the dream meant. The astrologer said that the dream was most unfortunate because His Majesty was going to lose all his relatives in his own lifetime. The king was wrath and got the astrologer kicked out. Then he called another astrologer; and this man said: "This is a most happy dream, your Majesty. You are going to survive all your relatives". In the actual result both meant the same thing; only the first astrologer got the kicks and the second a large reward. I am most anxious that the villager in the field may not find himself in the condition of the king and discover that he has not actually profited despite the passing of this Act.

Next, I come to the question of stamps and fees, and I am very happy that my Honourable friend has agreed to accept one of the amendments on the Order Paper. This, so far as I can think, is a very important matter; because all the officials of Government cannot possibly know all the laws and most of them are anxious to increase the revenue of the Government even if their levies are not exactly within the bounds of law. I will give an illustration from my own experience. In the bad old days when I used to have arms, before I was deprived of them by the Benares District Magistrate, because of my political opinions, I had to get the license renewed every year. I am very sorry that my Honourable friend, Mr. Mudie, is not in the House because the story relates to him. He was in charge of these licenses in my town in the year 1919-1920....

Mr. President (The Honourable Sir Abdur Rahim): I do not think that what the Honourable Member is saying is relevant to the Bill.

Mr. Sri Prakasa: I submit that I was saying that it was important for a law like this to have a provision that there should be no stamps or fees levied on applications made under the Act, and I was giving an illustration....

Mr. President (The Honourable Sir Abdur Rahim): Is it under this Bill?

Mr. Sri Prakasa: Yes, Sir. If you will kindly refer to clause 6 of this Bill, there is a provision as to how applications are to be made and appeals preferred in cases where persons are not satisfied with the amount of compensation that they may get.

Mr. President (The Honourable Sir Abdur Rahim): It is not a matter of application for getting arms.

[Mr. M. Ananthasayanam Ayyangar.]
the present Government of India Act, 1935. In the original Bill, I find an endorsement on the Bill itself relating to sanction under the old Act. This is what section 299 says :

" 2. Neither the Federal nor a Provincial Legislature shall have power to make any law authorising the compulsory acquisition for public purposes of any land, or any commercial or industrial undertaking, or any interest in, or in any company owning, any commercial or industrial undertaking, unless the law provides for the payment of compensation for the property acquired and either fixes the amount of the compensation or specifies the principles on which, and the manner in which, it is to be determined.

3. No Bill or amendment making provision for the transference to public ownership of any land or for the extinguishment or modification of rights therein, including rights or privileges in respect of land revenue, shall be introduced or moved in either Chamber of the Federal Legislature without the previous sanction of the Governor General in his discretion, or, in a Chamber of a Provincial Legislature without the previous sanction of the Governor in his discretion.

5. In this section 'land' includes immovable property of every kind and any rights in or over such property, and 'undertaking' includes part of an undertaking."

Mr. President (The Honourable Sir Abdur Rahim) : Where is the provision about acquisition of land ?

Mr. M. Ananthasayanam Ayyangar : It is in section 9 of the Bill. This Bill consists of two parts. The first part relates to field firing and artillery practice. Section 9 (1) says :

" The Provincial Government may, by notification in the local official Gazette, define any area as an area within which for a specified term of years the carrying out periodically of field firing and artillery practice may be authorised."

Section 9 refers to a notification which will cover a specified number of years. Section 10 excludes the owner himself. It says :

" Where a notification under sub-section (2) of section 9 has been issued, such persons as are included in the forces engaged in the field firing or artillery practice may, within the notified area or specified part thereof during the specified period or periods :

- (a) carry out field firing and artillery practice with lethal missiles, and
- (b) exercise, subject to the provisions of sections 3 and 4, any of the rights conferred by section 3 on forces engaged in military manœuvres :

Provided that the provisions of sub-section (2) of section 3 shall not debar entry into, or interference with, any place specified in that sub-section, of it is situated in an area declared to be a danger zone under sub-section (2) of this section, to the extent that may be necessary to ensure the exclusion from it of persons and domestic animals."

Now, you know, Sir, that acquisition of leasehold right is a right over land.

Mr. President (The Honourable Sir Abdur Rahim) : This is not a leasehold.

Mr. M. Ananthasayanam Ayyangar : A particular area is reserved and the owner is excluded and compensation is provided both in the previous part as well as in this part. Please refer to the later portion.

Mr. President (The Honourable Sir Abdur Rahim) : This objection ought to have been taken at a much earlier stage.

Mr. Ananthasayanam Ayyangar : Compensation is provided for in clause 11.

Mr. Sri Prakasa : Sanction has been given for the original Bill by the Governor General.

Mr. M. Ananthasayanam Ayyangar : That is not sufficient sanction. I have read it.

Mr. President (The Honourable Sir Abdur Rahim) : The Honourable Member started his objection by saying that no sanction has been obtained under this Act.

Mr. M. Ananthasayanam Ayyangar : I sent for a copy of the earlier Bill as introduced and I find an endorsement there.

Mr. President (The Honourable Sir Abdur Rahim) : The Honourable Member ought to have mentioned it.

Mr. M. Ananthasayanam Ayyangar : I am sorry if I created a wrong belief. It is true that under the old Government of India Act, section 67 (2) sanction has been obtained.

Mr. President (The Honourable Sir Abdur Rahim) : Then what is your point of order ?

Mr. M. Ananthasayanam Ayyangar : I say that sanction has not been obtained under section 299. Section 67 (2) says :

" It shall not be lawful, without the previous sanction of the Governor General, to introduce at any meeting of either Chamber of the Indian Legislature any measure affecting

- (c) the discipline or maintenance of any part of His Majesty's military, naval or air forces."

Sir, I know there are transitory provisions ; I am no doubt aware that the matters set out in Schedule 9 have been kept alive so far as the old Government of India Act is concerned. I will now refer you to section 313, clause (4), which says :

" Any requirement in this Act that the Governor General shall exercise his individual judgment with respect to any matter shall not come into force until the establishment of the Federation, but, notwithstanding that Part II of this Act has not come into operation, the following provisions of this Act, that is to say :

- (a) the provisions requiring the prior sanction of the Governor General for certain legislative proposals ;
- (b) the provisions relating to broadcasting ;
- (c) the provisions relating to directions to, and principles to be observed by, the Federal Railway Authority ; and
- (d) the provisions relating to civil services to be recruited by the Secretary of State,

shall have effect in relation to defence, ecclesiastical affairs, external affairs and the tribal areas as they have effect in relation to matters or functions with respect to, or in the exercise of, which the Governor General is by the provisions of this Act for the time being in force required to act in his discretion....."

[Mr. M. Ananthasayanam Ayyangar.]

And then if you will refer to section 299, clause (3), the last line, you will see, Sir, it says :

"No Bill or amendment making provision for the transference to public ownership of any land or for the extinguishment or modification of rights therein, including rights or privileges in respect of land revenue, shall be introduced or moved in either Chamber of the Federal Legislature without the previous sanction of the Governor General in his discretion, or, in a Chamber of a Provincial Legislature without the previous sanction of the Governor in his discretion."

The second point is now the compulsory acquisition of land has been made a provincial subject—*vide* item 9 in Provincial List No. 2, Schedule No. VII, page 395.

Mr. President (The Honourable Sir Abdur Rahim) : You say this is compulsory acquisition of land ?

Mr. M. Ananthasayanam Ayyangar : Yes, Sir. I refer you to the definition. On both these grounds, then, I submit, Sir, that it is out of order.

Mr. G. H. Spence (Secretary, Legislative Department) : Sir, may I reply to my Honourable friend, who appears to have taken two different points. The first point which he took was that the Bill was totally outside the competence of this Legislature by reason of the fact that its subject-matter must be related to the compulsory acquisition of land, being a matter entered in List No. 2, and, secondly, that, assuming I suppose that the first point fails, then the Bill at the moment is bad because it has not received the sanction of the Governor General alleged to be required under section 299. On the first point I do not think there is really anything in this Bill which could be related to compulsory acquisition of land, but, assuming there was, then very clearly the subject-matter of the Bill would be relatable, not exclusively to that provincial subject but primarily to the subjects specified in entry one in list No. 1. Then, Sir, if it is conceded that, assuming that a List No. 2 subject is regulated, there is also a regulation, simultaneously and *pari passu* of this List I subject, then by virtue of the opening words of sub-section (1) of section 100 :

"Notwithstanding anything in the two next succeeding sub-sections, the Federal Legislature—which during the transitional period means the Indian Legislature—has and a Provincial Legislature has not, power to make laws with respect to any of the matters enumerated in List I in the Seventh Schedule to this Act."

By virtue of those over-riding words, once it is granted, as it must be, that this is a law for a matter specified in entry one, List I.

Mr. President (The Honourable Sir Abdur Rahim) : What section 100 says, I take it, is with reference to the Federal List ?

Mr. G. H. Spence : Sub-section (1) of section 100 says that the Federal, now the Indian Legislature, has exclusive jurisdiction over List I subjects, and Provincial Legislatures have exclusive jurisdiction over List II subjects, but by reason of the fact that inevitably there will be cases of overlapping, and that you will have legislative measures of which it will be possible to predicate that they regulate both List I and List II subjects, Parliament has put in a provision to ensure that in those cases the Federal legislative jurisdiction should prevail.

Mr. President (The Honourable Sir Abdur Rahim) : Why do you say "overlapping" ?

Mr. G. H. Spence : May I express it in terms of this Bill ?

In terms of this particular Bill sub-section (1) of section 100 will say :

"Notwithstanding anything contained in sub-section (3), that is to say, notwithstanding that this Bill may be legislating for something enumerated in List II, the Federal Legislature has, and a Provincial Legislature has not, power to make the law embodied in the Bill being a law with respect to matters enumerated in entry 1 in List I."

Mr. President (The Honourable Sir Abdur Rahim) : You say that the matter is in List I.

Mr. G. H. Spence : That, I submit, is obvious. Surely, entry 1, must cover His Majesty's forces including their activities in manœuvring.

Mr. President (The Honourable Sir Abdur Rahim) : You say that it is not compulsory acquisition.

Mr. G. H. Spence : That is a point which I have not studied. I have merely been addressing myself to what our position would be assuming the Honourable Member opposite is right in saying that this Bill, *inter alia*, legislates for things in List II.

Mr. President (The Honourable Sir Abdur Rahim) : If it is not covered by List I ?

Mr. G. H. Spence : If that were so, it would be manifest that we could not take cognizance of this Bill at all.

Mr. President (The Honourable Sir Abdur Rahim) : You say that it is incidental to Item 1 and you also say that if this Act is passed, even then this Legislature could make laws for further military activities.

Mr. G. H. Spence : Yes, assuming that the clause relatable to List II was incidental to more essential clauses relatable to a subject in List I. Turning to the sanction point, I submit that all requirements of sanction under the new Act attach only to the introduction of Bills or the moving of amendments. Assuming that a Bill has been introduced under the old Act, and that it was not sanctioned at all or received a sanction required under the old Act, and that the Bill, if introduced during the operation of the new Act, would have required sanction or a different kind of sanction, then no sanction is required to carry on the Bill which has already been introduced because the sanction requirement of the new Act, is only attached to the introduction of Bills.

Mr. President (The Honourable Sir Abdur Rahim) : When was this Bill introduced ?

Mr. G. H. Spence : This Bill was introduced during the last Simla Session when the old Government of India Act was in force and it then received sanction under the old Act. I submit that no further sanction is necessary merely by reason of the switch from the old Act to the new Act. If you have a Bill already introduced on the 1st of April, it does not require for its continuance that on the 1st of April a new sanction should be obtained.

Mr. Bhulabhai J. Desai : He moves three times, I have a better point than that according to my conception which I want to be appreciated. The point is this. Where a legislature says that you may not, without the previous sanction, introduce or move, the argument is therefore that there is nothing in that section which says it may not be passed. That is an entirely erroneous argument. Where you have a bar at the very inception, it covers all the different stages of its existence. The Member of Government first introduces, he says, "I move for introduction", "I move for consideration" and "I move that the Bill be passed".

Mr. G. H. Spence : On my construction of the sub-section, it does not mean no Bill shall be introduced or moved. It means no Bill shall be introduced and no amendment shall be moved.

Mr. Bhulabhai J. Desai : I think this sort of specious argument is hardly fair. Each time an argument is put forward, they cannot change the construction of the law. It clearly shows that they are hard put to it to meet the arguments of the Opposition. I say there is no such word as 'respectively'. The point I was making from the beginning which I wish to be appreciated is this, that the objection relates to all the stages. A proper language has been used by the Parliamentary Act. It says it may not be introduced, it says it may not be moved.

Mr. President (The Honourable Sir Abdur Rahim) : Is it moved?

Mr. Bhulabhai J. Desai : There are three motions before the House. 'I move that it be introduced', 'I move that it be taken into consideration' and 'I move that the Bill be passed'.

Mr. President (The Honourable Sir Abdur Rahim) : You do not move a Bill.

Mr. Bhulabhai J. Desai : That is not the point. Yes, you do not move a Bill, but you move that the Bill be passed. That again is a misconception of language. You may not exactly move a Bill but you may move that the Bill be passed. I say that if mere language means anything, I would say, he may move a Bill. In the one case a verb is used and in the other case a noun is used. That cannot be avoided. You may move a motion that the amendment may be passed by the House. You may make a motion that the Bill be taken into consideration, you may make a motion that the Bill be passed. He could not very well come before the House and say, now it is moved and automatically it is passed. How would it be passed unless each clause is put before the House and, at the end of it, there is what is called the third reading where he will have to move that the Bill be passed. They try to use a compendious language by saying that the Bill may be moved. To me it is a sufficiently appropriate language. I mean it may be that you have to say, 'I move the Bill be passed', 'I move that the Bill be taken into consideration' and 'I move that it may be introduced', so that we have no right to say that the word 'move' is to be utterly useless. It is a known stage of the Bill. In fact there are two more important stages, namely, the motion for consideration—this is how you, Sir, put it, the motion for consideration now before the House—the motion for third reading is now before the House and so on. You also say that the Bill, as amended, be passed. You cannot get out of that 'move'. The material words that are necessary for me are : "the modification of the

rights therein". You cannot deny that the rights are not modified. I can give you an extreme illustration, from a recent Privy Council case. A testator died leaving property to the son—in this case an unborn son—and it was laid down that you must give him the whole of the estate therein, but there was a condition that if he married a girl from a particular family, the whole of the property must be divested. Their Lordships of the Privy Council rightly pointed out—I happened to be before the Privy Council then—could it be said that son that he ceased to be the owner of the property if he married a particular person. Therefore, any diminution of the rights, however slight, is a modification of the rights of the property. It may be temporary, it may be permanent, it may be much, it may be small. In view of the provisions of the Government of India Act, it is necessary that we should be very careful in exercising the functions of this House and you must not take things for granted. For instance take clause 3 itself :

"Pass over or encamp, construct military works, etc."

It is hardly necessary to say that any interest in land is not mortgaged. My submission is this : that in section 313 it is perfectly made clear :

"Any requirement in this Act that the Governor General shall exercise his individual judgment with respect to any matter shall not come into force until the establishment of the Federation, but, notwithstanding that Part II of this Act has not come into operation the following provisions of this Act, that is to say :

the provision requiring the prior sanction of the Governor General for certain legislative proposals

"shall have effect in relation to defence, ecclesiastical affairs, external affairs and the tribal areas as they have effect in relation to matters or functions with respect to, or in the exercise of, which the Governor General is by the provisions of this Act, for the time being in force required to act in his discretion."

So that there is a mandatory provision that the part of the Act, so far as legislative measures are concerned, which is in operation is section 299, inasmuch as under clause (3) he has got to act in his discretion. Section 313 (4) affects the application of section 299 (3), and if it does that, inasmuch as a motion is to be made for consideration and for passing, and inasmuch as the Bill involves a modification of the rights of property, previous sanction is necessary. That shortly is the point.

Mr. President (The Honourable Sir Abdur Rahim) : Objection has been taken to the further progress of this Bill on the ground that sanction was not obtained from the Governor General under section 299 (3) of the Government of India Act, 1935. I find, however, that this Bill, which was introduced before the enforcement of this Act in the provinces, was sanctioned by the Governor General under section 67 (2) of the Government of India Act of 1919. That section requires that a Bill or measure which affects the "discipline or maintenance of any part of His Majesty's military, naval or air forces" must be sanctioned by the Governor General before it is introduced. So there can be no doubt, and it is not disputed, that at that stage, the Bill which was then introduced had been validly sanctioned by the Governor General. But the argument of Mr. Ayyangar and the Leader of the Opposition is that

Mr. Bhulabhai J. Desai (Bombay Northern Division, Non-Mahamadan Rural) : Mr. President, this is a matter of considerable importance and I think

Mr. President (The Honourable Sir Abdur Rahim) : I want your point to be put shortly.

Mr. Bhulabhai J. Desai : In a matter of this kind, the Bill may take two days and I think it is much more important that we should devote ten minutes on considering all the three points raised.

Mr. President (The Honourable Sir Abdur Rahim) : First of all, I want to know what is the effect of this sanction ?

Mr. Bhulabhai J. Desai : If you allow me to read sub-section (2) of section 67, which runs thus. I will only read the relevant words.

"(2) It shall not be lawful, without the previous sanction of the Governor General, to introduce at any meeting of.....

(c) the discipline or maintenance of any part of His Majesty's military, naval or air forces."

So, in view of the Government of India Act, a Bill may cover more than one subject matter. Therefore, merely, because in regard to a matter sanction was necessary and required under the rules, it does not in the least affect the new Act, because no other sanction was required under the old Act. The point is that to the extent to which sanction was needed under the old Act it was granted, but that does not under any law or rule of construction tantamount to all future sanctions which may be required under the law then in force. In fact, it is a curious thing now.....

Mr. President (The Honourable Sir Abdur Rahim) : It is argued that no more sanction is necessary.

Mr. Bhulabhai J. Desai : But nothing is given in support of it. The first point is this. What you have got to look at in the first instance is this : What is it for which sanction is given ? Knowing that it was only given in respect of the discipline and maintenance of His Majesty's forces, the next question is : Is there anything in the new law whereby the old limited sanction has been extended to cover every sanction required within the new law ? The onus is on the other side and not on me. It is a wrong way of arguing. It is for them to show that a sanction, though of a limited character and required only under the old Act, is such that it covers the new provisions of the new law and that no further sanction is necessary.

Mr. G. H. Spence : I do not suggest for one moment that a sanction under the old law now takes the place of a sanction under the new law. My suggestion was that under the new Act all sanction requirements are expressed as attaching to the introduction of a Bill or the moving of an amendment. It is only when you introduce a Bill or move an amendment of a character attracting a sanction requirement that a question of sanction arises.

Mr. Bhulabhai J. Desai : Let us understand it this way. The point you put to me first is now withdrawn and rightly withdrawn.

Mr. President (The Honourable Sir Abdur Rahim) : What he says is this that the sanction that was required under the old law is good.

Mr. Bhulabhai J. Desai : It is good to the extent to which it is good. That is not disputed. The question is whether that sanction has any value. The point that the Honourable Mr. Spence made is this that under the new law the sanction that he said it should have is not necessary at the stage at which we are. That is a different point and I will deal with it in a moment. What he says is this. Under the new law, inasmuch as the Bill had been introduced prior to the coming into operation of the new law, the stage at which the objection is taken is not sustainable.

Section 299 of the Government of India Act says :

"No person shall be deprived of his property in British India save by authority of law.

Neither the Federal nor a provincial legislature shall have power to make any law authorising the compulsory acquisition for public purposes of any land, or any commercial or industrial undertaking, or any interest in, or in any company owning, any commercial or industrial undertaking unless the law provides for the payment of compensation for the property acquired and either fixes the amount of the compensation or specifies the principles on which, and the manner in which it is to be determined.

No Bill or amendment making provision for the transference to public ownership of any land or for the extinguishment or modification of rights therein, including rights or privileges in respect of land revenue, shall be introduced or moved in either Chamber of the Federal legislature without the previous sanction of the Governor General in his discretion, or, in a Chamber of a Provincial legislature without the previous sanction of the Governor in his discretion."

Sir, the argument I understand is this. Prior to the coming in of the Act, the Bill, the subject matter of which is covered by sub-clause 3, is introduced or moved and, therefore, you may still pass it. I think it is an argument which is almost unstable. The argument amounts to this, what you may not initiate, you may pass. It is too absurd for words. If it was a court of law, I think no one would have ventured to put forward such an argument.

Mr. President (The Honourable Sir Abdur Rahim) : Supposing it was validly introduced.

Mr. Bhulabhai J. Desai : The argument is that what is introduced may be passed notwithstanding the fact that it could not be introduced now.....

Mr. President (The Honourable Sir Abdur Rahim) : Of course, if they introduced it now, that might be another matter. This is a matter which could not be introduced on its own merits, without sanction.

Mr. Bhulabhai J. Desai : Because it has been introduced or moved, so far there is no question that the House may proceed to pass it. That is the argument so far as I can see. In other words, what you could not introduce, you want to pass into law. The way in which you should read the law is this. The legislature naturally puts forward in a case of parliamentary statute, that you may not take the first step at all and the statute does not proceed to say—it would be entirely superfluous to say—you may not introduce, you may not move, you may not pass it.

Mr. President (The Honourable Sir Abdur Rahim) : What is the meaning of moving a Bill.

[Mr. President.] quite apart from that sanction and independently of it there must be a sanction obtained for any motion with respect to this Bill under section 299 (3) of the Government of India Act. Now, sub-section (3) of that section lays down :

"No Bill or amendment making provision for the transference to public ownership of land or for the extinguishment or modification of rights therein.....shall be introduced or moved in either Chamber of the Federal Legislature without the previous sanction of the Governor General in his discretion", etc.

I assume for the present, for the sake of argument, that this is a Bill which modifies rights of ownership in land for the purpose of military manoeuvres; but the point that I have now to consider is whether, at this stage when the motion is made for consideration of the Bill as reported by the Select Committee, it comes within the meaning of the words "introduced" or "moved". So far as my experience of this practice of the House and my reading of the rules and standing orders goes, it would hardly be appropriate for any legislature to say, at any rate, so far as our procedure is concerned, that a Bill is moved. It certainly has to be introduced and that stage has now passed. An amendment is certainly moved but it would be inappropriate to say that a Bill is moved when the motion that is made is consideration of the motion of the Select Committee, or it may be, a motion that the Bill be passed. I am inclined to hold that the word "introduced" refers to the Bill and the word "moved" refers to amendments. According to that interpretation there is no question now of obtaining the sanction of the Governor General under section 299. I do not want to make any pronouncement on either the question that it is a Bill which modifies rights of proprietors of land or, as contended by Mr. Spence, that this Bill comes within the purview of item (1) in list I of the Federal Legislative List. This latter point is a question of considerable importance and I do not consider it necessary, at present, to pronounce any opinion upon it. I, therefore, hold that the Bill is in order and the motion before the House is in order.

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. Badri Dutt Pande (Rohilkund and Kumaon Divisions : Non-Muhammadan Rural) : Sir, I also want to make a few remarks on this Bill, as I live very close, some four miles from the place where manoeuvres generally take place. This Bill has been brought at the end of the Session when people are leaving for their home manoeuvres. It is an important Bill. It is a copy of the English Bill; but the English Bill is a very perfect Bill, while this is a bad copy : in India we make bad copies of English Bills. I think this Bill requires improvement in many ways. In England, the commission has got wide powers and very comprehensive powers; but here it is only meant for the granting of compensation. There the counties are represented, the boroughs are

represented; the forest officers are represented and other land owners and occupiers are also represented on the commission. Here they do not come into the picture at all. Here only two district board members, one deputy commissioner and one military officer form the commission. I think one M. L. A. should also be nominated on that commission, because the Deputy Commissioner and the military officer will predominate in the committee and the two district board members will be nowhere—they will not be an equal match for the others, unless they are the Chairman and Secretary of the board. The quorum is not fixed and even two men or one man can form the quorum for a meeting. It ought to be three. In the British law there is a quorum of three.

I want also to bring to the notice of the Defence Secretary one matter particularly. Where these manoeuvres take place, the soldiers go to the rivers, tanks and to other places from where these villagers get their water supply. There they bathe naked. This should not be done near the villages : if they bathe naked in secluded pools, they may do as they like. But in those tanks, rivers and springs which are near the towns and villages, British soldiers should not bathe naked. Generally, Indians do not bathe naked, while it is only British soldiers who bathe naked; and they should not be allowed to do this near villages and they should, in fact, be prohibited from doing it. It is shocking to Indians, especially women folk, to see people bathe naked.

There is another thing also; they should not be allowed to enter villages : of course villages are generally treated as out of bounds; but they do enter villages; they are after the village girls. I say this thing should be strictly prohibited. I think both the Indian police and the military police should be placed on the important roads and near the places of water supply, where manoeuvres are held. This is very important.

Other points have been brought forward by my Honourable friend, Mr. Sri Prakasa, and so I need not dwell on them. I wanted to bring only these two points to the notice of the Defence Secretary. He said he is only the paymaster in the matter of manoeuvres. I want him to be the discipline master also of the army. The redeeming feature of this Bill is that the Act will be administered by the Provincial Governments, who, I think, will make good rules, that will help the poor village people, who suffered considerably hitherto because of the manoeuvres and field firing.

Mr. Abdul Qaiyum (North-West Frontier Province : General) : Sir, I quite agree with the Honourable speakers who have preceded me that this Bill is a step in the right direction inasmuch as it aims at regulating manoeuvres, field firing and artillery practice, about which, so far, there has been absolutely no law or anything like settled rules. But there are two or three things to which I would invite the serious attention of the Honourable Member in charge of the Bill. Of course, there is the question of compensation; which has been exhaustively discussed by my Honourable friend, Mr. Sri Prakasa, but I set more value on other things, and the most important of these things is that we must all try and do our utmost to protect human life against any possible dangers. After all compensation is only a secondary thing. The rate of compensation or the rates at which it has to be paid in various provinces is also

[Mr. Abdul Qaiyum.]

a matter of very minor importance. When we know that even people who are in the army become victims of the carelessness or negligence of those who are participating in these manoeuvres, the necessity for protecting the lives and property of the civilian population becomes very important indeed. It was not long ago while some aeroplanes were practising bomb-throwing at a place not very far outside Peshawar cantonment, when a bomb fell and wiped out large number of Punjabi sepoys. I believe compensation was paid, but compensation could not possibly be any substitute for the very precious lives which were lost as a result of the gross negligence and utter disregard for human life on the part of those who were in charge of these operations. I may invite the attention of the Honourable Member in charge of the Bill to another incident which happened just outside the Peshawar Cantonment where the military have acquired some land for practising field firing as it is described in the Bill. All the water courses and water channels which used to run through that land and supplied water to other cultivated fields have been stopped and the firing goes on in such a careless manner and in utter disregard of any respect for human life that people who own lands on the other side of these targets actually have ceased cultivating those lands. Not long ago, an Indian officer was appointed, as a result of protests by the villagers, to warn them to be careful and to get away at the time of firing. It so happened that the officer who was deputed to warn the villagers was himself the victim of a stray shot and he had to pay with his dear life. Of course many questions will be left in the matter of rules to the decision of the Local Governments. I do not dispute that proposition. I think that the Local Governments will have to frame rules, and because conditions vary from one province to another it is a very good thing that this matter is being left to the Local Governments. But there are certain things which cannot be left to the discretion of even the Local Governments, things which are absolutely vital, absolutely necessary for the protection of human life. I attach very great importance to the fact that ample and adequate notice should be given. Publication in a Government gazette which is published in a language which is not the language of the people,—which does not circulate among the people who are likely to be affected by these manoeuvres, can absolutely be no substitute for an adequate notice. I would even go further and say that publication in a language which is understood in the locality is also a very poor substitute for adequate notice, because, Sir, the fact remains that, in spite of 150 years of British rule, the majority of the people are as illiterate as they were before. Things have not improved, and only a very small percentage of the people can read and write. I have tabled an amendment to the effect that not only notices should be posted at all important places in the locality concerned, but that ample and adequate notice should be given in a manner quite in keeping with the traditions of this country and which can be understood by the people concerned, namely, by the beat of drum. Merely laying down the law that the beat of drum should precede any manoeuvre or artillery practice is not enough. We must have adequate proof that this very important provision of law has, in fact, been carried out, and the proof can only be obtained in this way, that insistence should be placed on the fact that the beat of drum as well as the affixing of notices at all important places should be verified in

writing by at least two headmen and two literate inhabitants of the locality. This would be proof of the fact that the beat of drum has taken place and that notices have been affixed. I am not going to bring in amendments which would really defeat the object of the clause which confers the power of rule making on the provinces. But I think this particular provision cannot be left out of consideration at all, and so I would request the Honourable Member to consider it favourably, when this amendment is moved, and to accept it by inserting this most important clause about ample and adequate notice.

Then, Sir, there is another point. Coming as I do from a province which is the home and training ground for legions of Imperial London, because Rome has ceased to be the old Imperial Rome even though efforts are being made to revive its ancient glories. I may say that our province is a place for all kinds of manoeuvres and artillery practices, and the temper of the people among whom these manoeuvres and field firing take place has to be taken into consideration. When the Indian troops are actually manoeuvring in the fields close to the villages, they know the customs and traditions of the country, and they take ample care not to offend the susceptibilities of a sensitive people like those who live in my province. When the army, taking part in the manoeuvres, happens to be a foreign army—people who are absolutely unacquainted with the customs and manners of the country, it has happened many a time, and it may happen in the future as well, that even something done by the soldiers undoubtedly with the best of motives, in fact quite a harmless thing, may be taken very seriously by the people concerned. Therefore, I have tabled an amendment that when a dwelling house has to be entered by the troops, notice should be given through a local inhabitant, and, that whenever the troops enter such a dwelling house occupied by women, then at least two respectable inhabitants of the locality should accompany the troops in order to avoid all these unforeseen troubles which have so often arisen in the past. Sir, I am not exaggerating facts when I state that there have been many instances in the Frontier where little indiscretion on the part of the troops has resulted in loss of very valuable lives. People have resented such interference on the part of the troops and have not hesitated to pay with their dear lives for the acts of the soldiers which they could not tolerate on this particular matter, namely, the entry of troops into houses occupied by women. I think the suggestion made above is a very reasonable one, and if the Government is at all mindful of the interests of the people, and their susceptibilities, and all the things which they hold dear and near to themselves, then the Government should accept this very reasonable suggestion.

Of course, most of the principles of the Bill have been discussed by my Honourable friend, Mr. Sri Prakasa. There is one thing which has been left out in the Bill. The clause dealing with field firing and artillery practice contemplates the acquisition of land for a number of years by the troops, and it so happens that all such lands are usually barren, and therefore, it is always convenient to acquire the use of such lands, year after year, for quite a large number of years in succession. Provision has been made that any damage to such lands may be paid by the Government, but no provision has been made for compensation for the actual use of this

[Prof. N. G. Banga.]

of the Legislatures in the provinces. With these remarks, I support this Bill.

Mr. Bhulabhai J. Desai : On a point of order, Sir. The point is this. It was ruled by the Honourable the President, so far as I understand it,—I believe it is recorded—that as regards a Bill the only sanction that is required is to introduction, and as regards an amendment, sanction is required to moving it. But there is another point which arises on the same section which is of more vital importance to the provinces, and that is this. Sub-section (3) of section 299 of the Government of India Act says : “No Bill or amendment”. I am not now attempting to go behind the ruling, but what is the effect of this ruling and the *reductio ad absurdum* which I shall presently point out—let all the amendments on the Order Paper go out and let the Bill be passed, and let the Government take the responsibility of doing that, I have no quarrel, because the ruling now is that no amendment can be moved without previous sanction but no sanction is required for introduction. That I understand is the ruling of the Chair. For that I leave the responsibility to the Government ; let them do what they like. But I am coming to another point of still more vital importance and that is this. It is a matter of more vital importance because these Provincial Legislatures will not function if this is the way in which Bills are allowed to be either moved—there is no such thing as moving a Bill, under the ruling of the President. But I still insist on saying so because I have the Oxford Dictionary with me here, and also the Stroud's Judicial Dictionary, but the point I am raising is this.

“No Bill or amendment making, provision for the”, etc.,

The only material words are :

“.....for the extinguishment or modification of rights therein (that is to say, rights in land), shall be introduced or moved in either Chamber of the Federal Legislature without the previous sanction of the Governor General in his discretion.”

The point shortly is this. Looking at the Provincial List, List II, item 21,—I first state the effect of it. The effect is this, that this Legislature has no power to enact any law modifying the rights in, over, or concerning land, in the provinces, and inasmuch as this Bill is bound to affect a considerable quantity of land in all the provincial units, this Bill is *ultra vires* of this Legislature. It is not a matter of sanction. The reason is this. You see the Bill seeks to affect lands throughout British India wherever military manoeuvres take place. Clause 1 (1) of the Bill says :

“This Act may be called the Manœuvres, Field Firing and Artillery Practice Act, 1937.”

Sub-clause (2) says, “It extends to the whole of British India.”

3 P.M. Then clause 3 shows that the lands may be situate in any province. The point is that under clause (3) rights on the land are sought to be affected. That is a provincial subject entirely. This Legislature can legislate with reference to land within all areas other than provinces. I shall come to the relative sections in a moment. The language used is : ‘rights in or over land, land tenures, etc., etc.’ To go and build a structure on somebody else's land is a right over land. To go and walk into somebody else's house is a right over land and therefore there can be no question that this particular piece of legislation seeks to affect rights in and over land and it further seeks to

affect rights in and over land situate in provinces. Now, let us look at section 100 which deals with the subject matter of Federal and Provincial laws. The first point that we insist upon is that this legislation *inter alia* affects rights in and over land situate in provinces. To what extent has this Legislature power to legislate in respect of land covered by section 299 and sub-section (3) of section 229 covers two classes of legislatures, that is to say, the legislation may be passed by a Central Legislature and the legislation may be passed by a Provincial Legislature. In one case, you want the sanction of the Governor General and in the other case you want the sanction of the Governor. The reason why clause (3) is so worded is that you may have land situate in provinces. You may have land situate outside provinces which is within the legislative scope of this House and for this purpose you must go through section 100. It says :

“Notwithstanding anything in the two next succeeding sub-sections, the Federal Legislature has, and a Provincial Legislature has not, power to make laws with respect to any of the matters enumerated in List I.”

In other words, the Provincial Legislatures may not pass any legislation with respect to that List.

Then (2) is :

“Notwithstanding anything in the next succeeding sub-section, the Federal Legislature, and, subject to the preceding sub-section, a Provincial Legislature also, have power to make laws with respect to any of the matters enumerated in List III.”

That is the concurrent part and then (3) which is the most important.

“(3) Subject to the two preceding sub-sections, the Provincial Legislature has, and the Federal Legislature has not, power to make laws for a Province or any part thereof with respect to any of the matters enumerated in List II in the said Schedule (hereinafter called the ‘Provincial Legislative List’).”

Clause (4) emphasizes that and makes it clear even to those who may otherwise be blind not to see :

“(4) The Federal Legislature has power to make laws with respect to matters enumerated in the Provincial Legislative List except for a province or any part thereof.”

In other words, the scheme of section 100 is quite clear. The Federal Legislature has exclusive power, over List I, concurrent power over List III, Provincial Legislature, exclusive power over List II. Federal Legislature has powers over property situate outside provinces or shortly what are called centrally administered areas or tribal areas. Therefore, the position shortly, as a matter of law, is this that inasmuch as this Bill seeks to affect rights in or over land situate in provinces it is *ultra vires* of this Legislature. This Bill seeks to legislate for the whole of India which I need not emphasize includes provinces and lands in those provinces. I, therefore, submit that this Legislature has no right to proceed with this piece of legislation.

Mr. G. H. Spence : May I submit that this point was concluded adversely to the Honourable the Leader of the Opposition, rightly or wrongly in the ruling given by the Honourable the President before Lunch.

Mr. Abdul Qaiyum: I have read out our land revenue bill. I see no reason why Government should not pay compensation for these lands which are assessed to land revenue, as every piece of land in India is so assessed, which either the landlord or the tenants have to pay to the Government. With these remarks, I will close my speech, but I end it with a request that the Honourable Member in charge of this Bill will be kind enough to accept this provision about ample and adequate notice on which I lay more emphasis than on any questions of annas and pias.

Prof. N. G. Ranga (Guntur cum Nellore : Non-Muhammadan Rural) : Sir, this is essentially a subject in regard to which Government must be willing to welcome the assistance, co-operation and advice of any organization that may exist amongst the peasants popularly known as Kisans. My friend, Mr. Abdul Qaiyum, has made it perfectly clear how necessary it is for Government to try to ascertain that these notices have been properly published, and the beat of drum has been carried out, that the people are properly apprised of the fact that in such and such area manoeuvres are to be carried on, and trespassing would be dangerous and would be punishable. And, to carry out that object, nothing better can be done than to invite the co-operation and assistance of the local Kisan Sabhas. I can assure my friend that Kisan Sabhas are springing up everywhere, and, if the Honourable Member were to invite their co-operation, he will certainly find them most helpful and useful.

Then, Sir, when we come to the question of compensation, we find that a peasant, who is dissatisfied with the compensation offered by the Revenue officer and the military officer concerned, can make an appeal to a certain commission. Now, who are to be the members of this commission? Only those who may be superior to the revenue officer and the military officer can be the proper persons, but they all belong to the revenue and military department. Can we expect any better justice from people who have to sit in judgment over the award given by their own subordinates? I very much doubt. Therefore, I think the Select Committee has, I am afraid, made a mistake in providing that only the District Collector and the senior military officer in the particular area should be members of this commission, and, what is more, that the District Collector should be the President of his particular commission. I am very much dissatisfied with the proposed personnel of this commission for this reason and also for another. As my Honourable friend, Mr. Pande, has pointed out, the quorum for this Commission has not been fixed, and I hope the Honourable Member in charge of this Bill will see his way to rectify this mistake. Even then there are to be only four members. There is to be no representative at all of any organisation that may exist for the kisans, and I may assure him that there are district Kisan Sabhas, and my Honourable friend, Mr. Sri Prakasa, will bear me out when I say that even in his own district in the United Provinces there is a district Kisan Sabha. There ought to be a provision for a representative of the Kisan Sabha to represent the interests of these kisans to whom, after all, this compensation has eventually to be made. We can certainly make provision for this as occasion arises, if only he agrees to drop the words "consisting of" and

simply substitute it by the word "including", so that it will read like this :

"The Collector of the district shall constitute a commission including himself as chairman, a person nominated by the Officer Commanding the forces engaged in the manoeuvres and two persons nominated by the District Board, and the commission shall decide all appeals of which notice has been given."

Then, as occasion arises and as the Local Government find it possible to give representation to the local Kisan Sabhas, it will be possible for them to get one or two more representatives to represent the Kisan Sabhas, so that the interests of the kisans may be properly represented on this particular commission.

Coming to clause 5, I find that compensation has to be paid for any damage caused to any person. I want the Honourable Member to give us an assurance that any damages, if any, when made, would not be less than the damages that have to be paid according to the Workmen's Compensation Act for a similar occurrence. I think it is a very reasonable demand that I make, and I hope my Honourable friend, Mr. Ogilvie, will agree with me.

Coming to sub-clause (4) of clause 9, I find that first a notification has to be published in the local Official Gazette that a particular area is going to be notified for military manoeuvres, and then again another notification has to be made a week in advance of the actual use of the particular area. I do not know, it is not quite clear whether Government propose to follow the same procedure of publishing it twice and giving an opportunity for people to know that such and such particular area is going to be used for military manoeuvres on every successive occasion when that particular area is to be used for military manoeuvres. I put this question for this reason. It may be that a particular area has been leased for a successive number of years, but it cannot be said that the local inhabitants do know exactly when in any particular area these military manoeuvres are going to be carried out. And it is not enough that one publication alone has been made and that one week in advance. I insist that the same procedure should be followed on every successive occasion as is proposed to be followed on the very first occasion. I agree with my friend, Mr. Sri Prakasa, in his insistence that the rules that may be made under clause 13 ought to be placed on the table of the Provincial Legislatures, so that the local Legislatures may have an opportunity of modifying them as and when and in the manner in which they choose to do, so that the interests of the local people may be safeguarded as against the varities of the Local Governments. It is a well known fact that in many of these things the Local Governments are usually guided by the advice tendered to them by the local officials, and we know only too well that, even after the advent of the Congress Ministries, these local officials are not, after all, angels, nor are they omniscient. Therefore, it is necessary that we should take every possible opportunity of safeguarding the people, the country and the Legislatures from the pretended omniscience and also the insolence of large numbers of the Indian Civil Service men as well as the provincial Civil Service men. Therefore, I hope that my Honourable friend, Mr. Ogilvie, will accept the point made by my Honourable friend, Mr. Sri Prakasa, and see that he provides that these rules are placed on the table

Mr. Deputy President (Mr. Akhil Chandra Datta) : I understand that the ruling was given on the question of sanction. I am quite clear in my mind that the only point on which he ruled was the question of sanction under 299 (3). I shall not allow this matter to be dropped merely on the statement of a Member of this House. Let the transcript be read and let it be considered by you and let my point then proceed. We shall not allow this first piece of legislation to trample upon the provinces.

Mr. N. V. Gadgil (Bombay Central Division : Non-Muhammadan Rural) : During the discussion of the Shariat Bill, you will remember that any reference to land in the provinces was omitted on the ground that this Legislature has no authority to legislate with respect to land in the provinces.

Mr. Deputy President (Mr. Akhil Chandra Datta) : I have now got the transcript of the ruling given by the President. In order to avoid waste of time and misapprehension, I shall read it out :

"Objection has been taken to the further progress of this Bill on the ground that sanction was not obtained from the Governor General under section 299 (3) of the Government of India Act, 1935. I find, however, that this Bill which was introduced before the enforcement of this Act in the provinces was sanctioned by the Governor General under section 67 (2) of the Government of India Act. That section requires that a Bill or measure which affects the 'discipline or maintenance of any part of His Majesty's Military, naval or air forces' must be sanctioned by the Governor General before it is introduced. So there can be no doubt, and it is not disputed, that at that stage the Bill which was then introduced had been validly sanctioned by the Governor General. But the argument of Mr. Ayyangar and the Leader of the Opposition is that quite apart from that sanction and independently of it there must be a sanction obtained for any motion with respect to this Bill under section 299 (3) of the Government of India Act. Now sub-section (3) of that section lays down :

'No Bill or amendment making provision for the transference to public ownership of land or for the extinguishment or modification of rights therein shall be introduced or moved in either Chamber of the Federal Legislature without the previous sanction of the Governor General in his discretion.'

I assume for the present, for the sake of argument, that this is a Bill which rather modifies rights of ownership in land for the purpose of military manœuvres ; but the point that I have now to consider is whether at this stage, when the motion is made for consideration of the Bill as reported by the Select Committee, it comes within the meaning of the words 'introduced' or 'moved'. So far as my experience and my reading of the rules and standing orders goes, it would hardly be appropriate for any Legislature to say, at any rate so far as our procedure is concerned, that a Bill is moved. It certainly has to be introduced and that stage has now passed. An amendment is certainly moved, but it would be very inappropriate to say that a Bill is moved when the motion that is made is consideration of the motion of the Select Committee, or it may be, a motion that the Bill be passed. I am inclined to hold that the word 'introduced' refers to the Bill and the word 'moved' refers to amendments. According to that interpretation there is no question now of obtaining the sanction of the Governor General under section 299. I do not want to make any pronouncement on either the question that it is a Bill which modifies rights of proprietors to land or, as contended by Mr. Spence, that this Bill comes within the purview of item (1) in List I of the Federal Legislative List. This latter point is a question of considerable importance, and I do not consider it necessary at present to pronounce any opinion upon it. I, therefore, hold that the Bill is in order and the motion before the House is in order."

I think it is perfectly clear that the ruling of the Honourable the President was based upon that ground and upon that ground only.

Mr. G. H. Spence : May I point out.....

Mr. Bhulabhai J. Desai : I rise to a point of order. The Deputy President, having ruled as to the true scope and interpretation of the ruling previously given, it is not open to any Member to question it, and I submit, therefore, with reference to the point of order that I raised, that if they wish to answer it, let them do so.

Mr. G. H. Spence : May I ask your ruling whether the Honourable the President did in fact rule also on the second point ?

Mr. Deputy President (Mr. Akhil Chandra Datta) : The Honourable the President said :

"I do not want to make any pronouncement on either the question that it is a Bill which modifies rights of proprietors to land or, as contended by Mr. Spence, that this Bill comes within the purview of item (1) in List I of the Federal Legislative List. This latter point is a question of considerable importance and I do not consider it necessary at present to pronounce any opinion upon it. I therefore hold that the Bill is in order and the motion before the House is in order."

Mr. G. H. Spence : May I make my submission of the grounds on which I believe that the President did rule on the second point.

Mr. Deputy President (Mr. Akhil Chandra Datta) : What was the precise ground on which his ruling was based ?

Mr. G. H. Spence : May I recall exactly what happened ?

Mr. Bhulabhai J. Desai : Is it suggested that the President ruled on the question that this House has a right to legislate over rights in the provinces ?

Mr. G. H. Spence : No, that is not the suggestion.

Mr. Bhulabhai J. Desai : That is the only point I am now raising. This House has no right to legislate in respect of rights in and over land situated in provinces as this particular piece of legislation attempts to do. That is the point.

Mr. Deputy President (Mr. Akhil Chandra Datta) : The whole point now appears to be this—whether, on the point of order now raised by the Honourable the Leader of the Opposition, the President gave a ruling or not.

Mr. G. H. Spence : My point is this. I may recall to you.....

Mr. Deputy President (Mr. Akhil Chandra Datta) : It is better to point out the particular passage of the ruling.

Mr. G. H. Spence : Sir, to make my contention clear, when I intervened this morning.....

Mr. Bhulabhai J. Desai : I rise to a point of order. It is this, that no conversation or no speech should be allowed to be referred to. It is purely a question of construction of that ruling and nothing more. I, therefore, object to any statement being made by any Honourable Member in aid of the construction of the written words of the ruling that has been read out.

Mr. G. H. Spence : Very well, I will confine myself to the written words of the ruling. The words are :

"This latter point is a question of considerable importance and I do not consider it necessary at present to pronounce any opinion upon it. I, therefore, hold that the Bill is in order and the motion before the House is in order."

[Mr. G. H. Spence.]

I submit that very clearly by those words the Honourable the President meant that he did not conceive it to be for him to lay down whether this Bill was *intra vires* or *ultra vires*. He ruled that the Bill was in order and the motion before the House was in order, the effect of the ruling clearly being that, so far as he was concerned, this House was free to go on. In the event of the Bill being enacted, it was for Honourable Members or any other person who wished to challenge its validity to take the question before the Federal Court.

Mr. Deputy President (Mr. Akhil Chandra Datta) : I have carefully considered the effect of the ruling of the President and I am certainly of opinion that so far as this second point is concerned, he did not give his ruling. His ruling was based exclusively upon the interpretation of section 299, sub-section (3). Therefore, so far as regards the effect of that ruling, the matter is settled. Now I want to hear the Government on the merits of the point of order now raised and pressed by the Leader of the Opposition.

Mr. G. H. Spence : Well, Sir, the point of order taken by the Leader of the Opposition is in substance identical with the point taken by Mr. Ananthasayanam Ayyangar this morning. I agree entirely with the analysis of section 100 given by the Leader of the Opposition with one important, and with reference to the question at issue, vital qualification. The Honourable the Leader of the Opposition made no reference to these words :

“ Notwithstanding anything in the two next succeeding sub-sections ” at the opening of sub-section (1) of section 100, and to the words “ Subject to the two preceding sub-sections ” at the opening of sub-section (3) of section 100.

I am prepared to concede for the sake of argument that by enacting this Bill this House would be making a law for a province with respect to matters entered in entry 21 in List II ; but I maintain, and it seems to me to be abundantly obvious, that in enacting this law this Legislature would also be making a law for the matters enumerated in entry one in List I—“ His Majesty’s Naval, Military and Air Forces, etc.” That being so, you have *ex hypothesi* a law which is a law for, first, matters entered in List I and secondly, matters entered in List II. Therefore, the force of the words ‘ Notwithstanding anything in the two next succeeding sub-sections in sub-section (1) of section 100 ’ is that this Legislature has, and the Provincial Legislature has not, the power to make this law because it is a law for a matter which is enumerated in entry 1 in List I.

Mr. Deputy President (Mr. Akhil Chandra Datta) : Will you please explain as to how the question of the transference of right over land to the public ownership come in within Item No. 1 ?

Mr. G. H. Spence : I do not say that the question of the transfer of land comes in at all. What I say is this that this legislation is covered by Item 1 in List I.

Mr. Deputy President (Mr. Akhil Chandra Datta) : Item 1 is a long thing. Will you please tell me which part of it you are referring to ?

Mr. G. H. Spence : It is sufficient to cite the words ‘ His Majesty’s military, naval or air forces’. In legislating about the conduct of the necessary manoeuvres by His Majesty’s forces, you are quite obviously legislating for His Majesty’s military forces. If, in the course of that legislation, it is necessary for you as an incident to do anything within the purview of List II, in relation to rights in land or what not, then by virtue of the overriding words in sub-section (1) of section 101 and the subjecting words in sub-section (3) of section 100, the Central legislative jurisdiction in respect of His Majesty’s forces over-rides and *pro tanto* ousts the subsidiary provincial jurisdiction in respect of rights on land. There are many Privy Council cases in which decisions have been given with reference to analogous questions under the Canadian constitution. I think I am right in saying that the leading case on this subject turns on the dictum that in deciding to what particular legislative power you are to relate a legislative measure you have got to disregard the incidentals and ask yourself—what is the pith and substance of the matter ? I submit that it is perfectly obvious that the pith and substance of this Bill is His Majesty’s forces. All that this Bill seeks to do is to provide necessary facilities for, and remove any possible obstructions to, the performance by His Majesty’s military forces of necessary training.

Mr. Deputy President (Mr. Akhil Chandra Datta) : That appears to be too wide an interpretation of Item no. 1.

Mr. G. H. Spence : I do not think so. His Majesty’s military forces do not cease to be His Majesty’s force because they are, for the moment, manoeuvring and are not on active service on the field. I do not think I have anything more to say except this that the Honourable Mr. President, whether he ruled on this matter or not, did hear arguments on the matter, and I submit that it would be suitable to leave it to him to rule.

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

Mr. Bhulabhai J. Desai : Sir, in your absence a point of order was raised by me and as it now falls to you to give a ruling on that point, it is only right that I and Mr. Spence should put before you our views, otherwise it would be impossible for you to give your ruling. The point is this. It was held by the Deputy President that the point that I am now raising is the one which you alone can decide. The point shortly is this. In order to make a statement of facts, I do not wish to take the admission of the Honourable Mr. Spence which he had made while answering to me because he may or he may not adhere to it. But the point shortly is this that this Act extends to the whole of British India. The next point is that it will, therefore, in the language of my Honourable friend, affect the rights in or over land in the provinces. Those are the two points. Now, on those facts my submission is this. It is not a matter of sanction at all. My submission is that it is beyond the power of this House to legislate so as to affect the rights in or over land situate in the provinces. For that purpose, I would call your attention to the provincial List. There are two items but the one I am referring to is Item No. 21, that is to say, ‘ Land, that is to say, rights in or over land.....’ the rest of it is not necessary. Now, I turn to

Mr. Bhulabhai J. Desai : I am coming to that : section 100 of the Government of India Act. That gives the rights of legislation with reference to the items covered by the list. It runs thus :

" (1) Notwithstanding anything in the two next succeeding sub-sections, the Federal Legislature has, and a Provincial Legislature has not, power to make laws with respect to any of the matters enumerated in List I.

" (2) Notwithstanding anything in the next succeeding sub-section, the Federal Legislature, and, subject to the preceding sub-section, a Provincial Legislature also, have power to make laws with respect to any of the matters enumerated in List III.

" (3) Subject to the two preceding sub-sections, the Provincial Legislature has (and I want to emphasise the words), and the Federal Legislature has not, power to make laws for a Province or any part thereof with respect to any of the matters enumerated in List II."

Therefore, the position is that the Federal Legislature has not the power to make a law for a province in respect of rights in or over land. Then, we come to the last sub-section.

" (4) The Federal Legislature has power to make laws with respect to matters enumerated in the Provincial Legislative List except for a Province or any part thereof."

The idea is this. There is a provincial list. There are places where there may or may not be provincial legislatures and therefore the law has got to be made by some legislative authority.

Mr. President (The Honourable Sir Abdur Rahim) : Except for a Province or any part thereof.

Mr. Bhulabhai J. Desai : It will only apply to areas other than Provinces. That perhaps will be a more accurate statement, not that they may make any law and it may not apply. The scope of the field of their right to legislate is other than Provinces. That is to say where it is not a Province and where there is what is called the Centrally Administered Areas—Cantonments and tribal areas. There is no need to go into details now. The point I am submitting is this. It cannot be denied that this piece of legislation purports to make laws in respect of rights in and over lands in Provinces. In fact I do not deny that the Bill may be a perfectly good one for the military manoeuvres in so far as they take place in any Centrally Administered area or tribal area. We are not concerned with that. We are concerned with a Bill that seeks to make a law for the whole of British India necessarily including the Provinces and therefore necessarily taking away the rights in and over land in the Provinces. Therefore it was suggested that inasmuch as the Central Legislature could make a law with reference to item 1, namely, military manoeuvres, that therefore so long as they were making the law for military manoeuvres, they could do anything they like in respect of all matters covered by the exclusive provincial legislative list. That is to say merely because a Bill, one of its purposes is to regulate military manoeuvres that therefore they could affect the rights of Provincial Legislatures and that they may make laws in respect of the provincial list also, I submit this position cannot be right. It is for a case like that that section 103 is provided :

" If it appears to the legislatures of two or more Provinces to be desirable...."

Mr. President (The Honourable Sir Abdur Rahim) : The expression is provincial legislatures.

Mr. Bhulabhai J. Desai : I am coming to that :

" If it appears to the legislatures of two or more Provinces to be desirable that any of the matters enumerated in the provincial legislative list should be regulated in those provinces by Act of the Federal Legislature, and if Resolutions to that effect are passed by all the Chambers of those provincial legislatures, it shall be lawful...."

Now, Sir, it begins by saying :

" if it appears to the legislatures of two or more Provinces, and the answer to that is that on a request it will of course be taken into consideration. In the first instance the request should be addressed to the Provinces by the Central Government saying, here is a military manoeuvre Bill which is sought to be brought before the Central Legislature. We propose to affect lands in your Province and it will be more convenient instead of asking you to pass supplementary provisions—I mean the Central legislature may say to what extent and in what manner troops may be moved. That is entirely within their power, but what we want further to do is to say that there should be power to resume lands or to erect structures, to enter a house, etc., would it or would it not be convenient, if in one place the whole law is enacted."

If the Provincial Legislatures accept the reasonableness of such a request, then it would appear to the Legislatures of the Provinces to be desirable that if they were matters affecting land on which they claim the right to legislate, then they can empower the Central Legislature to enact a law for the purpose of uniformity. A matter of this kind has arisen only for the first time. We are somewhat jealous, notwithstanding the fact that we are in the Central Legislature, and I submit that we ought not to let go every opportunity to call attention of the Chair and of the House to see that we are not going beyond the scope of the powers allotted to this House. The point shortly is this. There are two ways of passing this Bill into an Act. It can be split up into two parts. In so far as any question affecting the military and their movements are concerned, undoubtedly this Legislature would be within its rights to enact a law. But in so far as any rights which trench on the rights of Provinces, you may have a supplementary enactment quite uniformly in all the Provinces if they so desire. Of course the more convenient way would be to address all the Provinces with a request pointing out the nature of the subject-matter, the kind of uniformity that is required and so on that they should pass a Resolution enabling the Central Legislature to pass a comprehensive piece of legislation firstly with regard to manoeuvres and secondly so far as they affect lands.

Mr. President (The Honourable Sir Abdur Rahim) : The Honourable Member has not answered my point. This section refers to legislatures of two or more Provinces and if it appears desirable to them, they may pass a Resolution empowering the Federal Legislature to pass the law. The initiative must come from the Provincial Legislatures.

Mr. Bhulabhai J. Desai : The initiative may also come from the Central Government. I mean that the language of the section does not mean that it should necessarily be at the initiative in the very instance of the Provincial Legislatures.

Mr. President (The Honourable Sir Abdur Rahim) : The suggestion may go from here. That is not the matter I am speaking of. The language used here is 'it must appear desirable to the legislature of two or more provinces'.

Mr. Bhulabhai J. Desai : I am only interested in pointing out what appears to me the real intention of the language used. I am trying to assist the Chair on this basis. It is not as if it is a matter which should be dealt with under section 104.

Mr. President (The Honourable Sir Abdur Rahim) : The question now is whether the Central Legislature cannot under this item pass an Act which might affect some subject on the provincial list.

Mr. Bhulabhai J. Desai : In this way, Sir, all the provincial lists will be eaten up if the decision is that so long as some section or some Act covers one of the items in that List.

Mr. President (The Honourable Sir Abdur Rahim) : What about the second item. Naval, military and air force works. Does not that also cover this Bill ?

Mr. Bhulabhai J. Desai : The question for decision is this. Merely because one of the items in a piece of legislation before the Central Legislature is one of the items in List I, it does not follow that they can indeed cover all that and destroy the exclusive List No. 2.

Mr. President (The Honourable Sir Abdur Rahim) : Is it not the intention of the Act that with regard to whatever item there is in the Federal list, the Federal Legislature can make laws with respect to those items even though they may infringe any of the items in the provincial list.

Mr. Bhulabhai J. Desai : As a matter of fact I do not know any such section and I can only give an answer in the negative. May I call your attention to that Chapter.....

Mr. President (The Honourable Sir Abdur Rahim) : There is in the Act a concurrent List No. 3. Supposing the Provincial Legislature and the Federal Legislature pass two laws.....

Mr. Bhulabhai J. Desai : Then the Federal law prevails. That is in section 100 (2) and the effect is laid down in section 107.

Mr. President (The Honourable Sir Abdur Rahim) : Take Posts and Telegraphs including Telephones. That affects the rights in land.

Mr. Bhulabhai J. Desai : That is precisely the point. The whole point is that they may regulate how the post offices are to be run. Supposing in a particular place you want to have a building for the purpose of a post office, either you wipe out the whole of the Provincial Legislature, so long as directly or indirectly any of the subjects in the exclusive list can be brought within the purview of the first list. That is one view.

Mr. President (The Honourable Sir Abdur Rahim) : Item 7 may affect any province.

Mr. Bhulabhai J. Desai : I am not disputing it. The question is not that this Legislature has no power in respect of those subjects to legislate in respect of the whole country.

Mr. President (The Honourable Sir Abdur Rahim) : There are many like that. See No. 15,—Ancient and historical monuments ; archæological sites and remains.

Mr. Bhulabhai J. Desai : But the question is, supposing there is an archæological museum ; you may legislate with reference to that. But supposing you say that you want to erect a big museum and therefore you want two thousand acres of land, can you do that ? The subjects do not affect the question at all.

Mr. President (The Honourable Sir Abdur Rahim) : Take the survey of India. They will have a right to go over land and make a survey. Take Railways.

Mr. Bhulabhai J. Desai : Except under the Land Acquisition Act there is no provision in the Railways Act for acquiring land. Land is being acquired every day in Bombay by notification under section 4.

Mr. President (The Honourable Sir Abdur Rahim) : My attention has been drawn to section 127.

Mr. Bhulabhai J. Desai : That is another matter. Inasmuch as it has been pointed out, I feel indebted to it. It shows clearly that you could not have done it ; otherwise section 127 is not necessary. The very instance I gave a minute ago that supposing for the purpose of a museum you want land.....

Mr. President (The Honourable Sir Abdur Rahim) : It stands on the same footing as affecting rights in land.

Mr. Bhulabhai J. Desai : What you want is this. While legislating on the subjects covered by List I, to what extent, if at all, are you entitled to wipe out List II ? And the argument at present is this that so long as you can bring in any one of these items, the provincial list goes ; that you may legislate here that all lands may be acquired.....

Mr. President (The Honourable Sir Abdur Rahim) : What would happen if the land belongs to the Government of another province ?

Mr. Bhulabhai J. Desai : That is not the issue just now. The issue is not one of property as between the provinces and the Federation. The issue is, to what extent this Legislature can legislate so as to affect rights in or over land situate in a province ? In other words, if the house of A. B. in Bombay is to be acquired, is it correct to say that it does not matter so long as it is called a Military Manœuvres Bill ? You may have any number of provisions so that you may lay down all rules as this section does.

Mr. President (The Honourable Sir Abdur Rahim) : I am inclined to think, subject to what the Government spokesman may say, that if it comes to acquiring land they will have to go to the provinces.

Mr. Bhulabhai J. Desai : Then there are two things. One is acquiring land, the other is rights in or over land. Land does not mean the actual physical superficies ; it may mean right of way, it may mean anything. The point that I was submitting is this. Apart from the acquisition of land, compulsory acquisition of land is item No. 9 in List II ; then item 21 is much more important. " Land, that is to say, rights in or over land ", etc.

Mr. President (The Honourable Sir Abdur Rahim) : That is, legislation with respect to rights in or over land.

Mr. Bhulabhai J. Desai : It is legislation affecting rights in or over land. When I say I am legislating with reference to rights in or over land, it certainly includes affecting it. I may create them, I may destroy them, I may extinguish them, I may modify them. In other words, again you get back to the language of section 299,—modification. That is where the word “modification” is used. In section 299 (3) you will see that there are two types of legislative enactments contemplated; one is by the Central Legislature with the previous sanction of the Governor General and the other is,—and this is the most important,—

“No Bill... for the modification of rights in land... shall be introduced in either Chamber of the Federal Legislature without the previous sanction of the Governor General in his discretion, or, in a Chamber of a Provincial Legislature without the previous sanction of the Governor in his discretion.”

It seeks to cover the whole field of land. Clause (1) says :

“No person shall be deprived of his property in British India save by authority of law.”

And, therefore, you find in sub-section (5)—

“In this section ‘land’ includes immovable property of every kind, and any rights in or over such property.”—

the very words of item 21 of List II.

Further, my submission to you is this : that this Bill affects to legislate in respect of rights in or over land in the provinces and not merely in the sense of administered areas : this is beyond the purview of the legislative powers of this body. Supposing I profess one object and do something else : you can define anything you like : but supposing you say, whereas it is intended to codify the law for chalk and then in the section you are codifying the law for cheese, the fact that you pretend or profess to codify for chalk does not matter. The test is what we find in sections 3, 9 and 10—otherwise the compensation sections would not appear. Section 3 says :

“Where a notification under sub-section (1) section 2 has been issued, such persons as are included in the military forces engaged in the manoeuvres may, within the specified limits and during the specified periods—

pass over, or encamp, construct military works of a temporary character, or execute military manoeuvres on, the area specified in the notification.”

Then section 10 says :

“Where a notification under sub-section (2) of section 9 has been issued, such persons as are included in the forces engaged in the field firing or artillery practice may, within the notified area or specified part thereof during the specified period or periods—

exercise subject to the provisions of sections 3 and 4, any of the rights conferred by section 3 on forces engaged in military manoeuvres.”

Mr. President (The Honourable Sir Abdur Rahim) : But it may not be for the purpose of acquiring the land.

Mr. Bhulabhai J. Desai : I quite agree ; but admitting the question as to what extent you are entitled to affect the provincial sphere, the view may be that, in that piece of legislation, you may confer power on authorities and do many other things besides acquiring rights over land.

Mr. President (The Honourable Sir Abdur Rahim) : That is another matter : You may then have to see whether the Bill comes within the purview of the Act. It does not logically follow that it does.

Mr. Bhulabhai J. Desai : It depends on how you treat the land. I wish to limit myself to this Bill and to item No. 1, so that the ruling may not be too wide, because it is going to be a subject of considerable importance as time goes on.....

Mr. President (The Honourable Sir Abdur Rahim) : I would like to know what the Honourable Member has to say on the point, whether it is for the Chair, when a Bill is brought before the House by the Government to decide how far it is within the powers of the Indian Legislature : that is, whether it is not for the House to decide whether any legislation could be passed or not by the Central Legislature. Is it merely for the Chair to decide a point like that and throw out any legislation on that ground ?

Mr. Bhulabhai J. Desai : Validity has many tests—validity whether the Legislature is legislating within its powers is a subject which, I submit, is *prima facie*....

Mr. President (The Honourable Sir Abdur Rahim) : I am told there is a ruling on the question whether the Chair is to decide whether a proposed legislation is *ultra vires* or *intra vires*—I have not yet looked it up. But, I know questions have been raised and decided, but, so far as I remember, those instances happened to be decided in favour of proposed legislation, why should not the House be left to decide for itself whether it should or should not pass a certain legislative measure.

Mr. Bhulabhai J. Desai : But, that does not affect the principle that the question is allowed to be raised. If it is allowed to be raised, then a decision has to be given. My answer to that is this : supposing now this House proceeded to legislate exclusively for land : let me assume it : I must test it and see whether it is permissible : it is no answer to say that “We are very reasonable people and we will not do any such thing.” Suppose you purport to do it. Is it or is it not the duty of the Chair to see that this Legislature.....

Mr. President (The Honourable Sir Abdur Rahim) : The Chair has to decide points of order that arise as regards the procedure of the House.

Mr. Bhulabhai J. Desai : The point is this : is the Chair there not to prevent the House from what I call wasting its time on legislation like this which is beyond their powers ? Take an extreme case.....

Mr. President (The Honourable Sir Abdur Rahim) : The question which has been exercising me is this : I want to make it clear, whether it is for the Chair to stop certain legislation on ground such as this, or it should leave it to the House to decide.

Mr. Bhulabhai J. Desai : I approach it the other way : that is the only answer I can give on the spur of the moment. It is this : I assume that it is part of the duty of the Chair, if a point is raised whether this

[Mr. Sham Lal.]

movements, particularly when he is entrusted with the revenues of India and when he is frittering away those revenues and practically wasting them as he likes. He probably thinks that before he leaves the shores of India he will be able to dump on this country as many Britisher friends of his as he can, he thinks that he will be able to dump on this country these inferior British goods when the country itself can provide far better goods at much cheaper rates. Whether it is the Central Institute of Hygiene, whether it is Finance Department, or whether it is the Agricultural Research, for everything he wants to get out men or shall I say experts from England. That is our misfortune. The Finance Member, it would seem, is here only to safeguard the British interests in this country. When the Insurance Bill was passed, a matter which was not within his jurisdiction, he was interested in British interests. There are many movements in this country now going on. There is the uplift movement; there is the Insurance Bill which has just been passed with a flourish of trumpets; we all think it will do some good to India, but now we find that an attempt is made to import an Actuary or Superintendent from England. Any benevolent movement soon degenerates into providing jobs for British people. Whenever any benevolent movement is started, we are always afraid that it is meant to provide a job or jobs for Englishmen, and not for the good of the masses, because the ultimate result of such movements is provision of jobs for Englishmen in this country. Why has my friend got the courage to appoint a Chief Commissioner of Income-tax from England, because he has got the power. He thinks that he is in sole charge of the revenues of the Government of India; he thinks that he is a judge in his own cause; he thinks that he has got the power of God. I submit, Sir, this power always corrupts a man. And if my friend goes on in this way, if the Government of India go on in this way, why should you blame the people? There is widespread unemployment in the country. Highly cultured and educated people are starving and knocking about the streets, people have no employment, and my friend, the Finance Member, thinks of recruiting men from England. Sir, I am reminded of a peasant who was watching his sugar cane fields. A priest came there. He was starving and thirsty. He said, "I must have some sugar cane from this field." Then he sat in that posture and said, "Oh God. I am hungry and thirsty. May I have sugar cane from this field?" He became God and said, "You can have." "May I have 20?" He said, "You may have." The peasant was watching and he saw that he had become his own judge and he had become his own God. He came with a *lathi*, and said, "My God, this man has stolen away my 20 canes and may I beat him?" He said, "Yes." Then he said, "May I give him 20 blows?" He said, "Yes." Then he gave him 20 blows! (Laughter.) Here I see this Government of India is in the same position. It thinks that it can import any Britisher, it can give any post to any Britisher and then explain, that it is in our interest. As regards the ultimate result, what would be the position if people take to anarchism and revolution? Unemployed people are starving here and you have a Chief Commissioner of Income-tax being imported from England. You will say that the revenue will increase, that we must have an efficient Chief Commissioner of Income-tax, as if efficiency can only be had from England. As regards this theory of efficiency I want to illustrate my point from a cartoon in

the *Hindustan Times*. What is that cartoon? It was a skeleton having no flesh in the body, sitting. A doctor is preaching to him, "Grapes, oranges, etc., have got a lot of vitamins. You should eat these things." The skeleton says, "I have got no money. You talk of vitamins and nutritious food, how can I take it when I have no money?" That is the position of the Government. The Government wants that we should have a costly Chief Commissioner, that we should have a costly administration. This Chief Commissioner will have an Assistant Commissioner, he must have a staff. The man will say, "In order to work efficiently I should have a staff of Britishers." Just as in the Wedgwood Report we have got a succession of Britishers, he would also have a succession of Britishers. I, therefore, say that there is no use dumping in these inferior British goods. You may have the power now, but you will have to repent it. I think the patience of India is exhausted and this theory of efficiency which is being trotted out would not do you any good. Don't import these people. Be satisfied with what you have got now. But if you go on in this way, then, of course, remember that example of the peasant, he will become his own judge and you will have to repent. Therefore, I move.

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

"That the Assembly do now adjourn."

The Honourable Sir James Grigg (Finance Member) : One of the disadvantages in dealing with a motion which is based on information obtained from illicit sources is that the information is never quite accurate.

An Honourable Member : It is a newspaper report.

The Honourable Sir James Grigg : Newspapers lie.

Mr. S. Satyamurti (Madras City : Non-Muhammadian Urban) : Governments also lie.

Mr. President (The Honourable Sir Abdur Rahim) : The Honourable Member must not use that expression. He ought to withdraw it.

Mr. S. Satyamurti : The Honourable the Finance Member first used the word "lie". If he withdraws, I will.

Several Honourable Members : Order, order.

The Honourable Sir James Grigg : I am ready to substitute the words "Newspapers lie", by the words "They sometimes make mistakes".

Mr. S. Satyamurti (Sitting) : I say that Government sometimes make mistakes.

Mr. President (The Honourable Sir Abdur Rahim) : The Honourable Member ought to rise in his seat if he wants to make a statement.

Mr. S. Satyamurti : I have seen in the Parliament Members, making interruptions, while being seated.

The Honourable Sir James Grigg : I was saying that one of the difficulties about dealing with a motion which is based on illicit information obtained from illicit sources is that the information is not always accurate, and in this case the information is inaccurate in two respects. The first is that we have not accepted the recommendation in the Experts' Report to appoint a Chief Commissioner. What we are appointing is an Adviser to the Central Board of Revenue on Income-tax matters;

[Sir James Grigg.]

and his duties will be quite different from those which the Honourable Member quoted from the Report. However, that is as may be,—I will come at a later stage, of my speech, to the disadvantages of passing adjournment motions or other motions as a consequence of the disloyal action of some Government servants. I say straightaway, in order to avoid any recrudescence of the excitement which happened a minute or two ago, that I propose to be studiously moderate in what I say. May I come to the subject of the motion and say what I have to say, and I hope I shall say it very moderately, though, I may tell the House at the very start that what I say I shall not couch in terms of very great penitence.

The House is aware that we are engaged upon the task of overhauling the income-tax, both as regards law and as regards administration. Our objects are, again, as the House knows, to make the law fairer as between taxpayer and taxpayer and to diminish the opportunities for legal avoidance and illegal evasion which now exist. The second object will have as a result an increase in the yield of the income-tax. I hope and believe that it will result in a considerable increase of the yield and that it will also result in a corresponding increase in the amounts to be allotted to the provinces under the Niemeyer Order in Council. I ask the House to believe me when I say that all along this has been one of the main motives in my mind in undertaking the extremely arduous and extremely thankless task of reforming the income-tax in this country.

Now, Sir, one of the first things that must strike anybody about the income-tax machine in India is that its capacity has not kept pace with the growth in complexity of the tasks thrown upon it, and its structure still retains very obvious traces of its provincial origin. Incidentally, on that point I might remind the House that from time to time in the last House Income-tax Bills were introduced to assimilate the Indian income-tax system to the English income-tax system. That is by way of digression.

Prof. N. G. Ranga [Guntur cum Nellore : Non-Muhammadan (Sitting)] : How is it relevant ?

The Honourable Sir James Grigg : The Honourable Professor from Oxford and Madras might either make his interruptions audible or not make them at all.

Mr. President (The Honourable Sir Abdur Rahim) : I cannot allow this sort of interruption which the Honourable Member is guilty of. It hampers my work.

Prof. N. G. Ranga : I am not guilty of anything improper.

The Honourable Sir James Grigg : As I say, it is a matter of common admission that the Indian income-tax machine has not kept pace with the growth in complexity of the tasks thrown upon it and its structure bears obvious traces of its provincial origin. My advisers and I have thought, therefore, that something is needed to introduce a greater measure of efficiency and a greater measure of uniformity of practice as between the various provinces. We thought that this could best be achieved by appointment, on a temporary basis, of an officer with experience of the English income-tax system which certainly is the best and

fairest in the world. I again remind Honourable Members that when a Member of this House introduced an Income-tax Bill in the last Assembly he sought to assimilate the income-tax system in India to the income-tax system in the United Kingdom and his reasons for doing so were because he thought that the income-tax system in India weighed extremely hardly on the poorer taxpayers and extremely lightly on the richer taxpayers. Well, Sir, as I say, my advisers and I thought that the tuning up of the machine could best be achieved by a temporary appointment of an officer having experience of the best income-tax machinery in the world. Quite apart from that, we have not, after an exhaustive review of the field open to us, discovered in India an officer with the requisite qualifications. (Voices "Oh, oh"!) Yes, I say so quite designedly.

Mr. S. Satyamurti : You are quite wrong.

Mr. President (The Honourable Sir Abdur Rahim) : The Honourable Member will have a right of reply.

The Honourable Sir James Grigg : I say quite deliberately. If there had been such an officer, he would have been appointed.

Honourable Members : Question.

The Honourable Sir James Grigg : Incidentally, the officer to be appointed has the added advantage of a short, it is true, but intensive experience of the Indian income-tax system.

Prof. N. G. Ranga : Night and day ?

The Honourable Sir James Grigg : For the rest, I can only say that I have knowledge of Mr. Chambers' work both in England and in India and I am satisfied that no better person can be had for our purpose. I am satisfied that we are offering him no more than was required to induce him to interrupt his career in England and in agreeing to come out to India, he will suffer loss of pension rights and loss of prospects of immediate promotion.

An Honourable Member : What is his pay there ?

The Honourable Sir James Grigg : We hope that at the end of three years, not five years as stated in the inaccurate wording of the Resolution of the Honourable Member, the provinces will be getting substantially enhanced allocations of revenue and that the Indian income-tax machine itself, we hope, will by that time have thrown up a line of capable successors to Mr. Chambers. Indeed, one of his main tasks is going to be to train successors to himself. That, Sir, is all that I have to say on the actual Resolution. I have to say one word more in regard to the fact that the information, on which this Resolution is based, must have been derived from an unauthorised and premature disclosure by somebody in Government service. I said I would be unprovocative and I hope that I shall be regarded as not having been provocative, if I make an appeal to Honourable Members of this House not to countenance this disloyal, and, I think, I am not speaking too strongly when I say, despicable habit on the part of some—I believe only a small minority of Government servants....

Mr. Sham Lal : How is this relevant ?

[Mr. Bhulabhai J. Desai.]
legislation is beyond the scope of this House or not—because, otherwise, supposing all kinds of legislative measures are introduced, will you just sit down and look on, even if a point of order is raised? Would you say, if they proposed to make a law without any compensation...

Mr. President (The Honourable Sir Abdur Rahim) : Is it for the House, or for the Chair to decide whether a legislation like this should be allowed.

Mr. Bhulabhai J. Desai : I cannot answer the first question in the negative; you must either say logically "I do not care what laws you pass." We are quite willing to accept that. Then, we will get all Bills...

(It being Four of the Clock.)

MOTION FOR ADJOURNMENT.

APPOINTMENT OF MR. S. P. CHAMBERS FROM ENGLAND AS CHIEF COMMISSIONER OF INCOME-TAX.

Mr. President (The Honourable Sir Abdur Rahim) : Order, order. Mr. Sham Lal.

Mr. Sham Lal (Ambala Division : Non-Muhammadan) : Sir, I move :
"That the Assembly do now adjourn."

The object of this adjournment motion is to censure the Government for appointing an Englishman as Chief Commissioner of Income-tax. Sir, if my information is correct, Mr. S. P. Chambers, has been appointed Chief Commissioner of Income-tax on a pay of Rs. 2,500 a month. He has been recruited from England, and, I am told, that he is getting only £400 a year in England, that is Rs. 500 a month. He would get here five times more than his present pay in England. I think he has been appointed in accordance with the recommendations of the Income-tax Inquiry Committee Report, and the duties of the Chief Commissioner of Income-tax are given at page 88 of the Income-tax Inquiry Report. I do not want to go through all those duties, but some of them are—consideration of copies of all inspection reports, watching the methods of recruitment, comprehensive instruction as to the method of examination, responsibility for the systematic training and so on, and if Honourable Members will go through these duties, they will find that these duties do not require much of technical knowledge, and my grievance is that for performing these duties many suitably qualified persons, with experience behind, are available in India itself, and, therefore, there is no justification for recruiting a gentleman from England. Sir, we in India can find Premiers who are administering the eleven provinces including the finances of those provinces, but, for performing the duties which I have just read out, it is surprising that an Indian could not be found by the Government of India. Sir, we have had enough experience of these experts from abroad for the last few days. We know how drafting of law is being done by these experts, one Bill is being withdrawn, and another Bill might be withdrawn; these experts have not got the capacity to see whether the Bill they have drafted is in order or not, but they pose as experts and think that they alone can manage affairs in

India. ("Hear, hear" from Congress Party Benches.) Sir, I am reminded of the speech of Mr. Lloyd George which he made after the war. He said : "Gentlemen, I was fit for war, but I was not fit for dealing with these ordinary affairs; I can cure the most serious disease, but I cannot cure a fever." Indians can manage and administer eleven provinces of India, and there is praise and admiration for their administration, but an Indian cannot be found for the post of Chief Commissioner of Income-tax! Really the position is this. The difficulty is, all our troubles and difficulties are being exploited by this Government. When I hear of any Commission or Committee of Inquiry being appointed, my apprehension is that some Englishmen are going to be provided. It is not to remedy any grievance of ours. If an inquiry Committee meets, then inevitably a Britisher is appointed. There is, for instance, the Wedgwood Inquiry Committee which came to India; they took away lakhs of rupees out of this country, and what have they given to us? In their recommendation they say that more Britishers should be recruited, more technical men from England should be brought out and paid by India. If we want an Economic Adviser, then he must also be imported from England, as if there are no suitable Indians who can teach English Economists. Sir, we had a Bill today relating to destructive pests and insects. I am sometimes tempted to move an amendment to it because if there is any destructive insect or pest from which India is suffering, it is recruitment from England ("Hear, hear" from Congress Party Benches), that is to say, if the flower and fruit of the youth of India are to be preserved, then this pest of recruitment from England must be stopped forthwith. This has become really a destructive pest to this country.

Then, my submission is that the Government was not at all justified in appointing a Britisher whose price in England is only £400 per annum, when there were fully qualified and experienced Indians. I am reminded, Sir, of the story of a Bania in my village who had some eye trouble and who went to a physician in Delhi and asked him to write out a prescription. The Bania asked the physician what would the medicine cost. The physician replied that it would cost Rs. 100. Then the Bania said : "How can you cure my eyes, you take away the light from me, what more light can you give me?" He said :

"*Sau Rupia ki binai pahle hi leli mera ilaj kiya karoge.*"

Now, Sir, the position is, the revenues of India must be increased from income-tax sources, and what is the remedy suggested? A Britisher getting £400 a year must be recruited on Rs. 2,500 a month, costing India Rs. 30,000 a year. That is the remedy. Sir, there are many recommendations in the Income-tax Inquiry Committee's Report, but this is the most urgent recommendation, it must be carried out soon, other recommendations can wait legislation, they can be given effect to later on, but let this opportunity not be missed; let the announcement be delayed so that the Assembly may not be in a position to discuss the subject. Sir, these secret methods would not avail. Sir, I was accused, and perhaps I shall again be accused of getting information and I was asked how I got the information,—but that is not the question, the question is whether the information that I have got is right or whether it is wrong. Does my friend, the Finance Member, think that he alone has got Criminal Investigation Department behind him to detect everything, to watch our movements? Does he think that we cannot watch his

[Sardar Sant Singh:] Forward and tell me whether this policy of Europeanization is not being persistently and consistently pursued, at his instance, in India today. It is a simple thing just to say: "No Indian with the requisite qualification is available"; that is adding insult to injury, that is an insult to the whole of the intellectual people of India, and this is an insult especially at this time when Indians are ruling seven out of the eleven provinces.

An Honourable Member: Indians are ruling in all the eleven provinces.

Sardar Sant Singh: I beg your pardon, in all the eleven provinces of India. I was referring to Congress Ministries only, according to the well-known phrase of my friend, Mr. Sri Prakasa, that where Congress rules, patriotism rules: I took it in that light. Sir, it is a matter of regret that during the last three or four years the policy of the Government is undergoing a very regrettably retrograde change. And I ascribe this change to my friends here who stood in the way of keeping alive the civil disobedience movement. Sir, since they gave up the civil disobedience movement, the pressure upon the Government of India was gone, and today they are reverting to the old repression in another form. Sir, so long as the revolutionary spirit was abroad, so long as the pressure of the civil disobedience movement was there, the Government did not dare to revert to the policy of Europeanization. But no sooner these gentlemen came here in response to their persistent appeals to co-operate with the Administration, they have reverted to their old policy of "superior brains for Europeans and inferiority complex for Indians". (Interruption.) So long as India remains as it is, there will be many Sir Ahmad Nawaz Khans here. (Interruption.)

May I remind the House that in the previous Assembly a Bill was introduced by Sir Hari Singh Gour for the reformation of the income-tax law. I was a Member of the Select Committee when the Finance Member promised us that the whole law and procedure of income-tax would be revised. It is over four years now and no comprehensive income-tax Bill has been introduced. The Honourable the Finance Member took advantage of the Enquiry Committee's Report in getting a piece of legislation which was advantageous to the Administration immediately and left other recommendations to bide their time. Now when he knows that one day he will have to fulfil that promise, he takes his stand by sending for a person about whom he says that he knows better the administration of income-tax law in England, as if that income-tax law in England cannot be read and studied by the Members of this House and a Select Committee of this House cannot frame their own laws in such a manner as are in the true interests of India. Why is it that every time an expert is to be imported from England? Is it the case that Britain produces experts and nothing else? Is that the reason?

An Honourable Member: She produces coal and experts.

Sardar Sant Singh: And coal and experts are two very costly things. Will the Government of India kindly explain what is the time-limit when the experts will cease to arrive in India? We will be satisfied if they give us some time-limit. My friend, Maulana Zafar Ali Khan, tells me, "after five thousand years". Therefore, my submission is that these camouflages, these hypocrisies must cease. Let us face the facts clearly.

India has capable men to frame their own income-tax laws. It is no good telling us that we do not know what the laws of England are. Can we send one man to study the income-tax law administration in England and come back within six months to give us the best income-tax laws in this country? Why do you import a man for three years under a contract system? Where is the necessity? What is the justification? So, Sir, my submission is that the Government ought to be censured on this issue.

Dr. P. N. Banerjee (Calcutta Suburbs: Non-Muhammadan Urban): The appointment should be cancelled.

Sardar Sant Singh: That should be the logical consequence of this motion if we carry it. Therefore, I support this motion.

Sir Muhammad Yakub (Rohilkund and Kumaon Divisions: Muhammadan Rural): Mr. President, the moving of a motion of censure is not an ordinary business of the House. As we all know, it is an extraordinary method which is meant for extraordinary occasions. It is a weapon which should be used on very serious occasions and even then sparingly. Sir, the idea of censuring the Government is to bring pressure upon the Government and to make them yield to the wishes of the House. But, if extraordinary weapons are to be used every day, if unusual procedure is to be practised on every ha'penny and tupenny matter, then I submit that the whole effect and the whole force of the motion of adjournment goes away altogether. If we move a motion of adjournment every day on the appointment of every Englishman in India, then I do not think there can ever be an end to these motions of adjournment.

Mr. Muhammad Azhar Ali (Lucknow and Fyzabad Division: Muhammadan Rural): Sir, I rise on a point of order. This question has been set at rest by the ruling of the President today that the matter is urgent and my Honourable friend has no right to dispute that point.

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member has no intention to question the ruling of the Chair. But I think he ought now to address himself to the motion before the House.

Sir Muhammad Yakub: I never said, Sir, that the motion was not in order nor did I say that a motion like this could not have been moved. What I say is that if we take recourse to unusual practices which are meant for extraordinary occasions, then the effect which we desire to make upon the Government will be lessened and will ultimately become almost nil.

My friend, Mr. Sham Lal, who has moved the motion only said that this gentleman ought not to have been appointed as the Chief Commissioner of Income-tax because he is not an Indian and that many Indians who are capable to do the job are available. I assure you that I am as keen for the appointment of Indians on high posts in India as my Honourable friends on the Congress Benches are. I also admit that we Indians are capable of administering the provinces and of holding high posts. A reference has been made that the Indians are now ruling in the eleven provinces of India. In the opinion of my Honourable friend, Sardar Sant Singh, only those persons are Indians who belong to the Congress and so he would only mention the provinces where the Congress is ruling and not the other provinces. If this is going to happen in India, then I can assure my Honourable friends on the other side that the import of

Mr. President (The Honourable Sir Abdur Rahim) : I have heard the Honourable Member. It is perfectly relevant.

Mr. M. Ananthasayanam Ayyangar (Madras ceded Districts and Chittoor : Non-Muhammadan Rural) : Are you preaching a sermon to us ?

The Honourable Sir James Grigg : If the sermon gets home.

Mr. S. Satyamurti : Why should it get home ? There is no need for it at all.

The Honourable Sir James Grigg : I have confined myself at this moment to an appeal to Honourable Members opposite not to countenance in any way this entirely disloyal and despicable habit on the part of a minority of Government servants. After all the confreres of Honourable Members opposite are Ministers in seven provinces out of eleven and, I think, that they ought to reflect that this disloyalty and self-seeking of Government servants is one of the most dreadful cankers that can enter into any administrative system. Last time when I spoke on this subject I was accused of having been unduly truculent. I hope I have not been so today and if I have I hope Honourable Members will forgive me, because on this subject of the disloyalty of Government servants, I feel very deeply indeed.

Mr. Sham Lal : On a point of personal explanation. I did not get this information from any Government servant.

The Honourable Sir James Grigg : May I also make a personal explanation ? I was making no reflection on Honourable Members. I did not accuse the Honourable Member of having suborned anybody or done anything of that sort. What I said was that the information could only have been derived, in the first instance, from an unauthorised disclosure on the part of some Government servant.

Mr. S. Satyamurti : Mr. Chambers told us !

Maulana Zafar Ali Khan (East Central Punjab : Muhammadan) : I strongly support my Honourable friend, Lala Sham Lal's motion. The appointment of Mr. Chambers as an adviser in the Income-tax Department and his being imported direct from England is an insult to the capabilities, capacities and the abilities of Indians. I know that in certain departments an Indian, however eminent, cannot rise. In this case it is a case of arrested growth. A Shah Suleiman might pull to shreds the theory of relativity as expounded by Einstein but he can never become a Defence Secretary. In the same way, Dr. Rabindranath Tagore can never be the Foreign Minister of India. The Military and the Foreign departments are the Britishers' preserve, their hunting ground but in other departments of administration I think no Britisher can beat an Indian. I give a challenge. I am a Mussalman. I am an internationalist. I am a latitudinarian. I do not hate an Englishman because he is an Englishman. There is no bar sinister of colour with me. With me all men belong to one race. Englishmen as such are our brethren. I want appointments to be made not on the basis of race or colour but on the basis of efficiency. This is a lesson we have been taught by officialdom itself. Only the other day Sir Sultan Ahmad was telling us that Mussalmans would be appointed subject to efficiency. Now, Englishmen ought to be appointed subject to efficiency. I believe

that there are better men in India than Mr. Chambers and they have got more right to get 2,500 than Mr. Chambers. I quite admit that the income tax system of India ought to be overhauled. Some of the increased income will have to go to the provinces. If the man at the helm of affairs succeeds in increasing the income, he can rightly deserve Rs. 2,500 a month but why should it be a Mr. Chambers. Why should it not be a Lala Sham Lal. Why should it not be a Mir Ghulam Bhiik Nairang. (*An Honourable Member from the official Benches : "Communal again ?"*) I do not believe in communalism at all.

Well, Sir, I sympathise with the Honourable the Finance Member that someone from his Department should have let the cat out of the bag, but as my Honourable friend, Mr. Sham Lal, said, he has not got that information from his Department but from some other sources. But even if that information has leaked out, from the Finance Department, where is the harm ? This matter should have been placed before the Legislature in any case. They ought to have consulted us, and we would have given them the best advice. So my real sympathies are with the Finance Member in this matter. Sir, so far as this income-tax question and the appointment of Mr. Chambers is concerned, I once more mildly protest against it. (*An Honourable Member from the Treasury Benches : "Mildly ?"*) Well, if you so wish, strongly then, and I strongly support the motion of my friend, Mr. Sham Lal.

Sardar Sant Singh (West Punjab : Sikh) : Sir, in supporting this motion I want the indulgence of the House to repeat the news that is published today in the papers, namely, the speech of Herr Hitler in Germany. While talking about the colonies, he said that every nation thinks that colonies are a burden, yet no nation is willing to cast off that burden. Similarly, Sir, the Honourable the Finance Member has told us that Mr. Chambers is sacrificing great prospects in coming to India. Well, that is a sacrifice which we do not want and we want the Finance Member to tell him that he should keep to his prospects and need not come out to India. From a pay of £400 per annum he is being offered something like £3,000 in India and yet it is a burden upon him to come out to this place ! Sir, this is the hackneyed phrase to which we are being daily treated whenever the question of the Europeanization of the services is brought forward. Now, may I ask a simple question of the Honourable the Finance Member ? Will he please tell us, since he came out to India, how many posts have been Europeanized, and under whose inspiration these posts under the Central Government are being filled by Europeans ? Will he prepare a comparative table from 1931 to 1934 and then from 1934 to 1937 relating to the high posts under the Central Government and will he tell us in how many posts Indians have been replaced by Europeans during these years ? Sir, this hand will be clearly visible in this new policy where policy of Indianization is yielding place to policy of Europeanization. I put certain questions in this House about the North-West Railway where three Indians were being superseded by junior Europeans. A false reply was given to this House. I openly say it in this House that the reply—"that the work of those persons was unsatisfactory" was a false reply. Now having given that reply, the authorities went about spoiling the character-rolls of those persons in order to justify their supersession by Europeans. I challenge the Honourable the Finance Member to come

[Mr. Bhanubhai J. Desai.]

I know, Sir, of intensive cultivation, but I have not yet known of intensive education of the type that my Honourable friend has in mind. But the other fact he did not deny namely that this gentleman was in receipt of a salary of £400 per annum, that is about Rs. 5,300. He is going to get only seven times, that is Rs. 35,000 per annum. What a colossal sacrifice this gentleman is making in coming over to India? (Hear, hear.) Why not my Honourable friends in this House get up and admire the great sacrifice of this gentleman. The truth of the matter is that he was not in a spirit of penitence. That is also why he was not in a spirit of provocation. How good he is. First, he cannot justify the mistake and secondly he cannot admit it. But let us examine this matter a little further. In all things which were regarded as experts at one time, I should like to know how the British people themselves have created these experts. I believe that if we should always get up and justify in this House the process of administration that is being carried on by them in this country, I am afraid we will never be able to create anything at all. That is precisely the very object from beginning to end. If the Britishers during the course of their time by means of their income-tax laws, by means of their administration, by means of discovering their blunders, if they have created this great genius of a Chambers during the last fifty years or a little less perhaps during which time income-tax laws have been administered in this country, I at least was hoping that we would create not merely Chambers, but I hoped Griggs, because I am not thinking of these small petty offices, I was thinking of something better. Indeed when I cast my eyes on the progress that Indians have made in situations where these fetters, these discretions and these choices do not exist, I wish to remind them that when I began at the Bar, there were 20 leading European Members, but at the end of thirty years, I am glad to be able to inform my Honourable friend that none of them now seeks to get any work, at all events in the Bombay High Court and I am told the same thing has happened in all other Courts. That is so far as experts at law are concerned. I may also inform him that, in so far as I was just looking at the list of Acts and the amendments that have been made during his regime—many a case which has been decided by the Privy Council argued by Indian experts showed up how much they understood the income-tax law and the way in which they pass their Bills and their amending Bills here.

Let us not, therefore, talk now in terms of unreality, whatever my friends who still have that inferiority complex may imagine, whether in the realm of law, whether in the realm of medicine, whether in the realm of applied sciences or whether in the realm of engineering. My friends who sit behind them and applaud what their front benchers say, or at least some of them might have a little more examination of themselves and see what expert knowledge they have evolved as a result of giving opportunities to their men. Of course, if they deny that there is any potentiality in Indian genius, they will vote against this motion but at the same time they might recognise that they may doom themselves for ever. It is a vicious circle into which we do not wish to fall. You will not give us an opportunity and therefore we cannot learn; and because we cannot learn, therefore we cannot get any

opportunity. If this is the kind of thing that is going to happen I am not going to lend my support; and that is precisely what the Englishman is here to do. He constantly reminds you of your inefficiency but he never allows you to acquire efficiency. So that in that vicious circle he wishes to let you remain; and to those who believe that that is a good circle and a virtuous circle, that they wish to remain and condemn themselves always as inferiors, who do not believe in their potentiality but always will continue to serve their masters,—to them I make a present of the support of this motion. Because, you must recognise that if we are going to progress on the lines of self-government, the only way to progress is a trust in the potentiality of Indian experience, of Indian knowledge and Indian genius. They were saying a short while ago, "what is the good of giving you self-government? You cannot govern." They were in fact hoping that the elections would fail; they were also hoping about the ministries,—it is rather difficult to describe their state of mind, they hoped and feared both,—they were hoping that these fellows would not take up ministerships; and they were afraid that they would not take up ministerships. And if they did take them up, they say: "We are willing to conduct ourselves, we are willing servants, co-operators and regenerators". If that is what they really mean, one thing that I ask the attention of the House to is this, that it is not merely a question of assertion in the matter of words; it is time that we began to realise that it is only by suppressing us or making us believe in our inferiority and accepting that inferiority, as some of us do, that you have remained where you are. They have evolved income-tax laws and income-tax administration. What happened in 50 years time, I have asked the same question when it concerned the railways; I have asked the same question when other branches of administration are concerned; and the only answer is that because you allowed them to boss you they will continue to boss you. And now it is time you began to recognise that you can do the job as well as they can. This "white man's burden" is a thing which it is time were stopped. Who asked these gentlemen to come here and sweat in this country in order that they may draw their petty salaries and their small pension? I wish any of those gentlemen who has any resignation in his pocket may forward it to my house. (Laughter.) Let them not talk, therefore, of this "white man's burden", this superiority and this greatness and this expert knowledge to be found among them. But I know it is good to complain, it is nice to complain. After all, you must explain away what you take away. And therefore he says, "But am I not suffering in your cause? Am I not conferring blessings on your country: Am I not getting all your income-tax money?" As if there was any relation between the growing of the income-tax and this great Mr. Chambers. This sort of padding speech is what I am accustomed to at the Bar, but I thought my friend knew a little better. He first began with a large subject, this income-tax, the Niemeyer report, money must grow, and therefore,—a logic which does not appeal to me,—Mr. Chambers must come. I hope they have a little more respect for their own intelligence, if not for ours. (Laughter.) This kind of justification which has been put forward by Sir Muhammad Yakub makes me somewhat humiliated and ashamed. I understand Sir James Grigg but it is impossible to understand pious words not backed by action. It is very easy to say,

[Sir Muhammad Yakub.]

Englishmen in India will never stop in spite of any number of motions of adjournment. My friend, Mr. Sham Lal, has not made out any case, whatsoever, to prove that this appointment was not necessary or that this appointment ought not to have been made. I admit that there are persons in India who can hold the post of a Prime Minister. I hold that there are persons in India who even today are holding the highest positions in the country with great credit. But ordinary administrative capacity and ability is quite different from the work of an expert. We know that not only in India but also in England, and in other countries in Europe, when some Sovereign falls ill, they do not content themselves with the physicians in their own country. It is a very well-known fact that England has got doctors and the physicians of the best quality and yet when there is a serious case, they import doctors from other countries like Germany, America and so on. (Interruptions.) If this is your mentality and if you want to treat an Indian like an Englishman, then I can assure you again that the import of Englishmen in India will never stop.

Mr. President, so far as I can see, there is no question of racial discrimination involved in this case. Mr. Chambers has not been employed to hold this post, only because he is an Englishman or because they wanted to give this appointment to an Englishman, as they sometimes do. They could find many European Income-tax officers in India who could have been appointed to this post. It is not only that some Indians have been superseded but it is also a fact that many European Income-tax officers were not given this post. This clearly shows that the appointment was not made only in the interests of a European but it was made mainly on the ground of the man being an expert. (A voice : "How do you know ?") I have been asked how do I know ? I think that this question ought to be left to the discretion of the man who is the appointing authority, the man who knows the ins and outs of the case, and who is the best judge to know which man will be most suitable to carry on certain work. It has been admitted by everybody in this House that not only the law of income-tax but also the working and the machinery of income-tax in India requires a complete overhauling. It was for this reason that an income-tax inquiry, on an extensive scale, was conducted in India. Now, the report of this Committee is before the Government and they want to give effect to the recommendations of that Committee. But in order to start a new chapter and in order to give effect to the recommendations of that Committee, they want an expert to give effect to those recommendations. A question was asked by certain Honourable Members, on my right, as to why only this recommendation has been given effect to and not others. The answer is obvious. In order to give effect to other recommendations you want an expert and until you appoint an expert, you cannot give effect to the recommendations of the Committee. I was just saying that the whole machinery of the law of income-tax, in this country, requires overhauling. It has also been admitted that India is not capable of any fresh taxation. The last straw has been laid on the camel's back. We also know that there is a good deal of evasion in the realisation of income-tax. It is only by introducing efficient methods relating to income-tax that we can raise the income of India in order to provide for the nation-building departments. If in order to improve the machinery of a remunerative department so as to yield income to India, an expert was

appointed definitely for a period of three or five years, I do not think we can say that it is racial discrimination or it is a question of policy or that Europeanisation is being carried on. Certainly if Europeanisation were carried on as a general rule, I will be the first to raise my voice of protest against it. My Honourable friend—probably it was the Mover of the Motion—said that thousands are dying of hunger in India. I also admit that not only thousands but millions and even multi-millions are dying of hunger and starvation. I have as much sympathy with them as my Honourable friend, the Mover. But will he kindly tell me if any of these hunger stricken people will be appointed to the post of the Chief Income-tax officer if Mr. Chambers was not brought in from England ? How will any starving Indian be benefited if this appointment had not gone to an Englishman. There are certain catch phrases which are always used in order to capture the masses. But when we are talking on serious matters, these catch phrases, which are fit only for public platforms, are no good and they should not be used in this House.

My Honourable friend, Mr. Zafar Ali Khan, said that the House ought to have been consulted on this question. I submit, Sir, this is a novel suggestion. If all the appointments in this country were to be held up for the consultation of the Legislature, then I do not think the machinery of Government could be worked for a single day. There is no country in the world where the legislature is consulted on individual appointments. I, therefore, submit that there is no racial discrimination in this appointment, there is no question of this gentleman superseding Indians. It is the question of an appointment of an expert for an urgent work, the extreme necessity of which is not denied by anybody. All the Honourable Members who have spoken from the other side have not yet mentioned any single Indian or European in India qualified for this post. It is all very well to say, "you can find hundreds of men to carry on this job and that job". When Honourable Members challenge a definite appointment, it is for them to point out a single Indian who will do this work. As I have already said there are Indians who can become Prime Ministers, there are Indians who can hold high executive and judicial posts, but for technical appointments, it has always been admitted, even by Mr. Gandhi, on several occasions, that we should not turn out any man on account of his being a European. Mr. Gandhi has said that if experts are needed, we will always utilise the services of Englishmen, Americans, Germans, in fact any man belonging to any nationality. Sir, with these words, I oppose the motion.

Mr. Bhulabhai J. Desai (Bombay Northern Division : Non-Muhammadan Rural) : Mr. President, my Honourable friend, Sir James Grigg, reminded the House that he did not intend to speak in any provocative spirit, but not also at the same time in a spirit of penitence. It would be refreshing any time in life to find my Honourable friend being in any other mood of penitence at all, for he recognises no mistakes and I think of him it may well be said 'Mussolini cannot make any mistakes'. For his only justification was this. "I told you I have made no mistakes, but if I made any, I am not going to admit it and therefore you must not pass a vote of censure upon me." For let us examine the facts. He has told us that the gentleman—Mr. Chambers—has a short experience ; then came the cryptic phrase which I do not know whether it made him more fit or less fit, he has a short but intensive experience.

[Mr. Bhulabhai J. Desai.]

"If it is a question of European against Indian I am with you, but if it is a question of this European as against another Indian, I am not with you. I should like to understand this logic; I have tried to understand the logic that has been put forward....."

Sir Muhammad Yakub: With the bias that you have you can never see my point or the point of any other Mussalman.

Mr. Bhulabhai J. Desai: Sir, the question before the House is to attempt to answer, and I must answer to the best of my ability, those who have supported Government in this matter, and if my Honourable friend is rather unhappy about it, I am very sorry. But I can only take him at his word. He says, "Oh, but I am always for Indians against Europeans". Then, is this Mr. Chambers an Indian? I thought he made a mistake; He must have thought so because what comes about experts? Every day you can use that expression, from handwriting experts to the experts who sit on the other side, who generally sweat, who are bereft of their families and serve under great difficulties. But really it is time that they ceased to confer their great blessings and their great labours and confer less of their privations upon us. We have asked them to do so, but they insist on foisting on you their services on very impoverished and difficult rates. (Laughter.) That is what we do not want. The short point before the House is this. I see now from the trend of the experts who are imported in anticipation of the Federation, which may still not yet come, that whatever we have done in the provinces, it is time that we began to strengthen the European element in the services in the Centre. For whenever I have met an Indian who was in one or other Department of the Central Government, and I say, "Where are you going from your leave" he says, "C. P.". Another man, "I am going to Bombay." I begin to scratch my head; and I may tell my Honourable friend that I am not one of those, nor are these others who ever draw upon the despicable disloyalty of others. But I daresay you know men. I daresay they tell you what is happening in the Government of India. It is no secret that a man who was here either as Under-Secretary or as something else is sent somewhere else; it is no secret as to where he is going to be posted: it is no secret how many of them are asked to go on a little leave which they need for a little overwork. Each expert from abroad only adds one item to the pack of sardines which you are importing and each and each and each makes them all; and it is that pack of sardines against which we must protest. Whatever threats may be held out to Government servants they may be well deserved and they are part of the Official Secrets Act under which they are bound to maintain secrets. He and I both desire that they should be kept; but that does not mean that when people come out from foreign countries there is only one source of information.....

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member's time is up.

Mr. Bhulabhai J. Desai: I, therefore, say that we must set our face against exploitation of this kind of which you have, according to my

humble submission, a bare-faced instance, when a man earning Rs. 400 in his own country is being brought here on Rs. 3,000.

Mr. M. S. Anay (Betar: Non-Muhammadan): Sir, my friend Mr. Sham Lal, has really done a service in tabling this motion of adjournment today. I heard my esteemed friend on the left, an ex-President of this House, giving a long dissertation on the philosophy of adjournment motions. He told us that such motions should be only reserved for extraordinary occasions and for extraordinary subjects and so on. My great difficulty was to understand his definition of extraordinary subjects and extraordinary occasions. In fact to me his speech was extraordinary, and something unexpected from one who ought to have, by this time, acquired such great experience of the procedure and working of this House. He has been in this House for a long time and occupied also a responsible position in this House as President of this House. I believe a denial, a complete denial of the right of the son of the soil for an important position like this, is a subject on which this House ought not to allow the conclusions of the Government go unchallenged. What does the present appointment mean? It means—and the Honourable the Finance Member has told us in so many words, that no Indian could be discovered who was sufficiently qualified, according to him, to occupy this important job; and, therefore, the services of a foreign expert are requisitioned by him. Can there be anything more insulting than that? In the first place, I do not know why foreign experts are needed at all for overhauling our system and re-organising our own system. It may be that the income-tax system in England may be good. It may be that it has been working satisfactorily there but, after all, we have to make laws for the Indian people; we have to prepare the machinery that has to be worked among the Indian people, and, therefore, any expert who has not had any experience whatsoever of Indian conditions cannot be expected to do his work simply on the knowledge of the working of the English Income-tax Act and the habits of the English people. You have to create laws that have to be worked out and carried out here in this country; and, therefore, an intimate knowledge of the conditions of the Indian people, their economic position and the relation of various classes, the capacity of various classes to bear the burden could be had by one who had been working in India, and who had got experience of the work in this country. An expert from foreign countries is supposed to get all this knowledge when it is offered ready-made to him, by those who have been working in this country, because who will supply him with the data? The data will have to be prepared by those who are here and the expert will be there only to draw certain inferences in the light of such knowledge that he may have brought with him from the foreign country; but the real data which have to be worked up and which have to be interpreted and on the basis of which some machinery has to be set up will have to be supplied by us. No man will be able to understand the significance of the data placed before him if he has got with him no experience of Indian conditions themselves. Therefore, this whole theory of importing experts in matters which are all more or less of an administrative nature is in my opinion nothing but a subterfuge to import foreigners to boss over the heads of those who are in this country. Enough with this theory of experts in my opinion. The experience of experts whom we have got here and to whom we pay Rs. 6,000 a month and more, is not very encouraging in my opinion. Those experts have failed to

items of business on the current list. Assuming that by the time the House rises tomorrow, all items, up to and including the Resolution on the Railway Depreciation Fund has been disposed of, Government do not wish to ask for further meetings with a view to the disposal of other outstanding items ; but if, Sir, the House wishes to insist on continuing the debate on the Wedgewood Resolution, it will be necessary for us to request you to direct a meeting to be held on Friday for the purpose of completing the remaining official business and the debate on that Resolution.

Mr. S. Satyamurti (Madras City : Non-Muhammadan Urban) : I do not want to anticipate your ruling on the point of order raised. In case the discussion on the Bill is not finished tomorrow, what is the intention of the Government? Can the House adjourn tomorrow, because we have a long list of amendments to this Bill, and I am asking this for our convenience?

The Assembly then adjourned till Eleven of the Clock on Thursday, the 7th October, 1937.

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THE HONORABLE RICHARD L. ROBERTS, JR., U.S. SENATOR FROM CALIFORNIA

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STARRED QUESTIONS AND ANSWERS.

(a) ORAL ANSWERS.

IMPORT OF TWISTED SILK FROM JAPAN.

1053. *Mr. N. V. Gadgil : (a) Will the Honourable the Commerce Member state whether Government are aware of the fact that during the last twelve months there has been an abnormal increase in the import of twisted silk in India from Japan ?

(b) Are Government aware of the fact that this increase in imports has caused ruin for the workers in that line at Bangalore and other places in the Madras Presidency ?

(c) Are Government prepared to take steps in this connection so as to secure protection to the corresponding Indian industry?

The Honourable Sir Saiyid Sultan Ahmad : The Honourable Member is referred to my reply to an identical question asked by him on the 29th September. No. 917. I have nothing to add to that reply.

Mr. S. Satyamurti : Has there been any effect on the import of twisted silk into India from Japan, as a result of the Sino-Japanese War ?

The Honourable Sir Saiyid Sultan Ahmad : That was also the subject matter of my reply. The same questions were put.

Mr. S. Satyamurti : Have the Government got any further information? That is all I am asking.

The Honourable Sir Saiyid Sultan Ahmad : I said that I have nothing further to add.

Mr. N. V. Gadgil : Will Government take steps by way of import duty if there is any abnormal increase in the import of twisted silk into India from Japan ?

The Honourable Sir Saiyid Sultan Ahmad : That is a hypothetical question.

Mr. S. Satyamurti : Question No. 1054.

The Honourable Sir Saiyid Sultan Ahmad : There is a notice of an adjournment motion on the appointment of the Economic Adviser, and I was suggesting, subject to your permission, that this matter might

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[Mr. M. S. Aney.]

understand Indian conditions, have failed to understand Indian aspirations, failed to understand and interpret the Indian people's ambitions in future. If after getting Rs. 6,000 a month and remaining in this country for three or four years, continuously, we have found these experts to be entirely useless and their costly advice fit only to be thrown into the waste-paper basket, what anticipation of a bright future can we have by experts who are to be imported tomorrow on a pay much smaller than that amount? The very fact that the British Government has been in existence in this country for over one hundred years and in no department it has been possible for them to train Indians to become experts who can come up to their level, that indicates the incapacity of these people to deal with Indian questions: and are we going to tolerate this sort of thing now or hereafter? If not what is the way of dealing with it? Helpless as we are for the present in the Central Legislature, the only way by which we can record our protest against this high-handed way of imposing on our heads foreigners who are not wanted here at all, is by recording our protest in the form of an adjournment motion. We have to pass such a motion of censure and we can do nothing else. I say we are out here to do away with the last Englishman from the services in this country simply because he is no longer wanted here. That is our contention: that is our struggle, that is the meaning of the struggle which the country is carrying on; and the reply the Government want to give at a time when they think that they should show a more conciliatory attitude and when they are trying to be considerate in order to create an atmosphere in which this big experiment has to be worked satisfactorily, the reply they want to give is: "No; we do not understand you: we want some more foreigners to be brought out and we want to perpetuate the old regime or make an attempt to perpetuate it as far as possible." In my opinion the Honourable the Leader of the Opposition was perfectly right when he observed that an attempt is being made to pack in the Central Government as much as possible the foreign element before the so-called federal structure will come into existence. In the provinces you are ruling things for yourselves; but in the Centre they are making it difficult for you to carry on the work. It is, therefore, necessary that every Indian Member should be alert and vote for a motion which is intended to register a protest against any more importing of foreigners in the name of experts in this country. I, therefore, strongly support the motion of adjournment moved by my friend, Mr. Sham Lal.

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 Assembly do now adjourn."

MOTION FOR ADJOURNMENT.

The Assembly divided:

AYES—49.

Abdul Ghani, Maulvi Muhammad.	Lalchand Navalsai, Mr.
Abdul Qayyum, Mr.	Maltra, Pandit Lakshmi Kant.
Abdullah, Mr. H. M.	Mulaviya, Pandit Krishan Kant.
Abdur Rasheed Chaudhury, Maulvi.	Mangal Singh, Sardar.
Aney, Mr. M. S.	Misra, Pandit Shambhu Dayal.
Asaf Ali, Mr. M.	Mudaser, Mr. C. N. Muthuranga.
Ayyangar, Mr. M. Ananthasayanam.	Muhammad Ahmad Kazmi, Qazi.
Azhar Ali, Mr. Muhammad.	Murtuza, Sahib Bahadur, Maulvi Syed.
Banerjee, Dr. P. N.	Patilwal, Pandit Sri Krishna Dutta.
Bhagavan Das, Dr.	Pande, Mr. Badri Dutt.
Chaliha, Mr. Kuladhar.	Parma Nand, Bhai.
Chaudhury, Mr. Brojendra Narayan.	Raghbir Narayan Singh, Choudhri.
Das, Mr. B.	Ranga, Prof. N. Q.
Das, Pandit Nilakantha.	Rao, Mr. Thirumala.
Datta, Mr. Akhil Chandra.	Saksena, Mr. Mohan Lal.
Deod, Mr. Bhulabhai J.	Sant Singh, Sardar.
Deshmukh, Dr. G. V.	Santhanam, Mr. K.
Deshmukh, Mr. G. V.	Satyamurti, Mr. S.
Desai, Mr. H. A. Sathar II.	Sham Lal, Mr.
Gadgil, Mr. N. V.	Shaukat Ali, Maulana.
Ghiasuddin, Mr. M.	Siddique Ali Khan, Khan Sahib Nawab.
Ghulam Bhik Nairang, Syed.	Sikandar Ali Choudhury, Maulvi.
Govind Das, Seth.	Singh, Mr. Gauri Shankar.
Gupta, Mr. K. S.	Singh, Mr. Ram Narayan.
Hans Raj, Raizala.	Sinha, Mr. Satya Narayan.
Hosmani, Mr. S. K.	Som, Mr. Surya Kumar.
Jedhe, Mr. K. M.	Sri Prakasa, Mr.
Jogendra Singh, Sirdar.	Varma, Mr. B. B.
Joseph, Mr. George.	Zafar Ali Khan, Maulana.
Kailash Bohari Lal, Baba.	

NOES—46.

Abdul Hamid, Khan Bahadur Sir.	Mehr Shah, Nawab Sahibzada Sir Sayad
Ahmad Nawaz Khan, Major Nawab Sir.	Muhammad.
Aikman, Mr. A.	Mehra, Mr. S. L.
Asghar Ali, Sheikh.	Mudie, Mr. R. F.
Bajpai, Sir Girja Shankar.	Nagarkar, Mr. C. B.
Boyle, Mr. J. D.	Nayudu, Diwan Bahadur B. V. Sri Hari
Buss, Mr. L. C.	Rao.
Chanda, Mr. A. K.	Ogilvie, Mr. C. M. G.
Chapman-Mortimer, Mr. T.	Parsons, Lieut.-Colonel A. E. B.
Dalal, Dr. R. D.	Purcell, Mr. R. S.
Dalpat Singh, Sardar Bahadur Captain.	Rahman, Lieut.-Colonel M. A.
Fazl-i-Haq Piracha, Khan Bahadur	Roy, Mr. S. N.
Shaiikh.	Scott, Mr. J. Ramsay.
Fazl-i-Ilahi, Khan Sahib Shaikh.	Sher Muhammad Khan, Captain Sardar
Ghulam Muhammad, Mr.	Sir.
Gidney, Mr. C. W. A.	Slade, Mr. M.
Grigg, The Honourable Sir James.	Spence, Mr. G. H.
Hudson, Sir Leslie.	Staig, Mr. B. M.
Jawahar Singh, Sardar Bahadur Sardar	Stewart, The Honourable Sir Thomas.
Sir.	Sukthankar, Mr. Y. N.
Kamaluddin Ahmed, Shams-ul-Ulema.	Sultan Ahmad, The Honourable Sir
Kushalpal Singh, Raja Bahadur.	Saiyid.
Lloyd, Mr. A. H.	Thorne, Mr. J. A.
MacKewen, Mr. J. A.	Tilden-Patterson, Mr. A. E.
Manavadan Raja, Rao Bahadur K. C.	Yakub, Sir Muhammad.
Mani, Mr. R. S.	Ziaddin Ahmad, Dr.

The motion was adopted.

The Honourable Sir James Grigg (Finance Member): It will be necessary, Sir, for the House to proceed tomorrow with the unfinished

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Nations, or by His Highness the Aga Khan, an Indian delegate and the President of the present session of the Assembly; and

(c) whether the Government of India have given any instruction on this matter to their delegates to the Assembly of the League of Nations, and if not, why not?

Mr. G. H. Spence : (a) to (c). The Honourable Member is referred to the reply given by the Honourable the Law Member to part (a) of the Honourable Mr. Mohan Lal Saksena's starred question No. 997 asked on the 2nd October, 1937.

Mr. S. Satyamurti : With reference to that answer and the subsequent events, may I know if the Government of India have officially heard from the Secretariat of the League of Nations about the Resolution passed by the League of Nations condemning Japan's aggression?

Mr. G. H. Spence : We shall not hear officially from the Secretariat of the League of Nations until we get the documents in due course. The only official information we have received was in reply to a telegram we sent when we received notice of Mr. Mohan Lal Saksena's question.

Mr. S. Satyamurti : May I know if the Government of India have been informed of China's appeal to the League of Nations asking for help to meet Japan's aggression? I have read a newspaper report to the effect that the Committee passed a Resolution on the Sino-Japanese War. Incidentally they passed a Resolution asking the nations to help China?

Mr. G. H. Spence : We have not heard anything about that. Possibly the Honourable Member misunderstood a telegram which I saw in the *Statesman* of yesterday—a Reuter's telegram to the effect that the Budget Committee of the League had approved a proposal to grant £100,000 to fight epidemics in China. Is that what the Honourable Member has in mind?

PROPOSALS FOR PARTITION OF PALESTINE.

1066. ***Mr. S. Satyamurti :** Will the Honourable the Leader of the House be pleased to state:

- (a) whether the Government of India have received a copy of the report of the Committee of the League of Nations on the British Government's proposals for the partition of Palestine, or have any information on the matter; and
- (b) whether the Government of India propose at this juncture to represent the feelings of the people of India to the League against any partition of Palestine and if not, why not?

Mr. G. H. Spence : (a) The Honourable Member is presumably referring to the Report made by the Permanent Mandates Commission to the Council of the League. Government received copies of the volume containing this Report together with the Minutes of the Extraordinary Session of the Commission by the last mail and a copy of the volume has been placed in the Library.

STARRED QUESTIONS AND ANSWERS.

(b) No. The Honourable Member is referred to the Home Secretary's reply to part (c) of his starred question No. 296 asked on the 1st September, 1937.

Mr. S. Satyamurti : May I know if, subsequent to that answer, any communication has passed from the Government of India to His Majesty's Government or to the League of Nations through His Majesty's Government, regarding the feelings of Indians in this matter?

Mr. G. H. Spence : I understand that the only communication which has since passed is the communication arising out of the undertaking given in answer to the Honourable Member's previous question, when it was said that the attention of His Majesty's Government would be specifically invited to his question and answer.

Mr. S. Satyamurti : Has that been done?

Mr. G. H. Spence : That has been done.

(b) WRITTEN ANSWERS.

PURCHASE OF THE GRAND HOTEL FOR FEDERAL ASSEMBLY CHAMBERS IN SIMLA.

1057. ***Bhai Parmo Nand :** (a) Will the Honourable the Leader of the House be pleased to state whether it is a fact that on the completion of the Federation scheme a larger site would be required in Simla for a new Chamber of much bigger size to suit the needs of a larger Federal Assembly?

(b) Are Government aware that the site on which the Grand Hotel and its adjoining buildings are situated is for sale in the market?

(c) If the answer to parts (a) and (b) above be in the affirmative, do Government propose to consider the advisability of bargaining for the purpose of purchasing this site?

The Honourable Sir Thomas Stewart : The question should have been addressed to me and to avoid delay I shall reply to it.

(a) The reply to the question will depend upon whether the Federal Government decide to hold the Sessions of the Legislature in Simla.

(b) Yes.

(c) No.

MAINTENANCE OF ADDITIONAL POLICE FOR RAILWAYS.

1061. ***Maulvi Muhammad Abdul Ghani :** Will the Honourable the Railway Member be pleased to state:

(a) whether the Bihar and Orissa Governments made repeated representations to the Government of India and through

(a) whether any fresh Orders-in-Council are contemplated to be issued, and, if so, on what subjects?

The Honourable Sir James Grigg : (a), (b) and (c). It is not in the public interest to give any information on these points.

IMPORT OF COTTON PIECE-GOODS FROM GREAT BRITAIN AND JAPAN AND
PURCHASE OF INDIAN COTTON BY FOREIGN COUNTRIES.

1056. ***Mr. S. Satyamurti :** Will the Honourable the Commerce Member be pleased to state :

(a) the latest figures available for this year for the import of cotton piece-goods into India from Great Britain and Japan respectively ;

(b) the purchases of Indian cotton by the two countries mentioned above ; and

(c) whether any attempts are being made for the purchase of Indian cotton by other countries ?

The Honourable Sir Saiyid Sultan Ahmad : (a) and (b). The Honourable Member is referred to the Monthly Sea-borne Trade Accounts for August, 1937, copies of which are in the Library.

(c) A large number of other countries not only attempt, but succeed in buying Indian cotton. Such purchases during April to August of this year amount to 87,000 tons, which is slightly higher than the purchases for the corresponding months of the two preceding years.

Mr. S. Satyamurti : May I know, in view of the report of a bumper crop of cotton in America, whether Government are taking any special steps to see that, as a result of the trade negotiations now going on between England and India, the consumption of Indian cotton by England is increased ?

The Honourable Sir Saiyid Sultan Ahmad : Yes.

†1057*.

HOURS OF WORK OF CERTAIN OFFICERS OF THE ASSAM-BENGAL RAILWAY.

1058. ***Mr. Kuladhar Chaliha :** Will the Honourable Member for Railways please state the average hours of work during a single day of the following officers of the Assam Bengal Railway ?

- (i) Drivers, (ii) Firemen, (iii) Guards, (iv) Brakesmen, (v) Station Masters, (vi) Assistant Station Masters, (vii) Pointsmen, (viii) Telegraph Signallers, (ix) Booking Clerks, and (x) Travelling Ticket Examiners.

The Honourable Sir Saiyid Sultan Ahmad : The information asked for is not readily available and Government do not consider that the cost and labour involved in its compilation would be justified by the results to be obtained. I would, however, refer the Honourable Member to the reply given to unstarred question No. 123 asked by Maulvi Muhammad Abdul Ghani, in this House on the 21st September, 1937.

†For this question and reply thereto, see page 3177 of these debates.

Mr. Kuladhar Chaliha : Are Government aware that there are Assistant Station Masters who work for 15 hours ?

The Honourable Sir Saiyid Sultan Ahmad : They are not aware.

Mr. Kuladhar Chaliha : Will Government make inquiries ?

The Honourable Sir Saiyid Sultan Ahmad : If the Honourable Member will let us know the names of the station masters, we shall certainly make inquiries.

IMPROVEMENT OF QUARTERS AT CERTAIN STATIONS ON THE ASSAM-BENGAL RAILWAY.

1059. ***Mr. Kuladhar Chaliha :** Will the Honourable Member for Railways please state whether any improvement of the Assam Bengal Railway quarters of the stations between Gauhati and Tinsukia has been made and the ventilation improved ? If so, in how many stations ?

The Honourable Sir Saiyid Sultan Ahmad : Government have no detailed information as to the actual work being done in this connection on the Assam Bengal Railway. The Budget for 1937-38 for that railway contains Rs. 2.50 lakhs for the construction or improvement of quarters, and at present it is proposed to provide for the next year the sum of Rs. 3.53 lakhs for the same purpose.

Mr. Kuladhar Chaliha : Will the Honourable Member please state whether any improvement of the quarters of the stations on the Jorhat Provincial Railway has been made and the ventilation improved ?

1060. ***Mr. Kuladhar Chaliha :** Will the Honourable the Railway Member please state :

(a) whether Government have arrived at any decision to take up the Jorhat Provincial Railway ;

(b) whether it has been decided that the Railway Board will take it up, or it will be made over to the Assam Bengal Railway for management ; and

(c) whether the branch of the Jorhat Provincial Railway to Titabar junction will be continued ?

The Honourable Sir Saiyid Sultan Ahmad : (a), (b) and (c). The whole matter is under consideration at present.

†1061*—1064*.

CHINA'S APPEAL TO THE LEAGUE OF NATIONS AGAINST JAPANESE AGGRESSION.

1065. ***Mr. S. Satyamurti :** Will the Honourable the Leader of the House be pleased to state :

(a) whether the Government of India have received any information about China's appeal to the League of Nations against Japanese aggression ;

(b) whether the Government of India have been consulted on this matter by the Secretary of State, or by the League of Nations ?

†For these questions and reply thereto, see pages 3177—80 of these debates.

them to the Secretary of State for India to relieve them from the burden of expenditure in connection with the maintenance of Railway Police for the Railway Companies within their boundaries ;

(b) what contribution is made by every Railway company or by the Government of India to the respective Provincial Governments for the maintenance of an additional police specially meant for Railway Companies ; and

(c) whether it is a fact that the respective Provincial Governments have to perform other works, such as realisation of railway fares and penalties and service of notices on the persons found travelling without tickets ; if so, whether any Railway Company or the Government of India pay any amount to the respective Provincial Governments for such services ; if not, why not ?

The Honourable Sir Saiyid Sultan Ahmad : (a) and (b). The question of incidence of cost of Railway Police has formed the subject matter of correspondence between all the Provincial Governments (including the Government of Bihar and Orissa), the Government of India and the Secretary of State for a number of years. Up to the year 1936-37, Company-managed Railways were paying to the Provincial Governments a sum of about Rs. 8 lakhs per annum as their share of the cost of Railway Police. No payments were made by State-managed Railways. The actual contributions for 1935-36 were as follows :

	Rs.
Assam Bengal Railway	41,000
Bengal and North Western Railway	31,000
Bombay, Baroda and Central India Railway	2,04,000
Madras and Southern Mahratta Railway	2,19,000
Rohilkund and Kumaon Railway	10,000
South Indian Railway	2,09,000
Bengal Nagpur Railway	82,000
Total	7,96,000

Section 187 of the Government of India Act, 1935, provides that the cost of "Order" police employed on all railways, whether State-managed or Company-managed, shall be paid by the Federal Railway Authority to the Provincial Governments and administrations, etc. It is anticipated that the total liability of Railways on this account will be increased from Rs. 8 lakhs to about Rs. 27 lakhs per annum.

(c) Action taken by the Police under section 182 of the Railways Act in connection with persons travelling without a ticket is a duty which has been allotted to the "Crime" and not to the "Order" police and Railways are not required to pay the cost of such services.

APPOINTMENT OF AN ECONOMIC ADVISER TO THE GOVERNMENT OF INDIA.

1062. *Mr. T. S. Avinashlingam Chettiar : Will the Honourable the Commerce Member state :

(a) whether Government are contemplating the appointment of an economic adviser to the Government of India ;

(b) whether an offer has been made to a foreign expert, if so, to whom, and what salary was offered to him ;

(c) whether any Indians were considered for the post ; if so, who were those Indians that were considered ;

The Honourable Sir Saiyid Sultan Ahmad : (a) Yes.

(b) No. The post has been offered to Dr. T. E. C. Gregory, Professor of Economics in the University of London.

(c) Yes. I am not prepared to disclose the information.

PURCHASE OF INDIAN COTTON AND TOBACCO BY JAPAN, ETC.

1063. *Mr. T. S. Avinashlingam Chettiar : Will the Honourable the Commerce Member state :

(a) whether it is true that the Japanese have stopped purchasing their usual amount of cotton owing to the China-Japanese War ;

(b) whether the Japanese purchase of tobacco has gone down for the same reasons ;

(c) whether Government have enquired into the effects of the China-Japanese war on Indian trade ; and

(d) if so, what is the result of their enquiry ?

The Honourable Sir Saiyid Sultan Ahmad : (a) and (b). The exports of cotton and tobacco to Japan have been higher during the period April to August, 1937, than in the corresponding period of either of the preceding two years.

(c) and (d). The Honourable Member is referred to the reply given to his starred question No. 999 on the 9th September, 1937. I may now state that Government are keeping a watch on the effects of the Sino-Japanese hostilities on Indian trade.

PURCHASE OF INDIAN COTTON BY JAPAN.

1084. *Mr. T. S. Avinashilingam Chettiar : Will the Honourable the Commerce Member state :

(a) under the Indo-Japanese Trade Agreement what is the amount of Indian cotton that Japan has stipulated to take ;

(b) whether, in view of the present developments in the Far East, this has diminished ; and

(c) what will be the effect on the terms of the Trade Agreement in case of their not taking the required amount of cotton ?

The Honourable Sir Saiyid Sultan Ahmad : (a) The minimum quantity of Indian raw cotton which Japan has agreed to take is one million bales in a cotton year, i.e., January to December.

(b) Exports upto the 31st August beyond which date figures are not yet available showed no falling off, but the effect of the present hostilities is only likely to disclose itself later.

(c) The Honourable Member's attention is invited to the Department of Commerce Press Communiqué, dated the 15th April, 1937, copies of which are in the Library.

UNSTARRED QUESTIONS AND ANSWERS.

SUM SANCTIONED BY THE RAILWAY BOARD FOR DISBURSEMENT AMONGST NON-STRIKERS OF THE BENGAL NAGPUR RAILWAY.

198. Mr. Mohan Lal Saksena : (a) Will the Honourable the Railway Member be pleased to state whether it is a fact that a sum of Rs. 12 lakhs has been sanctioned by the Railway Board for disbursement amongst the non-strikers in the last Bengal Nagpur Railway strike ? If so, how is it proposed to be spent ?

(b) Is it a fact that about Rs. 6 lakhs is going to be paid as bonus, Rs. 4 lakhs as diet money and Rs. 2 lakhs as travelling expenses ?

(c) What is the total number of non-strikers to whom this money is going to be paid and how much will be paid to the Anglo-Indian employees ?

(d) How much of this money, if at all, had already been spent by the Railway administration in fighting the strike ?

(e) Was the Railway Finance Committee consulted ?

The Honourable Sir Saiyid Sultan Ahmad : (a) to (d). The only information available with Government is that the Agent, Bengal Nagpur Railway, paid the following bonus and allowances to non-gazetted

staff who remained on duty during the strike between the 13th December, 1936, and the 10th February, 1937 :

(i) bonus to non-strikers at 25 per cent. of salary for December, 1936, January, 1937, and ten days of February, 1937, amounting to Rs. 6,75,000.

(ii) Diet allowance at various rates to both permanent and temporary staff amounting to Rs. 4,67,000 ; and

(iii) Fixed travelling allowance amounting to Rs. 2,000. I would add that Government confirmed Agent's action.

(e) No.

EXPORT OF MONKEYS.

19. Mr. M. S. Ansy : (a) Has the attention of the Honourable Member for Commerce and Railways been drawn to the article "For Monkey" by M. K. Gandhi published in the *Harijan* of the 18th September, 1937 ?

(b) Will Government be pleased to give the figures of the monkeys exported from India to America every year during the last five years ?

(c) Did Government receive any representations from humanitarian and anti-vivisection societies to prevent the export of monkeys from India to America ?

(d) If the answer to part (c) be in the affirmative, will Government be pleased to state what orders were passed on them ?

(e) Do Government propose to take any steps to stop the export of monkeys to America or any other country ?

The Honourable Sir Saiyid Sultan Ahmad : The question should have been addressed to the Home Department.

STATEMENTS LAID ON THE TABLE.

Information promised in reply to starred questions Nos. 28 and 29, asked by Mr. Lalchand Navalrai on the 23rd August, 1937.

PROMOTION OF INDIANS TO STATION MASTER GRADE ON THE NORTH WESTERN RAILWAY.

Government are informed as follows :

Question No. 28.—(a) Yes.

(b) and (c). Yes. Since then, four posts have been raised from grade III to grade IV and one post, i.e., at Rajpura, has been reduced from grade IV to grade II from the date that station ceased to be a "terminal" station and was no longer considered important for a grade IV post.

(d) The number of grade IV posts has so far been raised by three and further increases will be considered according to traffic requirements.

to their appearing as outside candidates at the competitive examination held in the Circle in which they are working. These candidates must be informed that their service gives them no claim to a permanent appointment and that their retention in the service, and confirmation are dependent on their succeeding in the examination along with outsiders.

NOTE 1.—The phrase “ have passed the entrance test for appointment as second grade of clerks ” wherever it is used in the preceding paragraphs includes any test which was cancelled irregularly by the Head of a Circle owing to a misunderstanding of the orders of the Director General. For instance, the cancellation of a test held under the orders issued in this office letter No. Es.B.227-40/34 (1), dated the 18th November, 1934, on the issue of the subsequent orders contained in this office letter No. Es.B.220-2/36 of 24th February, 1936, and 6th May, 1936, was not asked for. Despite this many Circles actually cancelled the tests under the mistaken idea that this was intended.

NOTE 2.—If any of the candidates for appointment as clerks and sorters or as telephone operators satisfy the conditions prescribed under Class I above, and have already appeared at the competitive examination in any Circle, they should receive exemption irrespective of the results of the competitive examination.

NOTE 3.—Candidates coming under Classes II and III should be given only one chance to appear at the competitive examination. The concession shall cease when a candidate belonging to these categories has been unsuccessful in the examination. Consequently a candidate belonging to these categories who has already appeared at the competitive examination in a Circle and has failed cannot be allowed another chance to appear at the examination.

NOTE 4.—These concessions must not be regarded as dispensing with the necessity of passing the ordinary tests for confirmation in every case.

Information promised in reply to starred question No. 423 asked by Mr. Abdul Qaiyum on the 9th September, 1937.

USE OF THE BARA WATER BY THE MILITARY AT PESHAWAR.

(a) No; the use of the Bara water supply upto a maximum of 9.68 cusecs has been enjoyed by the cantonment since at least 1834 under inheritance from the Sikh Raj when the supply was fixed at 10 cusecs.

(b) No; there has been a decrease in cultivation but this is in no way connected with the water the cantonment takes from the river.

(c) Yes; various schemes have been considered, including the pumping of water from Kabul River Canal, but the cost cannot be met from military sources.

(d) No; in view of the reply to part (c) the military authorities do not wish to surrender rights they have enjoyed for 100 years.

Information promised in reply to starred question No. 493 asked by Mr. Kuladhar Chaliha on the 13th September, 1937.

TEA ESTATES APPLYING EXPORT QUOTA.

(a) to (d). A statement is laid on the table giving as far as possible the necessary particulars. I may add that it has been difficult for the Indian Tea Licensing Committee to distinguish between Indian-owned and European-owned tea estates as a great number of concerns have share capital owned both by Indians and Europeans and which thus fall between the two categories in question. The method of distinction adopted by the Licensing Committee for the present purpose is explained in the Note to the statement.

STATEMENTS LAID ON THE TABLE.

	Season 1933-34.			Season 1934-35.			Season 1935-36.			Season 1936-37.			Season 1937-38.		
	Indian owned.	European owned.	Total.	Indian owned.	European owned.	Total.	Indian owned.	European owned.	Total.	Indian owned.	European owned.	Total.	Indian owned.	European owned.	Total.
Registered Estates.															
Assam, Bengal, etc.	453	698	1,151	516	702	1,218	546	701	1,247	550	698	1,248	595	698	1,293
Kangra : Small Growers	9	..	9	80	..	80	462	..	462	595	..	595	659	..	659
Mandi : Small Growers	..	..	..	..	..	..	..	..	..	180	..	180	180	..	180
Unregistered Estates whose quota applications were rejected.															
Assam, Bengal, etc.	10	..	10	55	..	55	42	1	43	21	..	21	14	..	14
Kangra : Small Growers	..	..	..	..	..	..	15	..	15	115	..	115	24	..	24
Mandi : Small Growers	..	..	..	..	..	..	..	..	..	17	..	17	..	..	..
Unregistered Estates whose quota applications were withdrawn.															
Assam, Bengal, etc.	..	..	..	2	..	2	1	..	1	2	..	2	6	..	6
Kangra : Small Growers	..	..	..	7	..	7	1	..	1	8	..	8	23	..	23
Mandi : Small Growers	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..
Quota applications under investigation.															
Total No. of Estates who applied for export quota.	473	698	1,170	660	702	1,362	1,067	702	1,769	1,498	698	2,186	1,471	698	2,169

NOTE.—The above statement has been compiled from application forms for tea export quota. Where these are signed by Indians the gardens have been classified as ‘ Indian owned ’. The remainder comprise in the main of Companies and there are no records in the office of the Licensing Committee to determine the extent, if any, of the capital held by Indians.

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	Season 1933-34.			Season 1934-35.			Season 1935-36.			Season 1936-37.			Season 1937-38.		
	Indian owned.	European owned.	Total.	Indian owned.	European owned.	Total.	Indian owned.	European owned.	Total.	Indian owned.	European owned.	Total.	Indian owned.	European owned.	Total.
Registered Tea Estates	98	294	392	244	269	513	395	271	666	550	274	824	715	272	987
Registered small growers	1,595	..	1,595	1,799	..	1,799	2,265	..	2,265	2,627	..	2,627	2,626	..	2,626
Rejected small growers	1,693	294	1,987	2,043	269	2,312	2,660	271	2,931	3,177	274	3,451	3,341	272	3,613
Total No. of Estates who applied for export quota.	92	..	92	15	..	15	40	..	40	914	..	914	176	..	176
	1,785	294	2,079	2,058	269	2,327	2,700	271	2,971	4,091	274	4,365	3,517	272	3,789

ALL INDIA.

Appeals to the Governor General in Council.

	1933-34.		1934-35.		1935-36.		1936-37.		1937-38.	
	Successful.	Rejected.	Successful.	Rejected.	Successful.	Rejected.	Successful.	Rejected.	Successful.	Rejected.
North India	..	..	2	4	3	14	..	4	..	2
South India	..	..	2	1	1	1	..	..	..	1
Total	..	..	4	5	4	15	..	4	..	3

* Does not include 2, 1937-38 outstanding.

Information promised in reply to unstarred question No. 75, asked by Mr. Ziauddin Ahmad on 13th September, 1937.

SELECTION OF ENGINEERING STAFF IN THE QUETTA DIVISION OF THE NORTH WESTERN RAILWAY.

Government are informed as follows :

- Yes, applications were invited by the Divisional Superintendent, Quetta, for future temporary posts of Engineering Subordinates for the Reconstruction Branch.
- Out of 132 candidates who appeared before the Selection Board 82 were selected.
- No. Out of the selected candidates 13 were offered appointments immediately and the names of the others were kept on the waiting list for future vacancies. According to paragraph 6 of the advertisement issued in this connection, a copy of which is attached herewith, selected applicants called up for personal interview were to appear before the Selection Board at Quetta at their own expense.
- Yes. Twenty-two men have already been appointed and four more are being offered appointments.
- No. But to meet with the immediate requirements of the Reconstruction Branch, seven candidates, out of those called up for interview, were appointed tentatively pending the result of the Selection Board. This preliminary selection was not based on the strength of recommendations but on the merits of the certificates submitted by them with their applications showing their educational qualifications and past experience of work.

Extract Paragraph 6 from the Advertisement issued by the North Western Railway.

6. Selected applicants, called up for personal interview, will have to appear before the Selection Board at Quetta at their own expense and if detained for a day or so will have to make their own arrangements for their residence, etc.

Information promised in reply to starred question No. 536, asked by Mr. Badri Dutt Pande on the 15th September, 1937.

DECISION OF ALMORA INCOME-TAX CASES AT BAREILLY OR BUDAUN.

(a) (i). No. Assesses of Almora and Kumaon Districts are not called to Bareilly, except in circumstances beyond the control of the Income-tax Department. It is also not correct to say that the Income-tax Officer, Bareilly, calls people from the Kumaon Division to Badaun as the latter place is not in the same income-tax circle.

(ii) Does not arise.

(b) There are definite orders to this effect, which are usually complied with.

Information promised in reply to starred question No. 577, asked by Dr. Ziauddin Ahmad on 16th September, 1937.

SELECTION OF ENGINEERING STAFF IN THE QUETTA DIVISION OF THE NORTH WESTERN RAILWAY.

(a) to (e). The Honourable Member is referred to the information laid on the table of the House today in connection with his unstarred question No. 75 asked in the Legislative Assembly on 13th September, 1937.

L442LAD

Information promised in reply to starred question No. 581, asked by Babu Kailash Behari Lal on 16th September, 1937.

REPLACEMENT OF INTERMEDIATE CLASS CARRIAGES ON THE BENGAL AND NORTH WESTERN RAILWAY.

1. There are 12 bogie intermediate class carriages; these have all been rebuilt and are of the new type.

2. There are 32 bogie intermediate and third class composite carriages. Nineteen have been rebuilt and are of the new type; four are being rebuilt now. There is a programme for rebuilding the remaining carriages at the rate of two per year.

3. There are 31 six-wheeled intermediate class carriages; there is a programme for rebuilding these at the rate of ten per year starting in 1938-39.

4. There are 42 six-wheeled intermediate and third class composites. Sixteen of these have been rebuilt and are of the new type; fourteen are being rebuilt now and the remainder will be rebuilt in 1938-39.

The question of changing the type of intermediate class carriage running between Barari Ghat and Bhagalpur will be looked into, and if possible, a carriage of the new type will be put on this run.

Information promised in reply to part (f) of starred question No. 653, asked by Mr. S. K. Gupta on the 20th September, 1937.

INSUFFICIENT STAFF ATTACHED TO INCOME-TAX OFFICERS IN THE MADRAS PRESIDENCY.

(f) No.

Information promised in reply to question No. 660, asked by Mr. Sri Prakasa on the 21st September, 1937.

LONG CONTINUOUS DUTY OF RAILWAY DRIVERS.

(a) Government are informed that it is not a fact that the same driver is on duty from Gorakhpur to Allahabad. Engine crews are changed at Benares.

(b) and (c). Do not arise.

Information promised in reply to unstarred question No. 130, asked by Mr. Ram Narayan Singh on the 21st September, 1937.

COMPLAINTS AGAINST THE HINDU REFRESHMENT ROOM CONTRACTOR AT DELHI.

A statement giving brief particulars of the complaints recorded against the Hindu Refreshment Room contractor at Delhi is appended. The contractor was greatly handicapped from the 15th February, 1937, when he took over the contract, to the 23rd June, 1937, when he was given occupation of the Hindu Refreshment Room and premises, owing to the refusal of the previous contractor to vacate the premises, and the business was carried on in a dining car stabled in the station.

Statement giving brief particulars of complaints.

1. Mr. B. L. Sondhi, Proprietor, Sondhi and Company, reported against the food served and poor service.

2. Mr. B. Garg, B.A., complained regarding high rates charged and poor food (awasta, paries, etc.), supplied to him by the sweetmeat vendor.

3. Mr. A. B. Khanna reported that bad food was served; that the service was unsatisfactory and the behaviour of the servants was rude.

4. The Manager, Ahmad Brothers, Lucknow, complained regarding the bad food served and unsatisfactory service.

5. S. Joginder Singh, M.L.A., has recorded that food served was bad, service poor, ghee used in cooking was not of good quality and there was also mismanagement.

6. Messrs. M. K. Puri, B. B. Mathur, N. Sen and S. L. Kapoor have recorded their remarks in the complaint book to establish that some other gentleman (whose name is not mentioned) was dissatisfied with the arrangements and was using some bad language.

7. The Secretary to Mr. Muhammad Azhar Ali, M.L.A., reported against bad service as tea was not served in time. The Manager also refused to produce the complaint book when asked.

8. Sheo Parsad Jain reported that the tea supplied to him was not fresh. The salesman was impolite.

9. Mr. Acharya complained that he was overcharged for the articles supplied to him.

10. Mr. B. B. Shiv Dass Amin reported that he was overcharged and also that the food served was bad. The ghee used was not of good quality.

Information promised in reply to unstarred questions Nos. 135, 136 and 140 asked by Mr. Amarendra Nath Chattopadhyaya on the 21st September, 1937.

INSTRUCTIONS REGARDING EMPLOYMENT OF NON-GAZETTED STAFF AS TEMPORARY HANDS ON THE EAST INDIAN RAILWAY.

Question No. 135.—(a) and (b) (ii). The Honourable Member is possibly referring to instructions issued by the Chief Operating Superintendent in October, 1935, to the effect that until further orders all staff would be appointed on a temporary basis. These instructions have since been replaced by general instructions of the Agent that all categories of staff, other than those apprentice-trained, shall not be appointed to permanent service until they have completed one year of continuous and satisfactory service.

(b) (i). Yes.

(iii) No.

(c) Does not arise.

MEETING OF SPORT OFFICERS ON RAILWAYS HELD AT DELHI.

Question No. 136.—(a) (i) and (ii). Presumably the Honourable Member is referring to the annual inter-railway Hockey and Athletic tournaments which were held in Delhi in March, 1937. If so, an officer of the East Indian Railway was sent in charge of the East Indian Railway teams in connection with these tournaments.

(iii) Yes.

(iv) The car was booked on a pass.

(b) The officer and his peon travelled on a pass and were granted certain allowances from the sports fund to cover their incidental expenses.

(c) and (d). Do not arise.

L442LAD

PROMOTION OF STATION MASTERS TO GRADE V ON THE NORTH WESTERN RAILWAY.

Question No. 29.—(a) There are ten posts of Station Masters, grade V, on the North Western Railway. Of these, five have been held permanently by Indians, of whom two have been promoted permanently to grade VI and two others are officiating in grade VI.

(b) to (d). No promotion to Station Masters, grade V, is made from amongst Assistant Station Masters, grade V, qualified in Course T-7 (senior Station Masters and Traffic Inspectors Course). Promotion to Assistant Station Master, grade V, is open to suitable Station Masters, grade I to IV inclusive and Assistant Station Masters, grade I and II (Grade III and IV Assistant Station Masters posts do not exist at present), who have qualified in control duties and to certain other categories of staff qualified in Course T-5 and in control duties. The extent to which Station Masters and Assistant Station Masters in lower grades can seek advancement to Assistant Station Masters grade V and subsequent advancement to Station Masters grade V depends on their suitability to hold such posts and on the occurrence of vacancies.

(e) The channel of advancement is open to all Station Masters grade I to IV who are suitable and are qualified for such advancement.

Information promised in reply to starred question No. 348, asked by Mr. Amarendra Nath Chattopadhyaya on the 7th September, 1937.

DISCHARGE OF POSTAL CANDIDATES AFTER RE-EXAMINATION IN THE MADRAS POSTAL CIRCLE.

The question of further relaxing the restrictions whereby candidates are debarred under the new rules for recruitment from competing for appointments to the Posts and Telegraphs service in the grades of clerks (including postal signallers, sorters and telephone operators) has received the further consideration of the Government of India. In supersession of all previous orders on the subject it has now been decided by Government that the following concessions should be granted:

CLASS I.

Exemption of candidates for appointment as second grade clerks and sorters from further examination.

1. Exemption from appearing at the competitive examination should be granted in each case by Heads of Circles to those who:—

- (i) have had an aggregate satisfactory service in the Department of not less than 24 months between 15th July, 1934 and 15th July, 1937; or
- (ii) had been trained in telegraphy in the departmental telegraph training classes prior to the date on which the competitive examination was announced, and had qualified; or
- (iii) were undergoing training on that date, provided that they complete or have already completed their training satisfactorily; or
- (iv) have had an aggregate satisfactory service in the Department of not less than 12 months prior to 15th July, 1937; or
- (v) had been on the waiting lists for the whole of the year immediately preceding the 15th December, 1936, and have also (prior or subsequent to that date) had an aggregate service in the Department of not less than four months.

2. These exemptions should be granted subject to the conditions that (a) the candidates have passed an entrance test for appointment to the second grade of clerks, (b) the candidates have an unblemished record, and (c) the Head of the Circle is satisfied that they are fully competent.

In the case of candidates in categories (i), (iv) and (vii) it will be open to the Head of the Circle at his discretion to dispense with condition (a), i.e., the entrance test for the 2nd grade of clerks.

3. Approved candidates who fall under categories (i), (iv), (vii) and (viii) above should be provided for in existing vacancies or vacancies hereafter arising before any recruits who qualify in the competitive examination. Those falling under category (v) should receive appointments alternately with the new entrants secured by the competitive examination, subject in every case to the observance of the communal rotation.

CLASS II.

Appearance as departmental candidates at competitive examinations for clerks and sorters.

Permission to appear at the next competitive examination as departmental candidates with the relaxation of the upper age limit of 21 years in every case should be granted by Heads of Circles to candidates not coming under class I above who satisfy EITHER both the following two conditions:

- (a) they must have passed an entrance test for appointment to the second grade of clerks, and
- (b) they must have worked satisfactorily in the department for an aggregate period of not less than four months;

OR all the following four conditions:

- (a) they must have passed the old lower division test,
- (b) they must have been on the waiting lists for the whole of the year immediately prior to December, 1936,
- (c) they must not have been subjected to the test for the second grade of clerks, and
- (d) they must have had an aggregate satisfactory service in the department of not less than 12 months.

These candidates should be considered for half of the vacancies reserved for departmental candidates, i.e., for 25 per cent. of the total vacancies and for any of the remaining 25 per cent. reserved for departmental candidates that are not secured by other departmental candidates.

CLASS III.

Appearance at competitive examination for clerks and sorters.

Permission to appear at the next competitive examination as outside candidates and the relaxation of the upper age limit of 21 years in every case should be granted by Heads of Circles to candidates not coming under class I or class II above who—

- (i) have passed an entrance test for the second grade of clerks and had been on the waiting lists for the whole of the year immediately preceding 16th December, 1936, or
- (ii) had served satisfactorily in the Department for any period prior to 15th July, 1937, and were on the waiting list on the 15th December, 1936.

CLASS IV.

Exemption of candidates for appointment as telephone operators.

Permission to appear as departmental candidates with the relaxation of the upper age limit of 21 years in every case should be granted by Heads of Circles and candidates who have an aggregate satisfactory service of not less than 12 months in the Department prior to 15th July, 1937, and have an unblemished record, provided that the Head of the Circle is satisfied that they are fully qualified.

Pending the holding of another general examination at which these men can appear, candidates who have worked satisfactorily for a period of less than four months whether prior to or after the date of the announcement of this year's competitive examination, should be retained in the posts in which they have been working with due regard to the observance of communal rotation. Their confirmation should be subject

[7TH OCT. 1937]

INSTRUCTIONS ISSUED ON THE EAST INDIAN RAILWAY FOR NOT PROMOTING CERTAIN NON-GAZETTED STAFF TO OFFICIATE IN THE LOWER GAZETTED SERVICE.

Question No. 140.—Government are informed as follows :

As regards the first part of part (a), the reply is in the negative.

The latter parts of part (a) and part (b) do not arise.

Information promised in reply to unstarred question No. 165 asked by Mr. Muhammad Azhar Ali on the 21st September, 1937.

CLERKS IN THE ESTABLISHMENT SECTION OF THE DIVISIONAL SUPERINTENDENT'S OFFICE, LUCKNOW.

Government are informed as follows :

(a) The total number of clerks working in the establishment section of the Divisional Superintendent's Office, Lucknow, including the pay bill section is 39, of whom 30 are Hindus and 9 Muslims.

(b) Six vacancies occurred in the section during the last three years. Five of them were filled by Muslims and one by a Hindu.

Information promised in reply to part (a) of starred question No. 795, asked by Babu Kailash Behari Lal on the 24th September 1937.

GUARDS ON THE BENGAL AND NORTH WESTERN RAILWAY.

Government are informed as follows :

(a) The reply is in the negative.

Information promised in reply to starred question No. 799, asked by Mr. Lalchand Navalrai on the 24th September, 1937.

PROMOTION OF BOOKING CLERKS ON THE NORTH WESTERN RAILWAY.

(a) Yes except that no payments are made by the booking clerks to the staff under the Payment of Wages Act.

(b) The reply to the first part is in the negative ; the latter part does not arise.

(c) and (d). Booking clerks are eligible for promotion to assistant claims inspectors, enquiry clerks and assistant sales inspectors' posts. They are not eligible for promotion to guards and yard foremen as these two classes are transportation staff while the booking clerks are commercial staff. They are also not eligible for special ticket examiner's posts as these are not in their regular line of advancement.

(e) There are assistant claims inspectors and enquiry clerks now employed on the North Western Railway, who were previously working as booking clerks.

STATEMENTS LAID ON THE TABLE.

3191.

(f) The importance and volume of passenger traffic at each station is the deciding factor in fixing the grades into which booking clerks and other staff of a station should be fitted.

(g) Government do not consider it necessary to set up a permanent board of the kind suggested by the Honourable Member.

Information promised in reply to a supplementary question to starred question No. 836, asked by Mr. S. Satyamurti on the 28th September, 1937.

OPINIONS OF PROVINCIAL GOVERNMENTS ON INCOME-TAX EXPERT'S REPORT.

Replies are still outstanding from the Governments of Bengal, the Punjab and the North-West Frontier Province. The Government of United Provinces have communicated their views on Part II of the Income-tax Enquiry Report, but their views on Part I are awaited.

MOTION FOR ADJOURNMENT.

APPOINTMENT OF A NON-INDIAN AS ECONOMIC ADVISER TO THE GOVERNMENT OF INDIA.

Mr. President (The Honourable Sir Abdur Rahim) : I have received notice of a motion for adjournment from Mr. Satyamurti to this effect :

" I hereby give you notice that I intend asking the leave of the Honourable the President and of the House to move today that the House do now adjourn to consider a definite matter of urgent public importance, namely, the appointment of a non-Indian as Economic Adviser to the Government of India."

I understand that Government do not take any objection to this motion.

I must make the position of the Chair quite clear with respect to this motion and yesterday's motion. It has been laid down more than once that in the case of any appointment, even an important appointment, that cannot be made the subject matter of a motion for adjournment unless there is some important principle involved and neither in regard to this motion nor yesterday's motion should my ruling is to be construed to the contrary.

Mr. S. Satyamurti (Madras City : Non-Muhammadan Urban) : Will the motion be taken up at 4 o'clock ?

Mr. President (The Honourable Sir Abdur Rahim) : The motion will be taken up at 4 o'clock.

AGREEMENT BETWEEN THE RESERVE BANK OF INDIA AND THE GOVERNMENT OF BOMBAY.

The Honourable Sir James Grigg (Finance Member) : Sir, I lay on the table a copy of the Agreement between the Reserve Bank of India and the Government of Bombay.

[7TH OCT. 1937.]

*Reserve Bank of India :*Agreements between the Govern-
ment of Bombay and the —.

GOVERNMENT OF BOMBAY.

FINANCE DEPARTMENT.

Resolution No. 2019/33.

Bombay Castle, 15th September, 1937.

RESOLUTION OF GOVERNMENT.

The accompanying agreement* between the Government of Bombay and the Reserve Bank of India should be executed on behalf of Government and copies should be forwarded to the Government of India and officers and Departments concerned.

2. The Government of India should be requested to place copies of the agreements on the table of the Central Legislatures.

3. The Secretary, Bombay Legislative Council and the Secretary, Bombay Legislative Assembly, should be requested to place copies of the agreements on the table of the Provincial Legislature.

By order of the Governor of Bombay,

J. G. BULTON,

Deputy Secretary to Government.

To

The Accountant General,

All Departments of the Secretariat,

The Secretary to the Governor,

The Commissioners of Divisions,

The Commissioner of Excise,

All Collectors in the Presidency proper,

The Remembrancer of Legal Affairs,

The Solicitor to Government,

The Superintendent of Stamps, Bombay,

The Secretary, Bombay Legislative Assembly,

The Secretary, Bombay Legislative Council

The Government of India, Finance Department (by letter).

The Secretary, Reserve Bank of India (by letter) (with duplicates).

*Printed as accompaniments to this Resolution.

No. of 1937.

Copy forwarded for information and guidance to

AGREEMENT BETWEEN THE RESERVE BANK OF INDIA AND THE GOVERNMENT OF BOMBAY.

Accompaniments to Government Resolution, Finance Department, No. 2019/33, dated the
15th September, 1937.

AGREEMENTS.

AN AGREEMENT made this twenty-eight day of July One thousand nine hundred and thirty-seven Between THE GOVERNOR OF BOMBAY of the one part and THE RESERVE BANK OF INDIA (hereinafter called "the Bank") of the other part WHEREAS the Bank was constituted and incorporated and is regulated by the Reserve Bank of India Act, 1934 (being Act No. II of 1934)—(which as adapted and modified pursuant to the Authority contained in section 293 of the Government of India Act, 1935, by an Order of His Majesty in Council dated the 18th day of May, 1937, cited as the India and Burma (Burma Monetary Arrangements) Order, 1937, is hereinafter called "the Act") with and subject to the various powers, provisions and restrictions in and by the Act set forth and it was thereby *inter alia* particularly provided as follows, *viz.* :—

- (1) by section 20 of the Act that the Bank should undertake to accept monies for account of Provincial Governments and to make payments up to the amount standing to the credit of their accounts and to carry out their exchange, remittance and other banking operations including the management of the public debt, and
- (2) by section 21 (1) of the Act that Provincial Governments should entrust the Bank on such conditions as might be agreed upon with all their monies, remittance, exchange and banking transactions in India and, in particular, should deposit free of interest all their cash balances with the Bank provided that nothing in that sub-section should prevent Provincial Governments from carrying on money transactions at places where the Bank has no branches or agencies and that Provincial Governments might hold at such places such balances as they may require, and
- (3) by section 21 (2) of the Act that Provincial Governments should entrust the Bank, on such conditions as might be agreed upon, with the management of the public debt and with the issue of any new loans.

NOW IT IS HEREBY MUTUALLY AGREED AND DECLARED by and between the said parties hereto as follows that is to say :—

1. This Agreement shall be deemed to have come into force on the first day of April One thousand nine hundred and thirty-seven.

2. The general banking business of the Government of Bombay (hereinafter referred to as "the Government") including the payment, receipt, collection and remittance of money on behalf of the Government shall be carried on and transacted by the Bank in accordance with and subject to the provisions of this Agreement and of the Act and with and subject to such orders and directions as may from time to time be given to the Bank by the Government through any Government officer or officers authorised by the Government in that behalf and at any of the offices, branches or agencies of the Bank for the time being in existence as may from time to time be so directed and for this purpose such accounts shall be kept in the books of the Bank and at such offices, branches or agencies of the Bank as shall be necessary or convenient or as the Government shall from time to time direct in the manner aforesaid.

3. The Government shall employ the Bank as the sole Banker in India of the Government which shall deposit or cause to be deposited with the Bank or allow the Bank to receive and hold as banker the whole of its cash balances at any places at which for the time being the Bank shall have an office, branch or agency and the Bank shall subject to such orders as may from time to time be given by the Government in the manner aforesaid receive and hold for the Government all such monies as may be or become payable to the Government or on its account and the Bank shall transact at its offices, branches and agencies for the time being existing respectively all such business for the Government regarding the receipt, collection, payment and remittance of money and other matters, as is usually transacted by bankers for their customers. The Bank shall make the said monies at the said offices, branches and agencies available for transfer to such places and at such times as the Government may direct. No interest shall be payable to the Government on any of the monies for the time being held by the Bank.

4. The management of the rupee public debt of the Government and the issue of new rupee loans by the Government and the performance of all the duties relating thereto respectively including the collection and payment of interest and principal and the consolidation, division, conversion, cancellation and renewal of securities of the Government and the keeping of all registers, books and accounts and the conduct of all correspondence incidental thereto shall be transacted by the Bank at its offices in Bombay, Calcutta and Madras and at any of its offices, branches or agencies at which respectively the administration of any portion or portions of the public debt of the Government is for the time being conducted or interest thereon is for the time being payable and the Bank shall also keep and maintain such registers, books and accounts in respect of the said public debt as the Government may from time to time direct and shall audit all payments of such interest and act generally as agents in India for the Government in the management of the said public debt and shall conduct such agency subject to such orders and directions with regard to the general management thereof as may from time to time be given to the Bank by the Government.

5. The Bank shall not be entitled to any remuneration for the conduct of the ordinary banking business of the Government other than such advantage as may accrue to it from the holding of the Government cash balances free of obligation to pay interest thereon, and such balances shall be maintained at an amount not below such minimum as may be agreed upon between the Government and the Bank from time to time.

Provided that if the Government wishes to remit funds outside the area within its jurisdiction except as otherwise provided for in this Agreement the Bank shall be entitled to make a charge for such remittances at rates not exceeding those which the Bank charges to Banks referred to as "scheduled banks" in Section 42 of the Act subject to a minimum charge of four annas for each remittance.

6. The Bank shall make ways and means advances to the Government if so required at such rate of interest not exceeding bank rate as may be fixed by the Bank from time to time, provided that the total of such advances outstanding at any one time shall not exceed the amount of the minimum balance prescribed under Clause 5 and any subsidiary agreement provided under the Clause and provided further that the advances outstanding shall be fully paid off at intervals not exceeding three months.

7. The Government shall employ the Bank as its sole Agent for investments by Government either of Government funds or of funds managed by the Government and the Bank shall be entitled to charge commission for sales (but not for purchases or conversions) at the rate of one-sixteenth per cent. in addition to any further charges which the Bank may have to pay by way of brokerage, etc. The Bank shall collect interest and the maturity values of such investments on behalf of the Government without charge.

8. As remuneration to the Bank for the management of the public debt as aforesaid the Bank shall be entitled to charge to the Government half-yearly a commission at the rate of Rupees Two thousand per crore per annum on the amount of the public debt as aforesaid at the close of the half-year for which the charge is made. In calculating this charge the following amounts shall be excluded from the amount of public debt, viz. :—

- (a) The amounts of loans discharged outstanding after one year from the date of a notice of discharge ;
- (b) The amount of stock certificates for Rupees Fifty thousand and upwards held by the Government or by any officer or officers of the Government authorised in that behalf provided that such amount exceeds one crore.

And in addition to the charge of Rupees Two thousand per crore per annum the Bank shall be entitled to charge to the Government a fixed sum of Rupees Two thousand a year on account of the stock certificates referred to in head (b) of this clause and the Bank shall be also entitled to charge the public (but not the Government) all such fees and charges as are now or may hereafter from time to time be prescribed by the Governor General under the powers conferred upon him by the Indian Securities Act, 1920 (Act No. X of 1920), for duplicate securities and for the renewal, consolidation, division or otherwise of all Government Securities which the Bank issues.

Provided that loans not directly issued by the Government but issued under the guarantee, of the Government shall not be included in the calculation for the purpose of this clause but shall be a matter for separate arrangement if the management of such loans is entrusted to the Bank.

AGREEMENT BETWEEN THE RESERVE BANK OF INDIA AND THE GOVERNMENT OF BOMBAY.

9. The Bank shall maintain currency chests of its issue department at such places within the Province of Bombay as the Government may, with the previous sanction of the Central Government, prescribe and the Government shall provide sufficient accommodation for such chests as may be required for the deposit of notes or coin and shall be responsible to the Bank for the safe custody of the said chests, notes and coin. The Bank shall keep the said chests supplied with sufficient notes and coin to provide currency for the transactions of the Government and reasonable remittance facilities to the public at the said places. The Government shall supply the Bank with such information and returns as the Bank may from time to time require as to the composition of the balances in the said chests and the amount and nature of the transfers to and from the said chests. The Bank shall have access to the said chests at all reasonable times for the purpose of inspecting and checking the contents. The Government shall be responsible to the Bank for the examination and correctness of coin or notes at the time of deposit in or withdrawal from the said chests.

10. The Bank shall not be at liberty to close any of its offices or branches except on Sundays, New Year's day, Christmas day, Good Friday and on any other day declared to be a public holiday by any notification published in pursuance of the Negotiable Instruments Act (Act XXVI of 1881) subject nevertheless and notwithstanding the provisions of that Act to any special orders or directions which may be issued by the Government and the Bank shall be responsible that none of its agencies doing Government business for the time being existing shall be closed except on Sundays and on public holidays authorised by the Government within whose jurisdiction such agencies may be respectively situated.

11. The responsibility for all loss or damage to the Government which may result from any act or negligence or omission of the Bank or its agents in conducting the business of the public debt aforesaid or the payment of interest or discharge value thereon or the renewal, conversion, consolidation, sub-division or cancellation of any Government security shall rest with and be borne by the Bank provided however that it shall not be incumbent on the Bank to verify signatures and endorsements on Government securities which *prima facie* appear to be in order and in the acceptance of which the Bank shall not be guilty of any negligence and in such cases no liability shall be incurred by the Bank in respect thereto PROVIDED ALSO that in regard to the ordinary banking business at the offices, branches and agencies of the Bank of receiving and realising money and securities for money on account of the Government and paying cheques, orders, draft bills and other documents whether negotiable or not in the Bank's capacity of bankers for the Government and whether such business be done by the Bank or by agencies on its behalf the responsibility to the Government shall be that of the Bank and such responsibility shall be that of a banker to an ordinary customer.

12. The Bank shall remit on account of the Government between India and London such amounts as may be required by it from time to time at the market rate of the day for telegraphic transfers, subject to the proviso that if a large transfer has to be effected in connection with the flotation or repayment of a sterling loan or analogous operation, and if it is considered by either party to be inappropriate to apply the rate of a single day, an average rate based on a longer period may be fixed by Agreement between the two parties.

13. This Agreement may be determined by either party giving to the other party one year's notice in writing expiring on the thirty-first day of March in any year, such notice if given by or on behalf of the Government to be addressed to the Governor of the Bank and to be served by leaving the same with the Head Office of the Bank or by registered post and to be addressed the same to him at the Head Office of the Bank by registered post and if given by the Bank to be served by leaving the same with or addressing the same by registered post to the Secretary to the Government in the Finance Department and immediately upon the expiration of such notice this Agreement shall absolutely cease and determine save as to rights or liabilities acquired or incurred prior to such termination.

14. In the event of any dispute arising as to the terms and conditions of this Agreement, or as to the rights or obligations of the parties hereto such dispute or difference of opinion shall, in the event of the parties hereto failing to reach an agreement, be referred to the Governor General whose decision shall be final and binding as between the parties hereto.

[7TH OCT. 1937.]

15. Nothing in this Agreement shall operate to affect in any way the obligations imposed either on the Government or on the Bank by or under the Act or any subsequent amendment or amendments of the Act.

16. The Bank shall be entitled to perform all or any of the matters contained in this Agreement through such agency or agencies as may be prescribed by the Act or any amendment thereof or as may be approved by the Government.

IN WITNESS WHEREOF Haravu Venkatanarasimh Varada Raj Iengar, Esq., Secretary to the Government of Bombay in the Finance Department by the order and direction of the Governor of Bombay has hereunto set his hand and affixed his official seal and the common seal of the Reserve Bank of India pursuant to a Resolution of its Central Board passed on the eighth day of February, 1937, has been hereunto affixed in the presence of its subscribing officials the day and year first above written.

SIGNED, SEALED AND DELIVERED by the
abovenamed HARAVU VENKATANARASIMH
VARADA RAJ IENGAR, Esq., Secretary to the
Government of Bombay in the Finance
Department for and on behalf of the Governor
of Bombay in the presence of—

(Sd.) H. V. R. IENGAR.



(Sd.) B. M. RANE.

Assistant Secretary to Government,
Finance Department.

The Common Seal of the Reserve Bank of India
was affixed hereto in the presence of—

SULTAN MEHERALLY CHINOT and DEVIDAS
MADHOWJI THAKERSAY two of its Directors
and

(Sd.) SULTAN CHINOT,
(Sd.) DEVIDAS MADHOWJI
THAKERSAY,

Directors.

SIR JAMES BRAID TAYLOR, Kt., C.I.E., its
Governor.

(Sd.) J. B. TAYLOR,
Governor.



AN AGREEMENT made this twenty-eighth day of July One thousand nine hundred and thirty-seven Between THE GOVERNOR OF BOMBAY of the one part and THE RESERVE BANK OF INDIA (hereinafter called "the Bank") of the other part supplemental to an agreement (hereinafter referred to as "the principal agreement") made on the twenty-eighth day of July One thousand nine hundred and thirty-seven between the parties hereto.

WHEREAS under clause 5 of the principal agreement it is provided that the Government of Bombay (hereinafter referred to as "the Government") shall maintain a daily balance with the Bank not below such minimum as may be agreed upon NOW IT IS HEREBY MUTUALLY AGREED AND DECLARED as follows:—

1. The Bank shall inform the Government by telegram of the Government daily balance with the Bank at the close of each working day.
2. The Government shall take steps by taking a ways and means advance from the Bank or by issuing treasury bills to ensure that the Government balance on each Friday, is not less than a credit of rupees thirty lakhs. If a reduction in the Government balance is to be anticipated before the following Friday, e.g., owing to the beginning of the month disbursements, etc., the Government shall also take steps to ensure that this balance does not fall below the said minimum by more than rupees five lakhs.
3. The Government will not repay ways and means advances or invest any surplus of the Government balance unless the said balance exceeds a credit of rupees thirty-five lakhs.

AGREEMENT BETWEEN THE RESERVE BANK OF INDIA AND THE GOVERNMENT OF BOMBAY.

4. Ways and means advances may be taken and repaid on any day without previous notice by telegraphic or such other intimation to such branch of the Bank as the Bank may prescribe provided that such advances shall be for a minimum period of seven days and provided further that such advances shall be in minimum amounts of rupees five lakhs.

IN WITNESS WHEREOF Haravu Venkatanarasimh Varada Raj Iengar, Esq., Secretary to the Government of Bombay in the Finance Department by the order and direction of the Governor of Bombay has hereunto set his hand and affixed his official seal and the common seal of the Reserve Bank of India pursuant to a Resolution of its Central Board passed on the eighth day of February One thousand nine hundred and thirty-seven has been hereunto affixed in the presence of its subscribing officials the day and year first above written.

SIGNED, SEALED AND DELIVERED by the
abovenamed HARAVU VENKATANARASIMH
VARADA RAJ IENGAR, Esq., Secretary to the
Government of Bombay in the Finance
Department for and on behalf of the Governor
of Bombay in the presence of—

(Sd.) H. V. R. IENGAR.



(Sd.) B. M. RANE.

Assistant Secretary to Government,
Finance Department.

The Common Seal of the Reserve Bank of India
was affixed hereto in the presence of—

SULTAN MEHERALLY CHINOT and DEVIDAS
MADHOWJI THAKERSAY two of its Directors
and

(Sd.) SULTAN CHINOT,
(Sd.) DEVIDAS MADHOWJI
THAKERSAY,

Directors.

SIR JAMES BRAID TAYLOR, Kt., C.I.E., its
Governor.

(Sd.) J. B. TAYLOR,
Governor.



THE MANOEUVRES FIELD FIRING AND ARTILLERY PRACTICE BILL.

Mr. President (The Honourable Sir Abdur Rahim) : The House will now resume consideration of the Bill to provide facilities for military manoeuvres and for field firing and artillery practice, as reported by the Select Committee.

The Honourable Sir Saiyid Sultan Ahmad (Member for Commerce and Railways) : Sir, I wish to say a few words on the point of order raised yesterday. But for the seriousness and the earnestness with which this point of order was taken by my Honourable friend, the Leader of the Opposition, I should have thought that the point could not be argued at all. On a mere reading of section 100, the position seems to be clear. It has been placed before the House on many occasions but I would beg leave to read sub-section (1) once again :

"Notwithstanding anything in the two next succeeding sub-sections, the Federal Legislature has, and a Provincial Legislature has not, power to make laws with respect to any of the matters enumerated in List I in the Seventh Schedule to this Act."

Therefore, we need not at present consider the later sub-section. Even if there may be certain provisions there which may be covered by sub-section (1), it makes no difference at all. Therefore, for the

present we may ignore those two sub-sections and see whether the Bill now before the House is covered by List I in the Seventh Schedule to this Act. If you will kindly turn to the Legislative Lists in the Seventh Schedule, List I, the words are 'His Majesty's military, naval and air forces borne on the Indian establishment'. Stopping at that, you will please observe that His Majesty's military forces are covered by the Federal Legislative List. Then, we go to the Bill. We find "military manœuvres there". If you turn to section 100 once again, you will find this :

"The Federal Legislature has, and a Provincial Legislature has not, the power to make laws—now the words which follow are very important—with respect to any of the matters enumerated in List I."

"With respect to any of the matters", that is, with respect, here to "military manœuvres". Therefore, the Bill purports to provide facilities for military manœuvres and for field firing and artillery practice, which would be covered by the List itself. And then if you will kindly proceed further to clause 2 of the Bill it says :

"The Provincial Government may, by notification in the local official Gazette, authorise the execution of military manœuvres over any area specified in the notification during a specified period not exceeding three months."

It is obviously not a provision for any area, but it is a provision for the execution of military manœuvres. Therefore, the object of the Bill is to provide facilities with respect to a military matter or with respect to military affairs. That being the object, the other clauses of the Bill are only provisions to provide facilities for the same. The procedure is given; temporary acquisition is provided for; there is compensation to be given to the owners; then the return of the land or the areas to the landlords or whoever may be in possession of the area. All these are incidental to the main object of the Bill, which is, "provision for facilities for military manœuvres and for field firing and artillery practice". I therefore respectfully submit to the House and to you that the section is perfectly clear. It is a matter which is military and it is with respect to that matter that this House and this House alone can have jurisdiction. Therefore, the other points do not arise. But I would like to go further and show that this is really not covered by sub-sections (2) or (3) of section 100. Sub-section 3 says "Subject to the two preceding sub-sections". That at once brings in sub-section (1). Therefore, what is the good of considering this at all?

Mr. President (The Honourable Sir Abdur Rahim) : You mean the entire provincial list?

The Honourable Saiyid Sir Sultan Ahmad : I say yes.

Mr. President (The Honourable Sir Abdur Rahim) : In spite of any provision in List II?

The Honourable Saiyid Sir Sultan Ahmad : Yes, Sir. It makes no difference at all, and that is exactly why this provision in sub-section (1) was enacted. But I would like to go further and I would like to refer you to the provincial list for a minute. The item that is relied upon is item No. 21 : "land, that is to say, rights in or over land, land tenures, land tenures, including the relation of landlord and tenant,

and the collection of rents; transfer, alienation and devolution of agricultural land....." I think the Honourable Member relied upon that?

Mr. Bhulabhai J. Desai (Bombay Northern Division : Non-Muhammadan Rural) : I relied upon "rights in or over land".

The Honourable Sir Saiyid Sultan Ahmad : Now, I respectfully submit that this Bill is not a Bill with respect to land. It is not a Bill which is making any provision for "land".

Mr. President (The Honourable Sir Abdur Rahim) : What is the item No. 9?

The Honourable Sir Saiyid Sultan Ahmad : It is "compulsory acquisition of land". Is this a Bill for the compulsory acquisition of land? I respectfully submit it is not. It is a Bill which provides for "facilities for military manœuvres and for field firing and artillery practice". Incidental to that, there may be temporary compulsory acquisition of land; otherwise, I can envisage nothing in this world which can happen without land. For instance, the Insurance Bill was passed, there were head offices, and all sorts of things which must be on land; a Superintendent of Insurance is going to be appointed, and he will walk on land.....

Mr. Bhulabhai J. Desai : Really, really, really!

The Honourable Sir Saiyid Sultan Ahmad : The head offices have to be on "land"; therefore it is covered by the Provincial List.

Mr. President (The Honourable Sir Abdur Rahim) : The Honourable Member need not go so far.

The Honourable Sir Saiyid Sultan Ahmad : I respectfully submit that in order to find out whether a certain Bill is to be passed by the Central Legislature or by a provincial legislature, what was said by Lord Watson, was that the "pith and substance" of the Bill will have to be examined. And what is that? Is it for a military purpose, or is it for the acquisition of land? Now this is what I have to submit, on the merits. There is one other point.

Mr. President (The Honourable Sir Abdur Rahim) : I think the Honourable Member will agree that the intention of the Government of India Act, 1935, is to separate the Provincial Legislatures from the Federal Legislature? That is the main object?

The Honourable Sir Saiyid Sultan Ahmad : Yes, Sir, certainly and overlapping was really contemplated, and it was contemplated by section 100.

Mr. Bhulabhai J. Desai : That is the Concurrent List.

The Honourable Sir Saiyid Sultan Ahmad : Then the question does not arise, because section 100 says, "do not consider anything else"; you have to see whether sub-section (1) of section 100 is complied with; if it is, the other question does not arise. Then there is another matter which I would like to place before you, and that is whether a Bill—I am not taking my standpoint on the Bill being a Government Bill—whether a Bill which has been introduced could be thrown out on a ground like this I can understand the ground, which is palpable on the face of it.

Mr. President (The Honourable Sir Abdur Rahim) : The point whether it is palpable or not does not arise. The question is whether the compulsory acquisition of land is *ultra vires* or *intra vires* of this Legislature.

The Honourable Sir Saiyid Sultan Ahmad : Sir, we made a reference for inquiry in other countries which have got similar legislatures, like Australia and Canada. The result that we have got so far is that such a drastic power is not to be exercised by the Speaker.

Mr. President (The Honourable Sir Abdur Rahim) : Have you got any references here ?

The Honourable Sir Saiyid Sultan Ahmad : We have got them here, but I would like to refer to just a portion of them now.

Mr. President (The Honourable Sir Abdur Rahim) : What I propose to do is that I want to deal with this question that has been raised today and I suggested to the Leader of the Opposition that that is the difficulty I have been experiencing. Has the President the power to stop a Bill himself, or, whatever the nature of the considerations may be, the House must come to the conclusion whether a legislative measure should be passed or not. This is a very important matter, and I do not want to decide it today. But I should like to have all the references and the help that I can get on the subject because the practice has been the other way. The practice has been hitherto for the President to decide such question, but I want to re-consider that in view of the new Act. I should like you also to consider what is the practice in other similar legislatures.

Mr. Bhulabhai J. Desai : If there are reported cases, I hope my Honourable friend will do me the courtesy of sending me a copy.

The Honourable Sir Saiyid Sultan Ahmad : I hope my Honourable friend will also send me the cases that he may know of.

Mr. President (The Honourable Sir Abdur Rahim) : The question that I have been called upon to decide is certainly one of considerable importance, and the more so, because similar questions are likely to arise in the future with respect to legislation in this Assembly and perhaps in other Legislatures. This Bill, which was introduced before the present Government of India Act, 1935, came into force, seeks to provide facilities for military manœuvres and for field firing and artillery practice. Among other provisions in this Bill, there are provisions which, it is alleged, affect the rights in and over land in provinces, which now enjoy autonomous Government. The scheme of the Government of India Act, 1935, is to separate and to make independent the Governments and Legislatures in the provinces from the Central Legislature and the Central Government, which ceases under the Act to exercise any powers of superintendence and for control. In deciding a question of this character, one has always to bear that essential and cardinal fact in mind.

Now, in considering the specific point that has been raised, I shall assume that there are provisions in this Bill which affect the rights in and over land in such of the provinces where the military manœuvres will be held. But I do not think the Bill anywhere makes any provision for compulsory acquisition of land nor does it provide for acquiring any

rights in or over land, although, as I have assumed, there are provisions which might very well be construed to modify or affect rights in or over land in certain provinces. It has been argued by the Leader of the Opposition with his usual emphasis and ability that the Provincial List No. 21 lays down that legislation relating to "land, that is to say, rights in or over land", can only be passed by the Provincial Legislature. Item 9 of that List is concerned with the subject of compulsory acquisition of land as being with the exclusive jurisdiction of the Provincial Legislature and not of the Federal Legislature. He, therefore, argues that since there are provisions in this Bill which indirectly, at any rate, affect the rights in or over land, therefore it is not within the power of the Federal Legislature to entertain any such legislation. But I have got to consider not only the Provincial List but also the Federal List. Item 1 of the Federal List provides for legislation with respect to "His Majesty's naval, military and air forces borne on the Indian establishment". The words are very general and very wide and there can be no doubt that the object of this Bill does come within the words I have just read out. Then, it is argued, yes you can legislate regarding His Majesty's naval and military forces, but that legislation must in no way encroach upon the jurisdiction of the Provincial Legislature. As regards that, first of all, I have got to see, supposing there was any such encroachment, whether the encroachment would be justified under this Act. That is to say, whether the Federal Legislature for the purposes of items mentioned in List No. 1 can override some, at any rate, of the provisions in the Provincial List to the extent that may be necessary. It has been argued on behalf of the Government that section 100, sub-section (1), empowers the Federal Legislature to pass any legislation even if it overrides to any extent any of the subjects or encroaches upon any of the subjects mentioned in the Provincial List. I do not feel I am called upon in this case to say whether that argument, to the extreme limit that has been suggested by Sir Sultan Ahmad on behalf of the Government, is a valid argument or not. This much however is quite clear on the face of section 100 that the sub-section (3) is subject to the provisions of sub-sections 1 and 2. It says :

"Subject to the two preceding sub-sections the Provincial Legislature has, and the Federal Legislature has not, power to make laws for a Province or any part thereof with respect to any of the matters enumerated in List II in the said Schedule (hereinafter called the 'Provincial Legislative List')."

But all that I am prepared to say at present is that federal legislation on any of the items enumerated in List I may to the extent that is necessary affect some of the subjects in List II, that is this provincial list. In fact there are several items that I can point out at once which must necessarily affect some of the subjects in List II. For instance item 14 : the survey of India, the Geological, Botanical and Zoological surveys of India. It is almost impossible to conceive any legislation on such a subject which would not necessarily affect land or right in land or over land to a certain extent. The next item, No. 15 : ancient and historical monuments, archaeological sites and remains must also necessarily affect land and rights in or over land in the provinces.

Now, as regard the provision of this Bill I have already indicated that the Bill does not provide for the acquisition of land, nor does it provide for the acquisition of any right in or over land though some of the provisions may incidentally affect rights in and over land. Having

[Mr. President.]

considered the scope of section 100 and the items in List 1 and I must hold that there is nothing in the provision of this Bill which can be said to be *ultra vires* of the Government of India Act. During the course of argument on this point yesterday, I had suggested to the Leader of the Opposition that the question as to how far the President of the Assembly can be called upon to decide whether certain provisions of law in a Bill are within the competence of this legislature or not is one which I should be prepared to consider further on further materials that may be available to me. I am glad to hear from the Honourable the Commerce Member speaking on behalf of the Government that he is prepared to render me assistance in coming to a conclusion on this question and I trust that the Honourable the Leader of the Opposition will also be good enough to help me as far as possible in the matter.

The Honourable Sir James Grigg (Finance Member) : Sir, I gather from the Leader of the Opposition that he would like an opportunity for his party to be able to put down amendments to this Bill and to get the necessary sanction. Therefore, I have suggested to him that the motion before the House that the Bill be taken into consideration should be passed without further ado and that we should postpone the actual consideration of the clauses to the Delhi Session. I gather that that arrangement is agreeable to him and it will in addition facilitate further business being transacted.

Mr. President (The Honourable Sir Abdur Rahim) : I am very glad that the Government have agreed to the course which the Leader of the Opposition suggested to me in my chamber. It will be safer for the Government to get the sanction of the Governor General for the amendments. I take it now that there will be no further discussion on the motion that the Bill be taken into consideration.

Mr. Bhulabhai J. Desai (Bombay Northern Division : Non-Muhammadan Rural) : Sir, having regard to your ruling, may I know whether it is your decision that for the amendments to be moved to this Bill, to each one of them or to all of them the sanction of the Governor General is necessary.

Mr. President (The Honourable Sir Abdur Rahim) : I do not understand whether any ruling is necessary because the Bill will stand over.

Mr. Bhulabhai J. Desai : We will have to apply for sanction. It may result in very embarrassing situation if, say, amendments (a), (b), (c) and (d) are given sanction and sanction is withheld from amendment (e). I merely want your formal ruling.

Mr. President (The Honourable Sir Abdur Rahim) : The Honourable Member may state his point.

Mr. Bhulabhai J. Desai : The point shortly is this. I have carefully heard your ruling. You, Sir, made a distinction in the construction of section 299 (3) and read the words introducing or moving as disjunctive, introduction applying to Bills and moving applying to amendments in the opening part of the section. The result of the ruling, as I appreciate it—of course I should like your direction on it—is that no amendment

shall be moved making provision for the transference to public ownership of any land or for the extinguishment or modification of rights therein, etc., etc., without sanction of the Governor General. Of course I do not wish to re-argue the matter. But that section goes further that in reference to provinces, no amendment shall be moved without the sanction of the Governor. Therefore the lands in the two areas are to be separated, but inasmuch as if incidentally the rights in land are affected, a Bill the main purpose of which is one of the items in List 1 would still be within the purview of this Legislature. That is the substance of your ruling as I comprehend it. The only question that I wish to ask is this : whether consistently with your ruling reading introduction or moving as disjunctive in section 299 (3), is it obligatory on this part of the House that they should obtain the sanction of the Governor General before moving these amendments or any others.

Mr. President (The Honourable Sir Abdur Rahim) : Amendments affecting rights in or over land.

Mr. Bhulabhai J. Desai : Only those ; others do not come.

Mr. G. H. Spence (Secretary, Legislative Department) : Sir, perhaps it would simplify matters if I said that Government would be perfectly prepared themselves to take the orders of the Governor General.

Mr. President (The Honourable Sir Abdur Rahim) : The point of order raised is whether, though introduction of the Bill does not require any further sanction, the moving of amendments which affect rights in or over land would require such sanction.

Mr. G. H. Spence : On that the view that I submitted yesterday was, that assuming the requirement of sanction imposed by section 299 (3) to be attracted, then the moving of an amendment would require sanction. It has, hitherto, been the view of Government that the requirement imposed by section 299 (3) is not attracted. But may I go beyond the actual point of order and make a suggestion which may possibly help things ? The ordinary procedure, in cases of sanction to amendments, is that if the Honourable Member giving notice of an amendment thinks that it does or may require sanction, he makes an application for sanction or for a decision. The Governor General then either rules, as he is empowered to do under the Indian Legislative Rules, that sanction is not required, or if it is required he either grants or withholds it. I am not quite sure what practical difficulty was apprehended by the Honourable the Leader of the Opposition, but whatever the difficulty was I think it would be removed if Government undertook themselves to obtain orders from the Governor General in respect of all amendments standing on the Order Paper or all amendments of which notice may subsequently be given.

Mr. Bhulabhai J. Desai : In this Bill I think that will assist a solution ; in future Bills we will see what is to be done.

Mr. President (The Honourable Sir Abdur Rahim) : I think that will be best.

Mr. Bhulabhai J. Desai : I think notwithstanding, Sir James Grigg's blundering and blundering we must muddle through.

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

"That the Bill to provide facilities for military manœuvres and for field firing and artillery practice, as reported by the Select Committee, be taken into consideration."

The motion was adopted.

THE WORKMEN'S COMPENSATION (AMENDMENT) BILL.

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

"That the Bill further to amend the Workmen's Compensation Act, 1923, for certain purposes be referred to a Select Committee consisting of Mr. Kuladhar Chaliha, Mr. Sham Lal, Mr. K. S. Gupta, Prof. Ranga, Sir H. P. Mody, Maulana Zafar Ali Khan, Sir M. Yamin Khan, Dr. P. N. Banerjee, Mr. F. E. James, Mr. S. N. Roy, Shams-ul-Ulema Kamaluddin Ahmed, Captain Sardar Bahadur Dalpat Singh and the Mover, and that the number of Members whose presence shall be necessary to constitute a meeting of the Committee shall be five."

In the course of last year, it was decided that it was desirable to amend the Indian Workmen's Compensation Act in order to remove certain ambiguities and minor defects which had come to light during the experience of the Act in the past few years. With that object in view a draft Bill was prepared which was circulated to all Provincial Governments with the request that the proposals contained therein should be given the widest possible publicity. As a result of that circulation a certain volume of opinion has been received, copies of which, I think, have been supplied to all Honourable Members. On the basis of those criticisms the original draft Bill was revised and this is the Bill which is now before the House. As I have suggested, Sir, certain of the defects which were discovered were of minor character, and, as a consequence, a certain number of amendments which we now propose are merely verbal or consequential. To such amendments I do not propose to refer in my following remarks. They are of a character that might be better discussed in the more intimate circumstances of Select Committee procedure. I shall, therefore, refer only to what I conceive to be the more important proposals. Clause 2 together with clause 12 refers to section 3 of the Workmen's Compensation Act. This section deals with occupational diseases. The general principle which is followed in connection with occupational diseases is that a workman cannot establish a claim to compensation in respect of an occupational disease until he has been for, at least, six months in the regular employment of one particular employer. To this principle there is one exception and it is in regard to the disease anthrax ; the reason for the exception being that anthrax may be contracted in a very much shorter period than six months. Medical experience has shown that anthrax is in this respect not exceptional, and we propose so to recast the section and the schedule as to be able to add to the list of diseases of the same character as anthrax. And we propose, in the first instance, to add to the anthrax category the disease of the lungs which arises from working in high air pressures and also a form of poisoning which is contracted by workmen who are dealing with lead tetra-ethyl. It will also be noticed from clause 12 that we propose to add to other category of diseases a few which have been scheduled by notification only and not by statute.

The next important amendment or series of amendments will be found in clause 5 which proposes an amendment of section 10 of the Act. Section 10 which we may call, for the sake of convenience, the limitation section lays down the conditions which must be fulfilled before a claim to compensation can be established. It lays down, first of all, that the workman must give notice to his employer as soon as possible after the occurrence of the accident and before he has left the employment in which the accident occurred. We propose to omit the phrase, "and before the workman has voluntarily left the employment in which he was injured". Our view is that that phrase is redundant. If the workman is required to give notice as soon as possible, there can be no other condition. We also consider that the present opening words of section 10 are too wide in their scope. The intention was that a claim for compensation must be lodged before the Commissioner within a period of six months from the occurrence of the accident. The opening words, however, say that no proceedings can be maintained in the court of the Commissioner unless they have been initiated within six months of the occurrence of the accident. Now, I suggest that the wording of the phrase is too wide in its scope. It might be that a workman who had succeeded in establishing his claim for damages and had been given an award might, say a year after the accident, return to the Commissioner saying : "Will you help me to recover damages ? The employer has ceased to pay the instalments." Strictly speaking, under the wording of this section, such an application would be barred. We have, therefore, made an amendment which makes it quite clear that it is the original claim which is subject to the time limit.

A third ambiguity which has been cleared up is this : some doubt has arisen as a result of the ruling of a High Court as to whether it is indeed necessary for a claim to be made before the Commissioner within the statutory period of six months. It has been held that it is sufficient if the workman makes a claim on his employers within the period of six months. The new phrasing that we propose makes it clear that the actual claim for compensation must be made, in the court of the Commissioner, before the expiry of six months from the date of the accident. The amendment which we propose in clause 5 (b) has relation to the second proviso of section 10. This is a proviso which enables the Commissioner to waive the strict provisions of the main section in respect of giving notice to the employer, if it is obvious that the employer himself had adequate notice and immediate notice of the occurrence of the accident. The actual wording of the proviso refers only to the employer. We wish to extend that so as to enable the Commissioner to waive the conditions if a responsible agent of the employer has had such adequate and immediate notice of the accident. Again, in the third proviso to section 10, there is a provision that the Commissioner may entertain a claim if notice of the accident has not been given within due time. He is entitled to waive that condition if the workman can give a reasonable explanation of his failure to give the notice within the limitation period. A High Court has ruled that the proviso lays only this obligation on the workman, namely, that he should explain away the delay for the first six months. Thereafter, it matters not whether he delays for another five years : he only has to explain away the first six months. That, I think, is an unreasonable position and we wish to put that right.

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[Sir Thomas Stewart.]

Clause 6 has reference to section 11 (6) of the Act. This sub-section lays down a very salutary principle that no workman is entitled to receive additional compensation by reason of the fact that he has added to the degree of his incapacity by his own perversity in the after treatment of his injury. The amendment which we propose here adds merely another example of such perversity.

I turn now to clause 9 which has relation to section 21 of the Act. That section relates to the power of the Commissioner in one place to transfer proceedings from his own court to the court of some other Commissioner. As the section is now drafted, he has no power of transfer of his own motion, and in a case like the following there may be serious, if not injustice, yet inconvenience to interested parties. The workman is working in Calcutta and is killed in the course of his employment. His dependants are in Madras. It is in the highest degree inconvenient that they should be forced to go to Calcutta; and, therefore, we propose to give to the Commissioner power to transfer on his own motion.

Clause 10 relates to section 24 of the Act, and increases the facilities for both employers and employed in relation to appearances in the court of the Commissioner: on behalf of the employees or workmen, we propose to give recognised trade unions the right of appearance in the court, and, as far as employers are concerned, we propose that insurance companies who are now very greatly concerned with the matter of workmen's compensation, should be allowed to appear on behalf of the employer.

Finally, clause 11 has reference to the categories of workmen who are entitled to claim compensation under this Act and the effect of clause 11 is to add to the categories who are eligible for benefits under the Act.

I think from what I have said it will be obvious that there are no points of principle involved in this Bill, that it is, as I said, a Bill to remove ambiguities, and to effect minor improvements. I, therefore, hope that this House will be pleased to accept my motion.

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

"That the Bill further to amend the Workmen's Compensation Act, 1923, for certain purposes be referred to a Select Committee consisting of Mr. Kuladhar Chaliha, Mr. Sham Lal, Mr. K. S. Gupta, Prof. Ranga, Sir H. P. Mody, Maulana Zafar Ali Khan, Sir M. Yamin Khan, Dr. P. N. Banerjee, Mr. F. E. James, Mr. S. N. Roy, Shams-ul-Ulema Kamaluddin Ahmed, Captain Sardar Bahadur Dalpat Singh 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. N. V. Gadgil (Bombay Central Division : Non-Muhammadan Rural) : Sir, I welcome this Bill inasmuch as some of the disabilities under which our workmen have been labouring will be remedied by this measure. Sir, the Bill as it is presented today, in my opinion, does not go far enough. The condition that a man suffering from any occupational disease ought to have served in an industrial concern for a period of six months is not quite reasonable or happy. I may point out to this House that there is a corresponding provision in the English Act, and a reference to it has been made in the opinion given by the Government of

Bombay, which will be found at page 4 on the pamphlet entitled : "Opinions on the Workmen's Compensation (Amendment) Bill". This is what is stated here :

"In his opinion, if a workman is found to be suffering from an occupational disease while he is working in an occupation that gives rise to it, he should be entitled to recover compensation, irrespective of his length of service with the employer for whom he is working at the time."

That is to say, the compensation should be regarded as a charge on the industry responsible for the disease. This is recognised in England, where section 43 of the Workmen's Compensation Act, 1925, provides that :

"If the disease is due to the nature of any employment in which the workman was employed at any time within the 12 months previous to the date of the disablement whether under one or more employers, he or his dependants shall be entitled to compensation under this Act."

And a further method of apportioning the compensation is prescribed, and it is this :

"The compensation is recoverable from the employer who last employed the workman, with a proviso that the employer can recover from another employer, if he can prove that the disease was contracted with that other employer or, if that is not possible, then he can recover rateably from all other employers."

This seems to be a reasonable provision for dealing with cases of industrial disease and, in the opinion of the Governor in Council the Indian Act should contain a similar provision."

Now, Sir, if the intention of the Government is to have progressive labour legislation, then I think the suggestion I have made now should be carefully borne in mind by the Select Committee.

Then, again, Sir, in clause 5, an attempt is sought to be made to get round the rulings given by the Calcutta High Court as well as by the Bombay High Court. It is stated here that any claim for compensation must be instituted within six months. The position till now was not this. The only condition that was necessary was that a workman who suffered should have intimated the fact to his employer. Now this clause provides something more. It lays down that the claim shall be instituted before the Commissioner within six months. The House knows perfectly well the backwardness of the Indian labourer as well as his illiteracy, and I submit, this is not fair, and it will be much better if the original provision is retained as it is. The position that is contemplated in clause 5 is not the position that one finds in the English Workmen's Compensation Act. That Act provides that within six months the workman concerned ought to intimate the fact of his injury to his employer. Therefore, I submit, that since our workmen are more illiterate and more backward and less organized than their brethren in England, the original clause should stand as it is, and the clause now sought to be introduced in the Bill should be done away with.

Then, Sir, I come to another provision which is still worse, and that is clause (b) (ii), which lays down that intimation must be given to some person directly responsible to the employer for the management of any branch of the trade or business. The present position is that there must be intimation given to the employer directly or indirectly. There is no definition of the phrase "person directly responsible",—whether

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[Mr. Brojendra Narayan Chaudhury.]

shopkeeper with a capital of, say, Rs. 500. It is well-known, it must have been observed also, by those who have eyes to see, that in the small shops in this country there are often two rooms. The front room is the show room and sale room and there is another small room where the goods are stored, and the definition as given in the clause is : "or other place in which goods are stored". So this small room would be interpreted as a "store". If any workman employed by that small employer in carrying goods for storage, such as rice or wheat, sustains any accident by the falling of a bag on his back, that small shopkeeper, whose capital is only Rs. 500, may be required to pay for a single accident as much as Rs. 500 or 1,000. Yet within twelve months he might not have to pay even Rs. 5 as wages bill. I submit that this is an impossible burden. I sympathise with the workmen who are employed by the big warehouse keepers because they, the bigmen, are able to pay. If you want to have any work done, you won't have at such wayside stations coolies,—for the whole day. I mean that even though the work to be done be the work of only two men, these railway coolies will not turn up during the railway train hours, but they will come in a gang of ten or more afterwards, and work for an hour or less and if an accident occurs then the employer is liable. The definition also lays down, "any market in which on any one day of the preceding twelve months one hundred or more persons have been so employed". My objection to this sub-clause (b) is almost on the same lines. At the time of the season, in a jute godown generally 100 or more persons are employed on any one day, by the big *godown walla*. For the crime of living in close proximity to the big godown the small shopkeeper who may not employ even one-tenth of the hundred labourers for a single day in the year becomes liable. I hope the Select Committee will take these points into their consideration and make appropriate amendments. The law ought not to lay an impossible crushing burden on the employer. The accidental death of a labourer ought not to kill the employer as well.

(Mr. M. Ananthasayanam Ayyangar rose to speak.)

Some Honourable Members : I move that the question be now put.

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

"That the question be now put."

The motion was adopted.

The Honourable Sir Thomas Stewart : I have listened with considerable interest to the remarks of my friends opposite. I think they will agree with me that, however important their points are, they are points that should be discussed rather in Select Committee than here at this stage. In concluding, I would only draw my Honourable friend, Mr. Gadgil's attention to two facts. He referred to the desirability of extending the Act to ferrymen and elephant catchers. I am glad to inform him that the Act already covers both these categories.

THE WORKMEN'S COMPENSATION (AMENDMENT) BILL.

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

"That the Bill further to amend the Workmen's Compensation Act, 1923, for certain purposes be referred to a Select Committee consisting of Mr. Kuladhar Chaliha, Mr. Sham Lal, Mr. K. S. Gupta, Prof. Ranga, Sir H. P. Mody, Maulana Zafar Ali Khan, Sir M. Yamin Khan, Dr. P. N. Banerjee, Mr. F. E. James, Mr. S. N. Roy, Shams-ul-Ulema Kamaluddin Ahmad, Captain Sardar Bahadur Dalpat Singh 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 IMPORT OF DRUGS BILL.

Sir Girja Shankar Bajpai (Secretary, Department of Education, Health and Lands) : Sir, I beg to move :

"That the Bill to regulate the import into British India of drugs and medicines be referred to a Select Committee consisting of Dr. G. V. Deshmukh, Mr. George Joseph, Sardar Mangal Singh, Seth Sheodass Daga, Sir Cowasji Jehangir, Maulvi Muhammad Abdul Ghani, Sir Muhammad Yakub, Mr. Suryya Kumar Som, Mr. J. D. Boyle, Dr. R. D. Dalal, Lieutenant-Colonel M. A. Rahman, Mr. A. K. Chanda and the Mover, and that the number of members whose presence shall be necessary to constitute a meeting of the Committee shall be five."

Sir, I shall be as brief as possible in commending this to the House for two reasons, first, that Honourable Members are in a holiday mood, anxious to bring the proceedings to a termination as quickly as possible, secondly, the Bill is going to a Select Committee and this is not the occasion to make minute points. But I think I ought to explain, as briefly as possible, the main plan of the Bill. We are attempting to control the import of drugs into this country and in the process of control to extend our operations to two main categories, first, the importing individual and secondly, the imported drug. As regards the individual, the proposal, as Honourable Members will observe from sub-section (2) (f) of section 6 every importer of a drug has to be licensed. Then as regards the control of the imported drug, the plan is (a) to prohibit certain drugs, (b) to regulate the import of certain categories of drugs by conditions which we are going to prescribe. At the same time, Sir, it is not the intention to interfere with the legitimate operations of trade and for that purpose we are going to exempt samples from the scope of prohibition and what is more, we are going, in co-operation with Local Governments, to provide for the test of drugs which may be imported by way of samples in the first instance. The trade will be in this happy position, then, that in so far as drugs which are scheduled by us are concerned there will be no let or hindrance at all. They will be allowed to come into the country. Those, on the other hand, whose composition is not known, samples of those will have to be furnished to the laboratories which will test them and in the light of the test, they will be either on the free list or they will be on the regulated list. You will, of course, consider the possibility of people trying to smuggle or bring in by surreptitious means drugs which are deleterious to health. For dealing with those, naturally, we have to empower our customs officers to detain the samples that may be coming into the country. That is all that we are attempting to do. I do not think I need elaborate any further points at this stage. Sir, I move.

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

"That the Bill to regulate the import into British India of drugs and medicines be referred to a Select Committee consisting of Dr. G. V. Deshmukh, Mr. George Joseph, Sardar Mangal Singh, Seth Sheodass Daga, Sir Cowasji Jehangir, Maulvi Muhammad Abdul Ghani, Sir Muhammad Yakub, Mr. Suryya Kumar Som, Mr. J. D. Boyle, Dr. R. D. Dalal, Lieutenant-Colonel M. A. Rahman, Mr. A. K. Chanda 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. J. D. Boyle (Bombay : European) : Mr. President, it is very satisfactory that the Government are now taking a second step to implement the recommendations of the Drugs Inquiry Committee. Now, that Inquiry Committee definitely worked on the assumption that two simultaneous lines of action would be taken, namely, regulation as to the import of drugs into the country and also, what is much more important, the indigenous manufacture of drugs. When I say that, I am sure Honourable Members who are members of the medical profession in this House will agree with me that there are extremely few laboratories which are at the present moment making standard drugs. When I say drugs, therefore, I have very largely in mind spurious drugs. Government have, by this Bill, dealt only with the import of drugs, although in the debate in the other place which was raised by Sir Nusserwanji Choksy, the Government spokesman made it clear that the efficiency of any legislation would be greatly impaired if legislation was not introduced on these two points simultaneously. Now, I quite realise that I shall be told that in so far as indigenous drugs are concerned, that is a matter for the provinces. That is true but Government have shown their appreciation of the vital importance of this matter to public health by the establishment of laboratories, by which it is hoped to set up a proper standard of drugs in this country. In view of the knowledge that we all have of the financial position of the provinces, I do hope that Government will not cloak inactively behind this formal plea. It should also be remembered that if provinces are allowed to legislate individually, there will be a complete lack of that uniformity which is so essential in legislation of this kind and we shall, shortly, be faced with a position in a small degree resembling that which exists in connection with the Motor Vehicle Rules. It may be thought that I am over-emphasising the importance of this matter but I venture to suggest that it is impossible to do so and from that point of view, I shall give two short examples. One is to show the danger of the present position, and the other to show how general the danger has become. As to the first, it is within my own knowledge that a mufassil hospital in the Bombay Presidency ordered supplies of "insulin" for a diabetic patient. Those supplies were sent up by a reputable Bombay firm of chemists, and the patient, Sir, after his first injection, was rapidly in a dying condition. When the "insulin" was examined, it was discovered to be nothing but a water and sugar solution, and even non-medical men in this House will realize that that is equivalent to signing the death warrant of a diabetic patient. Sir, this was, as a matter of fact, what actually happened and in case any Honourable Member may think that this is just a single case which we cannot hope to legislate for, I can say that in the city of Bombay there is an Association of second-hand bottle-wallahs and that this Association deals in nothing but the collection of medicine bottles bearing the marks both of very important drugs and of medicine such as Eno's Fruit Salts and

that there is a profession which engages in filling the bottles with spurious drugs and all sorts of medicine. Sir, there is an actual Association to that effect and I have mentioned that to show you that the danger is not occurring just here or there but it is absolutely wholesale.

Now, very briefly, I would like to deal with one or two points of the Bill. I realize that most of them, such as the question of license fees, taxes, samples, etc., can most easily be dealt with in the Select Committee but there are just two points. From clause 3 (c) if you will read it together with clause 6 (2) it would appear that every single individual item of importation would have to be taxed and licensed separately and a sample also will have to be submitted. Now in so far as imports are concerned, only very reputable houses or anyhow to a very large extent are engaged in such importation and their importations are on an enormous scale. It would be a perfectly impossible imposition on them if every single item had to be licensed and taxed separately. In the same clause 3 (c) there is a provision that it shall not be possible to bring into India a patent medicine with an undisclosed formula. In England every patent medicine has an undisclosed formula and that is, in fact, the definition of a patent medicine and a special tax is levied upon patent medicines which does not apply to other medicines. If it is the Government of India's intention really to prevent the import of these patent medicines, the present provision cannot possibly do so because any importer who was making a reasonable profit would naturally introduce ingredients in bulk and manufacture in this country, which is a very simple process indeed. Before I leave this particular point I may mention that under the Therapeutics Act in Great Britain and under similar legislation in the United States, the legislation is on both these lines—simultaneously on imports and on indigenous manufacture and no differentiation is made at all and in their opinion that is the only method by which legislation can be made satisfactory and complete. Sir, I will not raise any more points; I think that they can probably be best dealt with in Select Committee. I would only say that this is a very technical matter and that those business houses which are at present dealing in this trade have a considerable fund of technical knowledge and I urge upon the Government of India both in connection with this Bill itself and also in connection with the rules, which are likely in this particular Bill to be of even greater importance than the Bill itself, that the trade should be consulted. With these observations I support the motion for a Select Committee.

Sir Girja Shankar Bajpai : Sir, there are only two or three points arising from my Honourable friend, Mr. Boyle's speech, on which I feel I ought to say something at this stage. The first point was that our Bill is limited to the import of drugs and leaves untouched the question of the manufacture and internal distribution of drugs. Well, Sir, after of the discussions that have taken place, during the last two days in this House, on the respective constitutional powers of the Centre and the Provinces, I am sure my Honourable friend would agree that I should be raising a veritable hornet's nest if I made any attempt to regulate the question of manufacture and distribution, which is essentially a provincial subject. ("Hear, hear" from the Non-Official Benches.) I could not possibly attempt to do that, but at the same time, I would like to point out to him that the Provinces realize their responsibility in this

[Sir James Grigg.]

these circumstances, the Government came to the conclusion that the proper course was to cancel outright both sets of arrears, and, personally, I still think that this is the proper course. When the Resolution to this effect was put down in the last Session of the Assembly, judging from the amendments put down, two lines of action emerged. The first was that of Mr. Satyamurti who proposed that the Resolution should be amended to cancel the debt of the Depreciation Fund only and the European Group put down a Resolution which, as I understood it, would leave the depreciation arrears not only outstanding but as a first charge on any surplus which arose. On this occasion, the amendment of the Party opposite was less embarrassing though I have no doubt that the Resolution of the European Group was sounder financially. The Resolution now put down is an attempt to steer a middle course between Seylla and Charybdis.....

Mr. Bhulabhai J. Desai (Bombay Northern Division : Non-Muhammadan Rural) : From frying pan to fire.

The Honourable Sir James Grigg : The effect of the Resolution is, in effect, to declare a moratorium for three years for both the arrears of contribution and the debt to the Depreciation Fund. I understand that this Resolution will be accepted or is acceptable to all Parties in this House with no more than brief restatements of their various positions and, therefore, I commend to the House my small effort in responsiveness.

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

"That this Assembly recommends to the Governor General in Council that railway revenues be declared not liable, before the 1st April, 1940, or before the fixation under section 187 (1) of the Government of India Act, 1935, of the sum therein referred to, whichever is earlier, to repay to the Depreciation Reserve Fund maintained for Indian State-owned railways, the balance outstanding on the 1st April, 1937, of loans taken from the Fund to meet railway deficits or to pay to general revenues any contributions due under the Resolution of this Assembly of the 20th September, 1924, in respect of the period beginning on the 1st April, 1931, and ending on the 31st March, 1937."

Mr. Bhulabhai J. Desai : Mr. President, in not objecting to this Resolution which has been moved and which I have understood otherwise than how it was read in this House, may I commend to my Honourable friend, the Mover of this Resolution, an advice on the occasion of our parting until we meet next year that he should learn to be less and less embarrassed by what the other side of the House require, notwithstanding his opinions to the contrary. It is a very sound lesson for administration and it is also a very sound lesson for the success of the Government which he represents in this particular matter. He indicated to the House that not only will we be at liberty but it will be necessary for us to briefly state our position in the matter on which he has, though not called for, expressed his opinion. As regards the wiping out of the two items, amounting to 60 odd crores, he seems to take the matter lightly. Unfortunately, we, who have to foot the bill, cannot look upon it in the same way, and it would be wrong, even from the economic point of view, let alone finances or anything else, that a particular concern which is going to be separated now, the Federal Railway Authority, should commence its operations having got rid of its obliga-

tions so far as these 60 odd crores are concerned. Then they would be able to say that with a diminished capital they are working very well, indeed, and giving a little larger percentage than what they otherwise would have been able to show. It is much better that the Federal Railway Authority should accept the position so far as the capital valuation of the railways are concerned including these two items which they ought to have paid, so that at least their career of extravagance may, to a certain extent, be checked. Secondly, they will not be able to show in a wrong perspective a somewhat economical management of the railways concerned for, indeed, to say whether a capital of eight crores is paid or not is somewhat different to 7½ crores if not 740 lakhs. The result is that we maintain that whenever this adjustment takes place, it will have to be done when the Federal Railway Authority is constituted and neither of these items will be remitted. I quite agree that for the purposes of the Niemeyer's award the proviso for the purposes of calculation, at all events of these two items, is not to be considered. The proviso runs in this way :

"Provided that for the purpose of ascertaining the net amount so payable to general revenues, borrowings from the depreciation fund before the commencement of Part III of the Act shall be deemed not to be repayable and arrears of contributions to general revenues for any year before the commencement of the said Part III shall be deemed not to be payable."

Mr. President (The Honourable Sir Abdur Rahim) : What is the Honourable Member reading out ? Is it the amendment ?

Mr. Bhulabhai J. Desai : No, Sir ; we are not moving any amendment. I am reading out the proviso from the Order-in-Council. We are not trying to ask you for a construction of the section nor for any ruling from the Chair. I am reading it only for the purpose of putting forward our view. This idea of moratorium has been first started by France and then England followed. Next time my Honourable friends from the European Group are heard to say a word against the moratorium, they could not say that we are not observing sanctity of contract or that we are putting off our obligation. So that moratorium has evidently become the order of the day whenever it suits any State financially. Having regard to that, for the moment this moratorium is temporary for the purpose of calculation. This Resolution in fact comes to a moratorium for the Railways. The wording of the Resolution is that for the purpose of calculating the liability this shall not be considered which is really moratorium truly called. But it is understood as a part of this Resolution that it would be better having regard to the inauguration of Provincial Autonomy in the Provinces that contributions should be paid rather than these amounts should go to clear the debt which is maintained still to be legitimately due even though my Honourable friend, who is at present representing the debtor, might disappear and be replaced by another person, I have no doubt that they will continue to insist on the theory of sanctity of obligations and the only other thing that I wish to call attention to is section 187 of the Government of India Act. Again, I am referring to this not for construction by the Chair. The section reads :

"There shall be deemed to be owing from the Authority to the Federation such sum as may be agreed or, in default of agreement, determined by the Governor General in his discretion, to be equivalent to the amount of moneys provided, whether before or after the passing of this Act, out of the revenues of India or of the Federation for capital purposes in connection with railways in India."

[Sir Girja Shankar Bajpai.]

matter, that the financial issue has not been raised by all of them in the correspondence which we have had, and that we hope that the legislation which we are undertaking now will serve as a stimulus to them to complete the work which we are beginning here. Then, Sir, the second question is that of the lack of uniformity. My Honourable friend apprehends that if each Province is left free to regulate its business, then there will be divergencies of both system and procedure. Well, my Honourable friend probably appreciates the fact that we have brought very recently into existence a Central Advisory Board of Health on which Provincial Governments are represented through their Ministers. That is the machinery which, we hope, will be utilised for the purpose of co-ordination of policy and methods of administration in regard to the activities of Local Governments in the direction of the control of both the manufacture and the distribution of drugs. Then, Sir, my Honourable friend went on to refer to certain clauses of the Bill. I will not go very much into detail but I would try to re-assure his economic mind or economical mind on one point. It certainly is not our intention to try to drive importers out of the business by taxing every article that they import. The idea that we have is that there shall be a general importers' license and then, subject to that, of course every drug will have to run the gauntlet of the customs schedule according to the prescription of that schedule. Finally, Sir, there is the question of the consultation of trade. Sir, we are commending this now to the Select Committee. We shall, meanwhile, circulate the Bill to the trade for its observations and if, in the light of the opinions which we receive by the time the Select Committee meets, that Committee still feels that witnesses ought to be examined, it will be for them to decide whether the trade should have that opportunity of examining the operation of this Bill. On the subject of the rules, I can say nothing at this stage, this matter will be considered by the Select Committee. That is all I have to say.

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

"That the Bill to regulate the import into British India of drugs and medicines be referred to a Select Committee consisting of Dr. G. V. Deshmukh, Mr. George Joseph, Sardar Mangal Singh, Seth Sheodass Daga, Sir Cowasji Jehangir, Maulvi Muhammad Abdul Ghani, Sir Muhammad Yakub, Mr. Suryya Kumar Som, Mr. J. D. Boyle, Dr. R. D. Dalal, Lieutenant-Colonel M. A. Rahman, Mr. A. K. Chanda 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 INDIAN PATENTS AND DESIGNS (AMENDMENT) BILL.

The Honourable Sir Thomas Stewart (Member for Industries and Labour) : Sir, I move :

"That the Bill further to amend the law relating to the protection of Inventions and Designs be circulated for the purpose of eliciting opinion thereon."

Sir, within the past 12 months there has been carried out a very extensive overhaul of our Company Law and in the present Sessions we have had before us an equally comprehensive review of Insurance Law.

THE INDIAN PATENTS AND DESIGNS (AMENDMENT) BILL.

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This Bill represents another step, though not such a long one, in the process of bringing up-to-date all our commercial law. The Act which we propose to amend dates from 1911 and, though there have been, from time to time, piecemeal amendments, we find that there are a considerable number of difficulties always arising in the relations of our Patents Office with those who apply for patents. It is for that reason that we have brought forward this Bill which, as Honourable Members will realise, is for the most part of a technical and legal nature. I suggest, therefore, that the discussion of our proposals could best be carried out after the Bill has been circulated for the opinion of those who are best acquainted with this technical subject. With these words, Sir, I move.

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

"That the Bill further to amend the law relating to the protection of Inventions and Designs be circulated for the purpose of eliciting opinion thereon."

The motion was adopted.

RESOLUTION RE PAYMENT OF CONTRIBUTIONS FROM RAILWAY REVENUES TO GENERAL REVENUES.

The Honourable Sir James Grigg (Finance Member) : Sir, I move the Resolution which stands in my name on the paper. The central fact in the requirement of this Resolution is the Niemeyer Order-in-Council. Perhaps I can briefly describe the effect of that by saying that for the first five years of Provincial Autonomy the provinces are to get.....

Mr. Akhil Chandra Datta (Chittagong and Rajshahi Divisions : Non-Muhammadan Rural) : You have to move the Resolution and you must read it.

The Honourable Sir James Grigg : I thought I would expedite the business by not reading it. The Resolution runs as follows :

"That this Assembly recommends to the Governor General in Council that railway revenues be declared not liable, before the 1st April, 1940, or before the fixation under section 187 (1) of the Government of India Act, 1935, of the sum therein referred to, whichever is earlier, to repay to the Depreciation Reserve Fund maintained for Indian State-owned railways, the balance outstanding on the 1st April, 1937, of loans taken from the Fund to meet railway deficits or to pay to general revenues any contributions due under the Resolution of this Assembly of the 20th September, 1924, in respect of the period beginning on the 1st April, 1931, and ending on the 31st March, 1937."

Sir, I was explaining that the central fact in the requirement of this Resolution is the Niemeyer Order-in-Council under which the provinces are to get a share of the centrally collected income-tax whenever, what I might call the divisible income-tax pool *plus* the railway contribution exceeds 13 crores, and for this purpose the railway contribution is to be calculated as if both the arrears of contribution to the Central Government and the debt to the Depreciation Fund have been cancelled. It looks as if there is a fair chance that the conditions under which the provinces get a share of the income-tax will be satisfied in this year. But, unless we take some action, we shall be in the position that the whole of the railway surplus will be added to the Depreciation Fund, while the Central Exchequer will have to find the contribution for the provinces out of its own unaided resources. In

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[Mr. Bhulabhai J. Desai.]

In other words, when we come to determine the amount so payable, I hope and trust that both these items of debt notwithstanding the opinion of my Honourable friend to the contrary will be acknowledged as a proper debt owing.

Mr. M. S. Aney (Berar : Non-Muhammadan) : Sir, I feel great regret that a Resolution of this kind should be tabled and brought for consideration before this House at a time when the House is really not in a mood to give serious consideration to any serious proposals. It is true that the Resolution was tabled last Session also, but it was also then tabled in my opinion under the same difficulty that we find ourselves today. The intimation of the Government's intention to repudiate the liability which has accrued, under the separation convention, has come to us long before. References to that were made by the Honourable the Finance Member and other responsible Members of the Government in their speeches last Budget Session and so on. But those who were in this House, when the railway separation convention was brought about, know the difficulties which non-official Members had to face before they gave their consent to that convention. The House, as a matter of fact, was not then first prepared to accept the idea of separation of railway finances at all but it took several days before the parties could be brought about to a reconciliation on that point. Several days were taken by the House.

An Honourable Member : Several months.

Mr. M. S. Aney : I am referring only to the period taken in the House and not to the time taken outside the House. One of the reasons why the House agreed to that separation convention was that a certain amount was fixed as a contribution to the general revenues. That was one of the reasons why the House was, ultimately, persuaded to accept that convention. Now we find that on account of certain conditions that have ensued the railways are not able to manage their affairs properly. The mistakes of those who were in charge of the railway administration, during all these years when this convention worked, are to be paid for by the taxpayers who handed over charge of the railway affairs to the Railway Board accepting the scheme of separation of revenues also accompanying it. Because the railway management has not been able to manage the railway economically and profitably, the tax-payers have to suffer. Large debts were incurred every year for capital expenditure. All these debts were sanctioned by the House in the hope that money was being invested in lucrative concerns which would increase the earnings of the railway lines which would, in its turn, bring more revenue to the general revenues. This kind of confidence was reposed in the Railway Board by the House before they agreed to separate the railway finances from the general finances. The Railways then said : "unless we have complete control of our finances, we cannot show any real improvement in railway earnings. You fix your contribution once for all. Don't try to take a larger share than we can afford to part with because that would come in the way of working the railway lines profitably". This was what was said to us then, before we agreed to the separation of the finances. What is the result that we find today ? After these long years, we are finding that we are not

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getting any contribution. Our reserve fund has been swallowed up. Now the Honourable the Finance Member seriously comes forward with a proposal asking this House to wipe out altogether.....

Mr. S. Satyamurti (Madras City : Non-Muhammadan Urban) : No, not wiping out.

Mr. M. S. Aney : I know the term "wipe" is not there. The compromise put forward is that this should come again not before 1st April, 1940. My submission is this : let the liability remain on their head till that time. Let them go on making as much contribution to the general revenues as they can. Let the debt be piled up to that debt fund. This question should be decided, in my opinion, along with the question when Government will have to make some kind of agreement and fix the amount that is to be paid to the Government by the Railway Authority. When those negotiations will go on these old debts should be taken into consideration. If, at that time, it is found out by the Federal Authority that it is impossible to pay off the debt, I think the House will have enough understanding to see the reasonableness of the proposal. If it is a reasonable proposal, it will sanction it. But why should we say today that up to that period we allow them not to make any effort at all to economise the administration and make some payments towards the debts which are due from them ? Why should we tell them that for five years there should be a moratorium ? I do not understand why we should give them that sort of liberty. So without going into details, I will say that I am not prepared to allow this facility of doing away with the payments. This is the first attempt to ultimately wipe out the liabilities, which seems to be the ultimate fate of these debts. I do not want to be a party to that and, therefore, I have no option but to oppose the Resolution.

Dr. Ziauddin Ahmad (United Provinces Southern Divisions : Muhammadan Rural) : Sir, ever since the publication of the Wedgwood Committee's report, non-official opinion was very nervous about two sentences in that report. The first is on page 123 where they say :

"We understand that it has been decided to write off both these liabilities." These refer to depreciation and their debt to general revenues. And the second sentence is on page 129 :

"We think that this situation should be recognised and that the railways, while they should be expected to maintain full solvency, should not be regarded as a possible source from which contributions to the general revenue may be derived."

From these two sentences it seemed that the Wedgwood Committee recommended that not only the debts against depreciation and general revenues were to be wiped off but that the railways should pay no contribution whatsoever in future. That was the idea of the Wedgwood Committee but the present Resolution has eased the position. In the first place, it is now clear that it has not been decided definitely that all these debts should be written off and, therefore, the report is not correct in saying this. The second thing is that it is contemplated that the railways will not be absolved from their obligation to pay to the general revenues. From these two points of view I welcome the present Resolution. There is one thing to which I should like to call attention and that is that the roads pay to the general revenue to the extent of six crores per annum, 41 crores on the petrol tax and 1½ crores on the other

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[Dr. Ziauddin Ahmad.]

accessories of motor cars. Now, if the Railways do not pay anything to the general revenues it is natural that the sympathy of the Legislature will always be with the roads and it will always be against the railways, because one of these two means of communication would pay to the general revenue and the other would not.

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.

Dr. Ziauddin Ahmad : Sir, I was pointing out before Lunch that the general revenues get about six crores from the road, and if we get nothing from the railways, the sympathy of the Legislature will naturally be in favour of the road and not of the rail.

We have been told, repeatedly, that the railways are a business concern and we should apply business principles there. May I ask my business friends on my left whether they would start a business in which they get only depreciation and interest at market rates and no profits whatever? They will never start one. So, if that is a business proposition, we must get some profits in addition to depreciation and interest charges. Of one thing I am quite sure, that the convention of 1924 requires reconsideration. We are not in the position of a joint stock company getting fixed dividend—one per cent. on the capital at charge; and we ought to revise it in such a way as to get a certain percentage of profits. Then all this question of non-payment, arrears, moratorium, etc., will disappear. Of course the numerical value of the percentage will not be a fixed quantity: it will be a variable quantity, and it must depend on the amount already in reserve fund and various other factors. Without going into the details I will say that we should get a certain percentage of the profit and the percentage should be a variable quantity depending on several factors which arise in the running of this administration. I will work out a formula.

The next point is the question of depreciation. Here we are undoubtedly on a different footing. Depreciation fund does not belong to general revenues. It belongs to the Railway Administration. As I have been saying repeatedly, this fund has been calculated on an absolutely wrong basis, on an unscientific basis for which there is no precedent in any other country. I am glad the Wedgwood Committee has drawn attention to it and said that the flat rate of one-sixtieth of the Capital at charge was absolutely unscientific and it should be calculated in an entirely different manner.

Another thing which is bad accountancy is that renewals, additions and repairs are met from three different sources—revenues, depreciation fund and capital fund—the distinction is absolutely unscientific

and arbitrary. A simple rule should be made that expenditure which yields income should be met from capital expenditure and expenditure on repairs, maintenance, additions and renewals, which are not going to yield fresh income, should be met from revenues. As regards the depreciation, we ought to follow the practice of life insurance companies: we ought not to set aside in 1937, what we might require 30 years hence, but only what we are required to pay in the current year, which may partly be the liabilities which we may have incurred 25 or 30 years ago. If this principle is adopted there is no need for a depreciation fund. But we do require a reserve fund and the amount of that fund should be the equivalent of the expenditure for one year—i.e., in the neighbourhood of 80 crores. This is just what the Wedgwood Committee have recommended—50 crores for reserve and 30 crores for depreciation. It is ten per cent. of our capital at charge. I would like to amalgamate the two and keep 80 crores in the reserve fund to meet expenditure in bad years. It may be split up into sub-heads as is done in other railway administrations: in South Africa for example there is a wage equalisation fund, so that in bad years it may not be necessary to have a ten per cent. cut or reduction in salaries: then they have a rates equalisation fund, which is equally important: so that in bad years we may not have to increase rates as we have been doing for the last several years. Then there should be a betterment fund: e.g., when we want to improve the conditions of third class traffic we might fall back upon this fund.

With these remarks, I welcome this Resolution which I consider to be a great improvement on the recommendations of the Wedgwood Committee.

Mr. T. Chapman-Mortimer (Bengal: European) : Sir, we, in this Group, were slightly surprised when we first learnt of this suggestion to postpone dealing with the question of the writing-off of the arrears due to the Central Revenues, and the amount borrowed from the depreciation fund: because as at first it seemed to us it was perhaps an apparent failure to tackle what seemed an immediate and urgent problem: and secondly, because there seemed to be possibly some conflict between what has now been decided on and the Order-in-Council dated the 3rd July, 1936, in which Order was embodied the decision of the Government of India and the Secretary of State following on the recommendations of Sir Otto Niemeyer. Underlying this apparently simple Resolution for the postponement of the question of writing-off of these two items of 31 odd crores, in each case,—in other words, the moratorium which is now proposed,—is a very big problem. This problem is one not merely of railway finances as a whole, but also a problem of general finances; and a problem, which has a very important bearing, as my Honourable friend, the Finance Member, has already pointed out, on Provincial Revenues because of the contribution which the provinces hope, in due course, to receive out of income-tax revenues.

Now, I should like to remind the House, as of course, we all know, that the contribution from the provinces is coming from the income-tax primarily, though Sir Otto Niemeyer very wisely pointed out that this would be a dangerous thing to do if the Central Government was not certain that they were going to receive at least 13 crores from the railways plus the income-tax combined. But primarily the problem now appears as a problem of the financial stability of the railways. If that cannot,

[Mr. T. Chapman-Mortimer.]

reasonably, be assured, naturally the Central Revenues will suffer and, of course, also the provinces who hope, in due course, to receive substantial contributions from the Centre. At the same time, we recognise that both for the Central Government and for the Provincial Governments—who hope to benefit by the contributions from the Centre,—the Resolution, now before the House, must make a very powerful appeal. At the same time, Sir, we in this Group feel it necessary to enter a caveat at this stage in order that our position in regard to the Railways and Railway finances may be made quite clear. During the last three years, and more especially during the last 18 months or two years, the Financial Commissioner for Railways and the Finance Department of the Government of India have done a very great deal to improve the finances of the Railways. It is the least we can do, Sir, to recognise what they have done in this regard, and, more particularly, what my friend, the Honourable the Finance Member, has done in actively interesting himself in this question ever since he came to India. Because, Sir, we believe that a right solution of the railway problem and the placing of the railway finances on a sound basis is in many respects the key to the future of Central Finances, for the obvious reason that if the railways are not put on a sound basis,—and as I have already stated we consider a great deal has been done in this direction,—if the Railways are not put on a sound basis, it may have very serious repercussions on the Central Finances, and so, naturally, on the problem before the Finance Member and his successors. But, Sir, it does seem to us, or rather it seemed to us when we first heard that this was to be postponed and a moratorium was going to be declared, that really the essential problem was being shelved, but we hope that it is not the case, and that the Financial Commissioner for Railways and the Finance Member have still an open mind on the Central problem which is to be found in the Separation Convention of 1924. The effect of that Convention, more particularly the provisions underlying paragraphs 1 and 2, is that in good times extravagance in Railways is encouraged because the Railways very naturally feel that if they don't spend then the money would go, for when bad times come they would be asked to cut down expenses. Therefore, they naturally tend to be extravagant when the years are good, and that is what exactly happened between 1924 and 1929. Subsequently, in bad times, these same provisions, owing to their very narrowly restricted nature and their lack of elasticity, compelled the Railways drastically to cut down expenditure at the very time when, if matters were arranged somewhat differently, they could try if possible to ease the economic depression by maintaining their expenditure on renewals and repairs as far as was reasonably possible having regard to the trade depression. The result of this is that in bad times the Railways, themselves, accentuate the very difficulties which cause their own difficulties, and so a sort of vicious circle is set up.

Now, Sir, as it has already been pointed out, Sir Otto Niemeyer recommended that the Separation Convention of 1924 should be the basis upon which Government should make their calculations when deciding as to how much of the income-tax would be available for distribution to the provinces, taking into account the railway contributions to the Centre *plus* income-tax. At the same time he also pointed out that there were serious dangers in regard to railway finances, and he further pointed out that it was

absolutely essential that effective steps should be taken to place the railways on a sound and stable basis. As I have already said, Sir, a good deal has been done in the direction indicated by Sir Otto Niemeyer to improve the finances of the Railways; but we, in the Group, feel and our constituents, among whom are the Chambers of Commerce of Bengal and Bombay, also feel, that the key to the situation lies in the revision of the Separation Convention. I was, therefore, very glad to hear my friend, Dr. Ziauddin Ahmad, express the views that he did in this connection, because I feel certain that he has put his finger on the real weakness in regard to the finances of the railways. I would, in this connection, Sir, remind the House that the Government of India, in their despatch on the Niemeyer Report, pointed out that the Separation Convention was not in itself a precise basis of assessment, though, of course, they quite rightly generally accepted the proposals of Sir Otto Niemeyer in this connection. The Secretary of State too in his reply recognised the difficulty of standing too narrowly upon the Separation Convention of 1924, therefore, we hope, Sir, that having regard to the fact that the Secretary of State has expressed himself in that same despatch as anxious to place the Railways on a sound basis, and as now he has agreed to a slight modification of the Order in Council, passed as a result of the recommendations of Sir Otto Niemeyer, he will not stand too much on the letter of the agreement but will see his way clear to agree to some reasonable revision of the Separation Convention of 1924. I do not propose, Sir, to go into that matter now as it is neither the time nor the place for it, but I should just like, briefly, to indicate that we, on these Benches, do not mean by agreeing to the Separation Convention that the Central Government should get much less than it is likely to get now; far from it. What we want, Sir, is, very much what my friend, Dr. Ziauddin, has pointed out. There should be no accumulation of debts against the Railways in bad times, and in good times, out of the surplus which will accrue after the Railways have met all their ordinary running and other expenses, they should be able to keep for themselves a certain percentage which they will be able to place to Reserve to meet various contingencies, as was so ably explained by my Honourable friend.

As to the question what the percentage should be, on that, Sir, we, on these Benches, have not made up our minds. The reason why we should have liked to see the writing off of both these items, approximately, 31 crores, in each case, linked up to the proposal for an early revision of the Separation Convention of 1924, is that we do feel that this is an extremely important matter, and it is absolutely vital, we believe, in the best interests, not merely of the Railways and of the Central Government, but also of the provinces, who hope to gain so much in due course from their share of the income-tax, that the railway contribution to the Centre should be as stable as it is possible to make it. Naturally, you cannot provide against all contingencies; you cannot provide absolutely against years of depression and so on, but to some extent you can make provision by allowing the Railways out of the surplus that will accrue to build up a reserve which will enable them to do what we should call in business building up an equalisation fund; in this case to safeguard the contribution to the Central Revenues and also to meet expenses which would be in the nature of "betterment" or to provide against the misfortune of having to cut salaries or wages, etc. Sir, we support the Resolution.

Dr. P. N. Banerjee (Calcutta Suburbs : Non-Muhammadan Urban) : Sir, this is a very serious matter. The Resolution of the Honourable the Finance Member seeks to write-off a large sum of money which is due to the general revenues of India from the railways.

The Honourable Sir James Grigg : I think the Honourable Member is under a misapprehension. That was the original Resolution, but this one is only to declare a moratorium, and not to write off.

Dr. P. N. Banerjee : I stand corrected. The amended Resolution seeks to postpone the payment of a large sum of money which is due from the railways to the general revenues of the country. I desire, in this connection, to allude very briefly to the history of the separation of the railway finance from the general finance. The objects with which this separation was made were made clear in the Resolution which was moved by Sir Charles Innes in the Legislative Assembly on the 3rd March, 1924. The preamble ran thus :

" This Assembly recommends to the Governor General in Council that in order to relieve the general budget from the violent fluctuations caused by the incorporation therein of the railway estimates and to enable the railways to carry out continuous railway policy based upon the necessity of making a definite return over a period of years to the State on the capital expended on railways."

So, there were two points emphasised in this preamble. The first one was to relieve the General Budget from violent fluctuations, and the second was to make a definite return over a period of years. How have these two objects been fulfilled ? Violent fluctuations, of course, are not there, but has the general exchange gained anything during the last seven years ? No payment has been made although, in this preamble, it was made very clear and the Assembly was assured to the fullest extent that the return would be made year after year. The Members of the then Assembly entertained very great doubts about the ultimate effect of this Resolution and the matter was, first of all, referred to a Committee and this Committee again referred some of the details connected with this matter to a Sub-Committee. The whole thing was postponed from March till September, 1924. In the meantime, a sort of compromise was arrived at. What were the terms of the compromise ? In the first place, originally, it was proposed that the fixed contribution should amount to five-sixths of one per cent. Now the Government was willing to increase it to one per cent. Secondly, it was feared by many Members of the Assembly that the control of the Assembly over railway finances would not be as great as before, and, for this, an assurance was given that the Assembly would retain full control over railway finance. Thirdly, an amendment was accepted to the effect that the railway services would be Indianised at a very rapid pace and Indians would be appointed as Members of the Railway Board. In view of these concessions which were made, the Assembly accepted the Resolution in a modified form. This, in brief, is the history of the separation of railway finance from general finance.

Now, have these terms of compromise been kept ? I have already pointed out that during the last seven years the contribution has not been paid. Secondly, with regard to the control of the Legislature over railway finance, we all know that a Statutory Railway Authority is going to be appointed and the Legislature will lose its control altogether over railway finance. As regards the third term of compromise, namely,

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Indianisation, we all know that Indianisation has not proceeded at a rapid pace. Whenever experts are required, they are imported from abroad, and, at the present moment, there is no Indian as a member of the Railway Board.

The Honourable the Finance Member told us, only an hour ago, that a fresh compromise has been arrived at here. Who were the parties to this compromise ? I gave notice of an amendment, but I do not know of any compromise. My Leader, Mr. Aney, does not know of any compromise. Who, then, were the parties to this compromise to which the Honourable the Finance Member alluded ?

Captain Sardar Sir Sher Muhammad Khan (Nominated Non-Official) : Mr. Aney was not here.

Dr. P. N. Banerjee : Has he left Simla ?

Another Honourable Member : He was not on the spot.

Dr. P. N. Banerjee : I pause for a reply from the Honourable the Finance Member. Who were the parties to this compromise ? No reply is forthcoming, and, therefore, I must take it that no compromise has been arrived at to which all Groups agreed. Then, what are the terms of this compromise ? I admit that the Resolution in its amended form is an improvement on the original Resolution of which notice was given. If that be the compromise, well, I think there has been some improvement, but not that anything substantial has been gained. It has been urged by the Honourable the Finance Member that the Acworth Committee did not contemplate the payment of any contribution from the railways to the general finances in future. That may be true, but everybody in this House has condemned the Acworth Committee's Report. That Report is extremely unsatisfactory and we must not base any conclusions on that Report. The Resolution, as it stands at present, speaks of postponement, but my Honourable friend, Sir James Grigg, used two words ; he used the word " cancellation " as well as the word " moratorium ". What his exact intention is I do not know. If this Resolution merely seeks to postpone consideration of the question of contribution for some time, will he assure us that in the next Budget he will demand this contribution from the railways to general revenues ? If not, I do not see where the compromise comes. Even as it is, there is a great deal of loss and injustice to the Indian taxpayer, and I must record my protest against the decision.

Some Honourable Members : Let 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.

The Honourable Sir James Grigg : I suppose that on the whole I cannot complain about the reception by the House generally of what I called my small effort at responsiveness, although, both the Leaders of the Congress and the Congress Nationalist Party have made certain small complaints. In the case of Mr. Aney, as far as I could follow his complaint, it was entirely directed

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[Sir James Grigg.]

to the Resolution which I put down last Session and not this Resolution at all and, anyhow, I think his point was that though contributions to the depreciation fund might be cancelled, it was very wrong to cancel the contributions to the Central Government. I might reassure him if I tell him that for a great many years to come the effect of a proposal of that sort would be precisely the same as the proposal that I have now put on the paper, so that I do not think he can base any large case for a hardship on the Indian taxpayers on the difference between this Resolution and the one which he would like to see. As regards the Leader of the Opposition, I think his first slight acerbity was to complain that I had restated my position at all. Well, I restated it in one sentence, which was a great deal more briefly than any one else did. I do not think he can make much of that. Then he made a homily, a brief one, which was more or less to the effect that if only on every question I give up my view and accept his view I should never get any trouble in this House. I wonder if he is quite sure about that. I heard from Dr. Banerjee a few rumblings of a controversy which agitated this House a few days ago. It was complained bitterly that the Government and the Congress had come to an understanding. So, not only am I unable to accept his suggestion, I am not even able to accept it as universally true. Sir, I must apologise to the European Group for having, unintentionally, misrepresented what I thought was their attitude towards the original Resolution put down last Session on this subject and I gather that on the whole their attitude is to agree with my original contention that both these sets of debts should be cancelled.....

Mr. S. Satyamurti : That is not the view of the House.

The Honourable Sir James Grigg :..... but they added as a proviso that the convention which regulates the financial relation between the Central Government and the Railways should be revised. Well, Sir, on that, I do agree very definitely with the European Group that it would be a wise thing for the railways to accumulate reserves and there is, in my mind too, a certain fear lest the process of building up reserves, which is after all taking a long view of railway finances, should be abandoned for the short view of extracting the greatest possible benefit to the Central Exchequer but I think the European Group will agree with me that there has not been very much evidence among the speakers who spoke today that a convention which emphasized more the building up of reserves and less the payment of contributions to the Central Exchequer would receive the approval of a majority of Members of this House. Sir, I do not think I need deal with any of the other points that were raised and I commend the Resolution for the acceptance of the House.

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

"That this Assembly recommends to the Governor General in Council that railway revenues be declared not liable, before the 1st April, 1940, or before the fixation under section 187 (1) of the Government of India Act, 1935, of the sum therein referred to, whichever is earlier, to repay to the Depreciation Reserve Fund maintained for Indian State-owned railways, the balance outstanding on the 1st April, 1937, of loans taken from the Fund to meet railway deficits or to pay to general revenues.

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any contributions due under the Resolution of this Assembly of the 20th September, 1924, in respect of the period beginning on the 1st April, 1931, and ending on the 31st March, 1937."

The motion was adopted.

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

The Honourable Sir James Grigg (Finance Member) : I do not think that there would be any very great advantage in moving the motion relating to the Public Accounts Committee because of the short time left to us for discussion. Therefore, with your consent, I do not move that, but I go straight on to move the Excess Grants.

DEMANDS FOR EXCESS GRANTS FOR 1935-36.

INDIAN POSTS AND TELEGRAPHS DEPARTMENT.

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

"That an excess grant of Rs. 2,12,734 be voted by the Assembly to regularise the expenditure chargeable to revenue actually incurred in excess of the voted grant in the year 1935-36, in respect of 'Indian Posts and Telegraphs Department'."

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

"That an excess grant of Rs. 2,12,734 be voted by the Assembly to regularise the expenditure chargeable to revenue actually incurred in excess of the voted grant in the year 1935-36, in respect of 'Indian Posts and Telegraphs Department'."

Mr. Mohan Lal Saksena (Lucknow Division : Non-Muhammadan Rural) : I have an amendment to this motion.

Mr. President (The Honourable Sir Abdur Rahim) : You cannot raise any question of policy on this motion.

Mr. S. Satyamurti (Madras City : Non-Muhammadan Urban) : Under Rule 49, an excess grant is to be treated as an ordinary grant.

Mr. President (The Honourable Sir Abdur Rahim) : It is a well established rule of this House that when a demand is made for an excess grant, no question of policy can be discussed.

Mr. S. Satyamurti : May I make a suggestion on that ? I looked up May's Parliamentary Practice. The position is this. If my friend, the Finance Member, can prove to your satisfaction that the two lakhs odd, he is now asking for, does not cover the subject sought to be discussed by Mr. Mohan Lal Saksena, then the amendment is out of order. If, for example, this excess grant has nothing to do with the question of the Government of India insuring goods indented from foreign countries with foreign companies, then I quite agree that the amendment should not be moved. If it has, then I submit it is in order.

The Honourable Sir James Grigg : Sir, I do not know whether you would wish to give your ruling on that narrow point, but if so, if you will look at page 2 of the Report of the Public Accounts Committee for

[Sir James Grigg.]

1935-36, you will see in regard to this vote that the excess was mainly due to pensionary charges. As this was the first year in which the Posts and Telegraphs Department were taking the actual pensionary charges instead of contributions, estimating was difficult. That is one point, and the other point is that, to all intents and purposes, the Government of India do not insure either with Indian or foreign companies.

Mr. President (The Honourable Sir Abdur Rahim) : What is the meaning of "raising the question of the Government of India insuring goods indented from foreign countries with Indian companies" ?

Mr. Mohan Lal Saksena : You might remember, Sir, that on the floor of the House when my friend, Mr. Satyamurti, asked the Honourable the Law Member to give an assurance that the Government of India would insure with Indian companies, the Honourable the Law Member had stated that the Government of India had nothing to insure. But my information is that it was not correct. As a matter of fact I believe that goods indented for the railways and the posts and telegraphs from foreign countries are insured and generally insured with foreign companies. So I wanted to raise that question.

Mr. President (The Honourable Sir Abdur Rahim) : But this is in connection with pensionary charges ?

Mr. Mohan Lal Saksena : Under the circumstances, I admit it is not in order, Sir. (Laughter.)

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

"That an excess grant of Rs. 2,12,734 be voted by the Assembly to regularise the expenditure chargeable to revenue actually incurred in excess of the voted grant in the year 1935-36, in respect of 'Indian Posts and Telegraphs Department'."

The motion was adopted.

INTEREST ON MISCELLANEOUS OBLIGATIONS.

The Honourable Sir James Grigg : Sir, I move :

"That an excess grant of Rs. 50,358 be voted by the Assembly to regularise the expenditure chargeable to revenue actually incurred in excess of the voted grant in the year 1935-36 in respect of 'Interest on Miscellaneous Obligations'."

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

"That an excess grant of Rs. 50,358 be voted by the Assembly to regularise the expenditure chargeable to revenue actually incurred in excess of the voted grant in the year 1935-36 in respect of 'Interest on Miscellaneous Obligations'."

The motion was adopted.

EXECUTIVE COUNCIL.

The Honourable Sir James Grigg : Sir, I move :

"That an excess grant of Rs. 10,381 be voted by the Assembly to regularise the expenditure chargeable to revenue actually incurred in excess of the voted grant in the year 1935-36 in respect of 'Executive Council'."

Sir, in order to save time and to bring the facts before your notice I may mention that the same paragraph of the Public Accounts Committee's Report to which I have already referred explained with regard to this grant that more expenditure was incurred on touring than could have been anticipated. So I do not think that neither a motion to censure the Government for perpetuating the Ottawa Agreement nor a motion to discuss their non-compliance with rules in the matter of the supply of Government publications to Members of the Central Legislature nor a motion to draw attention to my illegal and improper curtailment of the powers and functions of the Standing Finance Committee would be in order.

Mr. Mohan Lal Saksena : Does it include allowances given to Sir Muhammad Zafrullah Khan in connection with his deputation to England ?

The Honourable Sir James Grigg : That is for a different financial year entirely.

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

"That an excess grant of Rs. 10,381 be voted by the Assembly to regularise the expenditure chargeable to revenue actually incurred in excess of the voted grant in the year 1935-36 in respect of 'Executive Council'."

Mr. S. Satyamurti : Sir, my motion is this :

"That the demand for an excess grant under the head 'Executive Council' be reduced by Rs. 100."

and the object of my motion is "to censure the Government for perpetuating Ottawa and for refusing to consult and abide by the verdict of the Assembly before arriving at any agreement for replacing Ottawa". Sir this Ottawa Agreement was denounced in the Delhi Session, of this particular financial year ; therefore, so far as the time is concerned, I am perfectly within the limits of this grant. Sir, you will notice that the salaries of the Members of the Executive Council are non-votable, their allowances are non-votable, and what comes before us is their stenographers, and so on.

The Honourable Sir James Grigg : 1935-36 ?

Mr. S. Satyamurti : That is the year when Ottawa was denounced.

The Honourable Sir James Grigg : It was denounced in 1936-37 and not in 1935-36.

Mr. S. Satyamurti : It was the Budget Session of that year.

The Honourable Sir James Grigg : "Six months' notice".

Mr. S. Satyamurti : I submit, Sir, that as far as I remember, this Ottawa was denounced during the financial year for which the excess grant is asked for. Sir, so far as the Executive Council is concerned, we can criticize their policy only under such items as the pay of their stenographers and their touring expenses. Their salaries and their allowances do not come before us for voting at all, and, if my Honourable

[Mr. S. Satyamurti.]

friends go about touring and then want me to vote the excess, I refuse to do that. I submit I am using an argument in favour of the position that the Government cannot argue now that it is outside the scope of the excess demand, when they refuse to carry out the verdict of the House and they now ask us to vote increased money within the very narrow limits within which the House can function.

Mr. President (The Honourable Sir Abdur Rahim) : It is a question of policy : that cannot be raised.

Mr. S. Satyamurti : It is not a question of policy, Sir ; I am raising a specific question.....

Mr. President (The Honourable Sir Abdur Rahim) : I rule that the amendment is out of order.

Mr. S. Satyamurti : Very well, Sir. I will now speak against the motion of my Honourable friend, the Finance Member. I oppose this motion. I do not see why these Honourable gentlemen should go about touring all over the country when they turn a deaf ear to every vote of this House. We are here the elected representatives of the people, we come here and tell you what you ought to do and what you ought not to do, you turn a deaf ear to all that we say, and yet you want to go about in big saloons and making friends and making enemies as you go about ; and then you ask us to vote extra money for the touring of the Executive Council Members, after you have behaved in this manner of irresponsiveness to every vote that we pass. Sir, they do not deserve a single pie on this occasion and I oppose this grant and ask the House to turn it down. (Hear, hear.)

Mr. M. Ananthasayanam Ayyangar (Madras ceded Districts and Chittoor : Non-Muhammadan Rural) : Sir, this item of expenditure includes, I am sure, expenditure incurred by the Honourable the Finance Member on tours undertaken to gather information and opinion throughout the length and breadth of this country. Sir, while we are elected by this Honourable House to be their representatives on the Standing Finance Committee, and while we offer advice to the Honourable the Finance Member, he throws all that to the winds and he tries to gather opinion throughout the length and breadth of this country himself,—and spending more money than has already been voted, but we say that could have served really no useful purpose. Sir, why does he encroach upon the powers and functions of that Committee? He utters platitudes and says that he is going to convert these Committees into committees after the parliamentary pattern, to help in framing the Budget, to help in suggesting ways and means to retrench expenditure, and so on. That is what he said at the outset, and that is why he said that he will move a Resolution recommending enlargement of the functions of that Committee, and we have been looking forward to that. Sir, he seeks to gather information from other quarters although the requisite information and the proper opinion is available to him already through the elected representatives of the people. On all these grounds, therefore, Sir, I say that this excess grant ought not to be voted.

The Honourable Sir James Grigg : Sir, I do not think I need reply at any very great length to the contentions which have just been raised. I again ask pardon for quoting from the Report of the Public Accounts Committee and I propose to quote two passages—one on page 8 and one on page 7. The one on page 3 is this :

“ We recommend that the necessary excess grants be voted by the Legislative Assembly.”

The quotation from page 7 consists of the words : “ S. Satyamurti ”. (Laughter.)

Prof. N. G. Ranga (Guntur cum Nellore : Non-Muhammadan Rural) : Sir, it is true that the Public Accounts Committee.....

The Honourable Sir James Grigg : It is also signed by Prof. N. G. Ranga.

Prof. N. G. Ranga : It is true that the Public Accounts Committee of which my Honourable friend, Mr. Satyamurti, Mr. B. Das, Sardar Jogendra Singh and myself are the Members, from our Party, recommended that this excess grant should be accepted by the House, but at the same time we have reserved our opinion in regard to the manner in which these Executive Councillors have been roaming about the country, wasting the public money.

Mr. President (The Honourable Sir Abdur Rahim) : Does it appear in the report ?

Prof. N. G. Ranga : No, Sir. We thought that it was only a formal excess and, therefore, it was right on the part of the House to pass it. But when we come to the whole policy underlying these tours, it is legitimate for any Member of this House to rise in his seat and protest against the manner in which these Executive Councillors have been behaving themselves in this country. In this connection, I want to take one point. We are told that the Honourable the Finance Member pays a sort of annual visit to Bombay in order to keep himself in touch with the commercial interests there and I think the Industries Member also tries to keep himself in touch with the industrialists in Bombay, Calcutta and other places once a year. Some of the Members of the Executive Council also try to address the annual gathering of the Indian Merchants Chamber. If they have taken so much pain to ascertain the views and opinions of the commercial interests in this country, I would like to know why they have so far failed to take into their confidence the various labour organisations and various Kisan Sabhas all over the country. They have not tried till now to get into touch with any labour organisation or with the Sabhas of the Kisans and Mazdurs in this country, who form part of the overwhelming majority of the population of this country.

Mr. Sri Prakasa (Allahabad and Jhansi Divisions : Non Muhammadan Rural) : When labourers carry their luggage at the railway stations, they come in contact with them ?

Prof. N. G. Ranga : And they get agitated over them even when they have served them. It is for this failure, among so many other omissions of theirs, not to get into touch with the masses of this country through their organisations that I recommend to the House to throw out this particular grant.

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

“ That an excess grant of Rs. 10,381 be voted by the Assembly to regularise the expenditure chargeable to revenue actually incurred in excess of the voted grant in the year 1935-36 in respect of ‘ Executive Council ’.”

The motion was adopted.

LEGISLATIVE ASSEMBLY AND LEGISLATIVE ASSEMBLY DEPARTMENT.

The Honourable Sir James Grigg : Sir, I move :

“ That an excess grant of Rs. 13,556 be voted by the Assembly to regularise the expenditure chargeable to revenue actually incurred in excess of the voted grant in the year 1935-36 in respect of ‘ Legislative Assembly and Legislative Assembly Department ’.”

In order to save time, I may point out that the two cut motions relate to a year other than the year now under discussion.

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

“ That an excess grant of Rs. 13,556 be voted by the Assembly to regularise the expenditure chargeable to revenue actually incurred in excess of the voted grant in the year 1935-36 in respect of ‘ Legislative Assembly and Legislative Assembly Department ’.”

The amendments are quite out of order.

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

“ That an excess grant of Rs. 13,556 be voted by the Assembly to regularise the expenditure chargeable to revenue actually incurred in excess of the voted grant in the year 1935-36 in respect of ‘ Legislative Assembly and Legislative Assembly Department ’.”

The motion was adopted.

PUBLIC SERVICE COMMISSION.

The Honourable Sir James Grigg : Sir, I move :

“ That an excess grant of Rs. 605 be voted by the Assembly to regularise the expenditure chargeable to revenue actually incurred in excess of the voted grant in the year 1935-36 in respect of ‘ Public Service Commission ’.”

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

“ That an excess grant of Rs. 605 be voted by the Assembly to regularise the expenditure chargeable to revenue actually incurred in excess of the voted grant in the year 1935-36 in respect of ‘ Public Service Commission ’.”

The motion was adopted.

LIGHT HOUSES AND LIGHTSHIPS.

The Honourable Sir James Grigg : Sir, I move :

“ That an excess grant of Rs. 6,405 be voted by the Assembly to regularise the expenditure chargeable to revenue actually incurred in excess of the voted grant in the year 1935-36 in respect of ‘ Lighthouses and Lightships ’.”

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

“ That an excess grant of Rs. 6,405 be voted by the Assembly to regularise the expenditure chargeable to revenue actually incurred in excess of the voted grant in the year 1935-36 in respect of ‘ Lighthouses and Lightships ’.”

The motion was adopted.

MINES.

The Honourable Sir James Grigg : Sir, I move :

“ That an excess grant of Rs. 815 be voted by the Assembly to regularise the expenditure chargeable to revenue actually incurred in excess of the voted grant in the year 1935-36 in respect of ‘ Mines ’.”

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

“ That an excess grant of Rs. 815 be voted by the Assembly to regularise the expenditure chargeable to revenue actually incurred in excess of the voted grant in the year 1935-36 in respect of ‘ Mines ’.”

The motion was adopted.

MEDICAL SERVICES.

The Honourable Sir James Grigg : Sir, I move :

“ That an excess grant of Rs. 2,714 be voted by the Assembly to regularise the expenditure chargeable to revenue actually incurred in excess of the voted grant in the year 1935-36 in respect of ‘ Medical Services ’.”

Here, too, I think I am correct in saying that the particular iniquity for which Mr. Saksena wishes to censure the Government occurred in a year other than the year of account.

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

“ That an excess grant of Rs. 2,714 be voted by the Assembly to regularise the expenditure chargeable to revenue actually incurred in excess of the voted grant in the year 1935-36 in respect of ‘ Medical Services ’.”

The amendment is out of order.

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

“ That an excess grant of Rs. 2,714 be voted by the Assembly to regularise the expenditure chargeable to revenue actually incurred in excess of the voted grant in the year 1935-36 in respect of ‘ Medical Services ’.”

The motion was adopted.

CENSUS.

The Honourable Sir James Grigg : Sir, I move :

“ That an excess grant of Rs. 644 be voted by the Assembly to regularise the expenditure chargeable to revenue actually incurred in excess of the voted grant in the year 1935-36 in respect of ‘ Census ’.”

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

“ That an excess grant of Rs. 644 be voted by the Assembly to regularise the expenditure chargeable to revenue actually incurred in excess of the voted grant in the year 1935-36 in respect of ‘ Census ’.”

The motion was adopted.

EMIGRATION—EXTERNAL.

The Honourable Sir James Grigg : Sir, I move :

“ That an excess grant of Rs. 11,464 be voted by the Assembly to regularise the expenditure chargeable to revenue actually incurred in excess of the voted grant in the year 1935-36 in respect of ‘ Emigration—External ’.”

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

“ That an excess grant of Rs. 11,464 be voted by the Assembly to regularise the expenditure chargeable to revenue actually incurred in excess of the voted grant in the year 1935-36 in respect of ‘ Emigration—External ’.”

There is an amendment in the name of Mr. Mohan Lal Saksena. He wishes to reduce the grant by Rs. 100 in order to discuss the question of Indians in South Africa. That is out of order.

Mr. Mohan Lal Saksena : This excess grant relates to expenditure in South Africa.

Mr. President (The Honourable Sir Abdur Rahim) : I quite understand that, but no question of policy can be discussed now.

The question is :

“ That an excess grant of Rs. 11,464 be voted by the Assembly to regularise the expenditure chargeable to revenue actually incurred in excess of the voted grant in the year 1935-36 in respect of ‘ Emigration—External ’.”

The motion was adopted.

REFUNDS.

The Honourable Sir James Grigg : Sir, I beg to move :

“ That an excess grant of Rs. 7,68,038 be voted by the Assembly to regularise the expenditure chargeable to revenue actually incurred in excess of the voted grant in the year 1935-36 in respect of ‘ Refunds ’.”

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

“ That an excess grant of Rs. 7,68,038 be voted by the Assembly to regularise the expenditure chargeable to revenue actually incurred in excess of the voted grant in the year 1935-36 in respect of ‘ Refunds ’.”

The motion was adopted.

DELHI.

The Honourable Sir James Grigg : Sir, I beg to move :

“ That an excess grant of Rs. 10,718 be voted by the Assembly to regularise the expenditure chargeable to revenue actually incurred in excess of the voted grant in the year 1935-36 in respect of ‘ Delhi ’.”

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

“ That an excess grant of Rs. 10,718 be voted by the Assembly to regularise the expenditure chargeable to revenue actually incurred in excess of the voted grant in the year 1935-36 in respect of ‘ Delhi ’.”

Mr. M. Asaf Ali (Delhi : General) : I have got an amendment in my name.

Mr. President (The Honourable Sir Abdur Rahim) : The Honourable Member wants to discuss a question of policy. It is on the same footing as the other amendments and, therefore, it is out of order.

Mr. M. Asaf Ali : I want some sort of explanation as regards the expenditure where and how it has been incurred in excess of the amount voted by the Assembly. I should like to draw the attention of the Chair to the fact that this happens to be the only Legislaure for Delhi Province where the grievances can be ventilated and year after year for the last three years, I have not been able to say what happens to Delhi. There are various reasons for that. I shall certainly take my chance next time.

Mr. President (The Honourable Sir Abdur Rahim) : The Honourable Member again seeks to raise the question of policy.

Mr. M. Asaf Ali : I have several times tabled amendments but they have all been crowded out unfortunately.

Mr. President (The Honourable Sir Abdur Rahim) : In that case it is for the Honourable Member to come to some arrangement with his own party and with the other parties so that the question relating to Delhi may be raised.

Mr. M. Asaf Ali : I would certainly take my chance during the next Budget Session and I promise the Honourable Members on the Treasury Benches to put them on their trial. In the meanwhile may I know how this expenditure has been incurred and in what respect.

The Honourable Sir James Grigg : I am very sorry that owing to my absence from India I could not preside over the Public Accounts Committee this time and I notice that though the Public Accounts Committee has given explanation in the case of a great many items, they did not attribute very much importance to this particular excess because I can find no explanation for it at all. Presumably, before they decided to recommend that the excess grant should be voted by the Legislative Assembly they, on the advice of the Auditor General, must have satisfied themselves that the expenditure was legitimate.

Mr. President (The Honourable Sir Abdur Rahim) : The Honourable Member Mr. Asaf Ali must then enquire of the Members of the Public Accounts Committee.

Mr. M. Asaf Ali : If I may just say a word, I have made careful enquiries from the Deputy Leader of my Party who happens to be a Member of the Public Accounts Committee and I have also enquired from other Honourable Members of the Public Accounts Committee and they tell me that they have had absolutely no explanation to offer. It is an extraordinary thing.

The Honourable Sir James Grigg : I cannot believe that his colleagues on the Public Accounts Committee made this recommendation in complete neglect of their responsibilities. I cannot imagine that.

Mr. M. Asaf Ali : Since the Honourable the Finance Member was presiding over the proceedings of the Public Accounts Committee, I only want some explanation from him.

The Honourable Sir James Grigg : I did not preside over the Committee.

Mr. M. S. Aney (Berar : Non-Muhammadan) : Sir, if no information is forthcoming either from the Chairman of the Committee or from any of the documents published, then what is the data on which this House is expected to satisfy itself before giving its vote.

An Honourable Member : Blind faith.

Mr. M. S. Aney : Faith in whom ? We are prepared to put faith in the Chairman of the Committee if he knows anything about this and if he could explain it. He says he has no explanation to offer.

Dr. Ziauddin Ahmad (United Provinces Southern Divisions : Muhammadan Rural) : May I point out that all these things are given in the report of the Public Accounts Committee for 1935-36 and in the evidence volume that has been supplied to the Honourable Member.

Mr. M. S. Aney : It is not there.

Dr. Ziauddin Ahmad : Copies have already been supplied to Honourable Members.

The Honourable Sir James Grigg : In the Appropriation Accounts the explanation is given in great detail. There are two items which more than account for the excess. It is on page 326. Under one item leave salary of officers transferred to the Punjab—debts were not anticipated. Another item on page 328. There appear to be two notes and I am not quite sure which is the right explanation. One is reduction of population in jails—postponement of purchase of certain tools and fall in price of foodstuffs. That cannot be the right explanation and so it must be “unanticipated debits for purchases in the previous year adjusted after the close of the financial year, 1935-36”.

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

“That an excess grant of Rs. 10,718 be voted by the Assembly to regularise the expenditure chargeable to revenue actually incurred in excess of the voted grant in the year 1935-36 in respect of ‘Delhi’.”

The motion was adopted.

HYDERABAD.

The Honourable Sir James Grigg : Sir, I beg to move :

“That an excess grant of Rs. 1,594 be voted by the Assembly to regularise the expenditure chargeable to revenue actually incurred in excess of the voted grant in the year 1935-36 in respect of ‘Hyderabad’.”

DEMANDS FOR EXCESS GRANTS FOR 1935-36.

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

“That an excess grant of Rs. 1,594 be voted by the Assembly to regularise the expenditure chargeable to revenue actually incurred in excess of the voted grant in the year 1935-36 in respect of ‘Hyderabad’.”

The motion was adopted.

INTEREST FREE ADVANCES.

The Honourable Sir James Grigg : Sir, I beg to move :

“That an excess grant of Rs. 2,69,613 be voted by the Assembly to regularise the disbursements actually made in excess of the voted grant in the year 1935-36 in respect of ‘Interest Free Advances’.”

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

“That an excess grant of Rs. 2,69,613 be voted by the Assembly to regularise the disbursements actually made in excess of the voted grant in the year 1935-36 in respect of ‘Interest Free Advances’.”

The motion was adopted.

RAILWAY BOARD.

The Honourable Sir James Grigg : Sir, I beg to move :

“That an excess grant of Rs. 13,928 be voted by the Assembly to regularise the expenditure chargeable to railway revenue actually incurred in excess of the voted grant in the year 1935-36 in respect of ‘Railway Board’.”

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

“That an excess grant of Rs. 13,928 be voted by the Assembly to regularise the expenditure chargeable to railway revenue actually incurred in excess of the voted grant in the year 1935-36 in respect of ‘Railway Board’.”

The motion was adopted.

REFUNDS.

The Honourable Sir James Grigg : Sir, I beg to move :

“That an excess grant of Rs. 1,88,639 be voted by the Assembly to regularise the expenditure chargeable to railway revenue actually incurred in excess of the voted grant in the year 1935-36 in respect of ‘Refunds’.”

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

“That an excess grant of Rs. 1,88,639 be voted by the Assembly to regularise the expenditure chargeable to railway revenue actually incurred in excess of the voted grant in the year 1935-36 in respect of ‘Refunds’.”

The motion was adopted.

L442LAD

[7TH OCT. 1937.]

WORKING EXPENSES—MAINTENANCE OF CARRIAGE AND WAGON STOCK.

The Honourable Sir James Grigg : Sir, I beg to move :

“ That an excess grant of Rs. 3,86,138 be voted by the Assembly to regularise the expenditure chargeable to railway revenue actually incurred in excess of the voted grant in the year 1935-36 in respect of ‘ Working expenses—Maintenance of carriage and wagon stock ’.”

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

“ That an excess grant of Rs. 3,86,138 be voted by the Assembly to regularise the expenditure chargeable to railway revenue actually incurred in excess of the voted grant in the year 1935-36 in respect of ‘ Working expenses—Maintenance of carriage and wagon stock ’.”

The motion was adopted.

NEW CONSTRUCTION.

The Honourable Sir James Grigg : Sir, I beg to move :

“ That an excess grant of Rs. 3,01,375 be voted by the Assembly to regularise the expenditure chargeable to railway capital actually incurred in excess of the voted grant in the year 1935-36 in respect of ‘ New Construction ’.”

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

“ That an excess grant of Rs. 3,01,375 be voted by the Assembly to regularise the expenditure chargeable to railway capital actually incurred in excess of the voted grant in the year 1935-36 in respect of ‘ New Construction ’.”

The motion was adopted.

The Honourable Sir James Grigg (Finance Member) : Sir, as there is only a quarter of an hour left, and as the next motion standing in my name cannot be finished in a quarter of an hour, I am willing, if it is the general wish of the House, not to move the motion, but to allow the House to utilise this time in discussing the private Members' Bills which appear next to it.

Sir Muhammad Yakub (Rohilkund and Kumaon Divisions : Muhammadan Rural) : Thank you.

THE DURGAH KHAWAJA SAHEB (AMENDMENT) BILL.

Dr. Ziauddin Ahmad (United Provinces Southern Divisions : Muhammadan Rural) : Sir, I beg to move :

“ That the Bill to amend the Durgah Khawaja Sahab Act, 1936, be taken into consideration.”

There are no new facts, but only an improvement in language. Sir, I move.

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

“ That the Bill to amend the Durgah Khawaja Sahab Act, 1936, be taken into consideration.”

The motion was adopted.

Clause 2 was added to the Bill.

THE DURGAH KHAWAJA SAHEB (AMENDMENT) BILL.

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

“ That clause 3 stand part of the Bill.”

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

“ That in clause 3 of the Bill, in sub-section (1) (c) of the proposed section 5, for the word ‘ Board ’ the word ‘ Committee ’ be substituted.”

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

“ That in clause 3 of the Bill, in sub-section (1) (c) of the proposed section 5, for the word ‘ Board ’ the word ‘ Committee ’ be substituted.”

Dr. Ziauddin Ahmad : Sir, I accept the amendment.

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

“ That in clause 3 of the Bill, in sub-section (1) (c) of the proposed section 5, for the word ‘ Board ’ the word ‘ Committee ’ be substituted.”

The motion was adopted.

Sir Muhammad Yakub : Sir, I beg to move :

“ That in clause 3 of the Bill, in sub-section (1) (d) of the proposed section 5, for the word ‘ Board ’ the word ‘ Committee ’ be substituted.”

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

“ That in clause 3 of the Bill, in sub-section (1) (d) of the proposed section 5, for the word ‘ Board ’ the word ‘ Committee ’ be substituted.”

Dr. Ziauddin Ahmad : Sir, I accept the amendment.

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

“ That in clause 3 of the Bill, in sub-section (1) (d) of the proposed section 5, for the word ‘ Board ’ the word ‘ Committee ’ be substituted.”

The motion was adopted.

Maulana Zafar Ali Khan (East Central Punjab : Muhammadan) : Sir, I beg to move :

“ That in clause 3 of the Bill, for clauses (e) to (o) of sub-section (1) of the proposed section 5, the following clauses be substituted :

‘ (e) eleven, not being persons residing within the limits of the Ajmer Municipality, shall be elected in the following manner, namely :

- (i) three by the Muslim members of the Central Legislature ;
- (ii) one by the Muslim members of the Provincial Legislature of Madras ;
- (iii) one by the Muslim members of the Provincial Legislature of Bombay ;
- (iv) one by the Muslim members of the Provincial Legislature of Bengal ;
- (v) one by the Muslim members of the Provincial Legislature of the United Provinces ;
- (vi) one by the Muslim members of the Legislative Assembly of the Punjab ;
- (vii) one by the Muslim members of the Provincial Legislature of Bihar ;

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

“ That in clause 3 of the Bill, for sub-section (3) of the proposed section 5, the following sub-section be substituted :

“(3) No person shall be disqualified for election to the Committee under clause (e) of sub-section (1) by reason only of the fact that he is not a member of the Legislature or Legislative Assembly concerned.”

The motion was adopted.

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

“ That clause 3, as amended, stand part of the Bill.”

The motion was adopted.

Clause 3, as amended, was added to the Bill.

Clause 4 was added to the Bill.

Maulana Zafar Ali Khan : Sir, I move :

“ That after clause 4 of the Bill, the following new clause be inserted and the subsequent clauses be re-numbered accordingly :

“ 5. For section 9 of the said Act the following section shall be substituted, namely :

“ 9. (1) Members of the Committee, other than those referred to in clauses Terms of office of (a) and (b) of sub-section (1) of section 5, members and casual shall hold office for five years from the date of their election, nomination or co-option ; and casual vacancies among such members shall be filled by election, nomination or co-option, as the case may be, by the authority which elected, nominated or co-opted the member whose place is to be filled.

(2) The term of office of a member elected, nominated or co-opted to fill a casual vacancy shall continue for so long only as the member whose place has been filled would have been entitled to hold office if the vacancy had not occurred.”

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

“ That after clause 4 of the Bill, the following new clause be inserted and the subsequent clauses be re-numbered accordingly :

“ 5. For section 9 of the said Act the following section shall be substituted, namely :

“ 9. (1) Members of the Committee, other than those referred to in clauses Terms of office of (a) and (b) of sub-section (1) of section 5, members and casual shall hold office for five years from the date of their election, nomination or co-option ; and casual vacancies among such members shall be filled by election, nomination or co-option, as the case may be, by the authority which elected, nominated or co-opted the member whose place is to be filled.

(2) The term of office of a member elected, nominated or co-opted to fill a casual vacancy shall continue for so long only as the member whose place has been filled would have been entitled to hold office if the vacancy had not occurred.”

The motion was adopted.

New clause 5 was added to the Bill.

Original clause 5 was added to the Bill.

Clause 6 was added to the Bill.

Clause 7 was added to the Bill.

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

“ That clause 8 stand part of the Bill.”

Sir Muhammad Yakub : Sir, I move :

“ That in clause 8 of the Bill, in the proposed section 14, for the words, brackets and letters ‘ any of clauses (c) to (m) ’ the word, brackets and letter ‘ clause (e) ’ be substituted.”

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

“ That in clause 8 of the Bill, in the proposed section 14, for the words, brackets and letters ‘ any of clauses (c) to (m) ’ the word, brackets and letter ‘ clause (e) ’ be substituted.”

The motion was adopted.

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

“ That clause 8, as amended, stand part of the Bill.”

The motion was adopted.

Clause 8, as amended, was added to the Bill.

(It being Four of the Clock.)

MOTION FOR ADJOURNMENT.

APPOINTMENT OF A NON-INDIAN AS ECONOMIC ADVISER TO THE GOVERNMENT OF INDIA.

✓ **Mr. S. Satyamurti (Madras City : Non-Muhammadan Urban) :** Sir, I rise to move :

“ That the House do now adjourn.”

I make this motion not in any spirit of personal hostility to Professor Gregory, whom I do not have the honour of knowing, and who, I have been told, is a very excellent professor ; but the motion raises a very different matter altogether, and as you have ruled this morning that the question of any appointment cannot be made the subject matter for an adjournment motion, I seek to raise by this motion the question of policy behind it, and not the personal fitness or otherwise of the professor for this job. Now, Sir, the question of policy falls under two categories. I want to know, Mr. President, from the Honourable the Finance Member, if I may, what is the position of experts under modern Governments ? After all, the duty of any Government is to govern, with such knowledge and experience as it possesses, and can experts ever govern,—experts never agree,—and it does seem to me, it must be a very weak and demoralised Government which abdicates its functions in favour of an expert : and I know this that any intellectual expert who agrees to serve any Government, and especially the Government of India, must be a very poor expert at that, at least he cannot be a genuine expert. ✓

[Maulana Zafar Ali Khan.]

(vii) one by the Muslim members of the Legislative Assembly of the North-West Frontier Province; and

(ix) one by the Muslim members of the Legislative Assembly of Sind;

(f) one shall be nominated by His Exalted Highness the Nizam of Hyderabad and Berar; and

(g) four shall be Sajjadnashins of the shrines of the Chishti order of Sufis co-opted by the members of the Committee referred to in clauses (a) to (f)."

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

"That in clause 3 of the Bill, for clauses (e) to (o) of sub-section (1) of the proposed section 5, the following clauses be substituted :

'(e) eleven, not being persons residing within the limits of the Ajmer Municipality, shall be elected in the following manner, namely :

(i) three by the Muslim members of the Central Legislature;

(ii) one by the Muslim members of the Provincial Legislature of Madras;

(iii) one by the Muslim members of the Provincial Legislature of Bombay;

(iv) one by the Muslim members of the Provincial Legislature of Bengal;

(v) one by the Muslim members of the Provincial Legislature of the United Provinces;

(vi) one by the Muslim members of the Legislative Assembly of the Punjab;

(vii) one by the Muslim members of the Provincial Legislature of Bihar;

(viii) one by the Muslim members of the Legislative Assembly of the North-West Frontier Province; and

(ix) one by the Muslim members of the Legislative Assembly of Sind;

(f) one shall be nominated by His Exalted Highness the Nizam of Hyderabad and Berar; and

(g) four shall be Sajjadnashins of the shrines of the Chishti order of Sufis co-opted by the members of the Committee referred to in clauses (a) to (f)."

Mr. M. S. Aney (Berar : Non-Muhammadan) : Sir, in the amendment which has been moved I find there is a clause which relates to His Exalted Highness the Nizam of Hyderabad being empowered to make a nomination. My point is whether this House is competent to make a nomination like that—that His Exalted Highness the Nizam shall make a nomination to any committee. Are we competent to adopt or pass any proposition of this nature? I wish either the Law Member or the Legislative Secretary will clear up this point. I think we are going outside our power in putting in this addition. I have got nothing more to say : let us have a committee appointed by us, but we are now calling upon a sovereign of an Indian State to make a nomination to a committee appointed by this House.

Sir Muhammad Yakub : Mr. President, may I say that we do not make it compulsory for His Exalted Highness to make any nomination. If His Exalted Highness chooses to nominate a member to this Durgah Committee he may : the wording is "may".....

Some Honourable Members : It is "shall".

Sir Muhammad Yakub : So there is no compulsion by the House.

Maulana Zafar Ali Khan : "Shall" may be changed into "may".

Dr. Ziauddin Ahmad : I accept the amendment.

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

"That in clause 3 of the Bill, for clauses (e) to (o) of sub-section (1) of the proposed section 5, the following clauses be substituted :

'(e) eleven, not being persons residing within the limits of the Ajmer Municipality, shall be elected in the following manner, namely :

(i) three by the Muslim members of the Central Legislature;

(ii) one by the Muslim members of the Provincial Legislature of Madras;

(iii) one by the Muslim members of the Provincial Legislature of Bombay;

(iv) one by the Muslim members of the Provincial Legislature of Bengal;

(v) one by the Muslim members of the Provincial Legislature of the United Provinces;

(vi) one by the Muslim members of the Legislative Assembly of the Punjab;

(vii) one by the Muslim members of the Provincial Legislature of Bihar;

(viii) one by the Muslim members of the Legislative Assembly of the North-West Frontier Province; and

(ix) one by the Muslim members of the Legislative Assembly of Sind;

(f) one may be nominated by His Exalted Highness the Nizam of Hyderabad and Berar; and

(g) four shall be Sajjadnashins of the shrines of the Chishti order of Sufis co-opted by the members of the Committee referred to in clauses (a) to (f)."

The motion was adopted.

Sir Muhammad Yakub : Sir, I move :

"That in clause 3 of the Bill, to clause (b) of sub-section (2) of the proposed section 5, the following proviso be added :

'Provided that the Central Government may, by special order, declare that any person disqualified under this clause shall cease to be so disqualified'."

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

"That in clause 3 of the Bill, to clause (b) of sub-section (2) of the proposed section 5, the following proviso be added :

'Provided that the Central Government may, by special order, declare that any person disqualified under this clause shall cease to be so disqualified'."

The motion was adopted.

Sir Muhammad Yakub : Sir, I move :

"That in clause 3 of the Bill, for sub-section (3) of the proposed section 5, the following sub-section be substituted :

'(3) No person shall be disqualified for election to the Committee under clause (e) of sub-section (1) by reason only of the fact that he is not a member of the Legislature or Legislative Assembly concerned'."

[Mr. S. Satyamurti.]

Secondly, Sir, if you want an expert, why go in for a foreign expert? This morning, I asked a question as to what his qualifications were, and I got no answer, but I have been told by my friends on this side of the House that he is very good; but, Sir, if he is very good, let him stay in his own country and help England which is in an economic morass and try to bring England out of that morass, instead of coming out to my country.

Then, Sir, my third point is this. Economics is not an exact science like physics or chemistry. I can understand that and, if experts in those sciences come out, it is good. I believe knowledge is power, I welcome experts from anywhere in the world, even from England, but economics is not an exact science; it is a human science, it is a national science, and I believe, Sir, that England's economics themselves have changed considerably. Before Sir James Grigg was born or was heard of, England was a protectionist country; they had their shipping laws; they punished people for wearing foreign silk, and they followed protection. When England had become thoroughly the economic master of the world, when Griggs and Gregories began to advise, all these people who had built up their country on protection wanted to force trade on other countries in order that they may consume the surplus products of their own country.

Then, Sir, we had the old saying that taxation ought not to be discriminating against the rich. When Mr. Lloyd George proposed his land values taxation, there was a furore in the country, but today, it is entirely different. Moreover, on the question of State Socialism and the responsibility of the State for the poor and unemployed, there has been a considerable change. So far as India is concerned, Mr. President, I want to know what is the expert knowledge which this esteemed professor from Manchester possesses,—I will say in passing that this gentleman has written a book called 'Gold, Unemployment and Capitalism' and do you know to whom this book is dedicated,—it is to 'Mr. T. D. Barlow and my other friends in Manchester', the one enemy of the industrial progress of this country, as the excise duty on cotton goods showed, as the Mody-Lees Pact shows, the Murray Report shows and, in spite of the Honourable the Commerce Member's silence, the present Indo-British negotiations show. This gentleman comes from Manchester to tell me how to run the economics of my country. And do you know why he has been chosen? He writes in his book:

"The threat to capitalism comes not from the nationalisation of the mines, or the electric supply, or the railways, but from another direction altogether. The real danger lies in an uncritical acceptance of the virtues of 'economic planning', or the attempt, in the interests of 'security', to place production in a straight waistcoat."

I can now understand the love of Sir James Grigg for Professor Gregory. They think alike, and for a masterman like the Honourable the Finance Member, he is a fool who does not agree with him, and he is a wise man who agrees with him; hence, as my friend reminds me, this Grigg-Gregory combination. God help India!

Sir, in my country, there are economic experts whose names for fear of the strong hand of Sir James Grigg I shall not mention; the Government of India know there are experts in this country, but they have no use for them. They speak of economics as they understand it.

That does not suit my friend. And, Sir, is he not an expert who has said: 'no monkeying with the ratio'? He is an expert, I believe, and I take it he says: 'no monkeying with the ratio' because he thinks it is good for the country. Supposing the new expert chosen by Sir James Grigg speaks in favour of the ratio, then my friend will say: 'Oh, don't speak of it, go home'.

Then, Sir, I want to know whether this gentleman is going to help the Finance Member in revising the whole Tariff Act, because I know the Government of India are actively considering the whole question of the tariff policy of this country. My friend's heart bleeds for the consumers of this country, with the help of the learned Vice-Chancellor of the Aligarh University. I want to put it to my friend, Sir, that if this theory of dumping foreign goods continues, it will come to this, that there will be no consumers left in this country, and probably no Professor Gregory of the Manchester School, no economic planning, no protection. I want to ask him,—another question; my friend, Sir Nripendra Sircar, is not here nor his astrologer,—but, whatever his astrologer may or may not do, His Excellency the Viceroy said the other day in his speech that Federation is coming very soon,—I want to ask my friend—why does he want to handicap the future Finance Minister or the Commerce Minister by all his experts like Chambers and Gregories? You are going away in another 18 months at the most,—why not give the new Ministers a chance to select their own experts? My friend goes to England, collects two or three experts, and dumps them on this country. God knows how many more experts he is going to import? I do not know. But it does seem to me, Mr. President, it is an insult to the intelligence of this country, and to the self-respect of this country that we should import experts like this from outside. I want to know what his functions are going to be.....

An Honourable Member: Adviser.

Mr. S. Satyamurti: Advise whom? Sir James Grigg wants his advisers to follow 'His Master's Voice' like a gramophone record, and yet he wants Professor Gregory to write learned notes. I want to know how this great professor was recruited, and what his salary is. Moreover, Sir, we have had a very sorrowful experience of experts, Dr. Meek, I think, was the expert selected to represent India at the Sugar Conference. Do you know what he did? He sold this country by signing India's agreement on sugar. The Wedgwood experts came and wrote what any expert in India would have written better, and what else those Wedgwood experts have written is all nonsense. We have had experts on vocational education, on Agricultural Research; in fact on every conceivable subject we import—experts from outside. I suggest, Mr. President, this importation of an expert for advising the Government of the country on its economics is not going to do any good to this country. After all, each country has its own economic problems to solve. As I said, I shall have no objection to a genuine expert, but an expert coming from England to India is, I think, unfairly weighting the balance against us. England's economic interests and India's economic interests conflict at every stage. Therefore, I suggest that it is bad enough to have one expert in Sir James Grigg. We pay for him, he is the expert, he has definite categorical views. I ask him one frank and straightforward

[Mr. S. Satyamurti.]

question, for which I require of him a frank and straightforward reply. Supposing Professor Gregory says that the ratio ought to be 1s.—4d. and not 1s.—6d., will he accept it?

An Honourable Member : He won't say !

Mr. S. Satyamurti : Supposing he does, supposing he says that there must be more protection, will he accept it? Supposing he says that, in order to redress the economic balance of this country, your salaries will have to be cut down by half.....

An Honourable Member : No fear.

Mr. S. Satyamurti : and you ought to pursue a policy of definite economic planning, is my Honourable friend going to accept it?

An Honourable Member : He will never say so.

Mr. S. Satyamurti : I am using that argument for another purpose. Supposing he says, supposing he is intellectually honest and sees things for himself in this country and converts himself and states these things, he will suddenly develop illness, and he will be made to take leave and be sent home. (Laughter.) My Honourable friend, Sir James Grigg, will be wiser in choosing experts afterwards. But it does seem to me that the dominant economic problem of this country is the poverty of this country and how to deal with it. Do you want an economic expert? There is one at Segaon, Mahatma Gandhi. He understands the economics of this country far better, than you or I can ever do. He knows the poverty of this country because he lives in it, and you can solve the economic problems of this country if only you will take his advice. But you will not. I say that this anxiety to import foreign experts is not good for the future of this country. I want to know where my Honourable friend found the money for this officer, in the middle of the year? He is a master of financial soundness and propriety. In the Public Accounts Committee, you will see him as the purest of financial purists. He stood out for regular financial control, if anything was done without the sanction of this House. I want to know why this officer is being created, what are the duties which he is expected to discharge, and whether we cannot get equally good, if not, better Indian experts to advise the Government.

Sir, I want an early vote because several Honourable Members are anxious to go. I think the issue is simple and straightforward. We do not want experts. Governments ought to govern. The Honourable Sir James Grigg is good enough, or one too many, for us. Let us not have one more expert thrown at our heads. But, if we do want experts, we have got Indian experts, and an English expert is bound to be against us, because the economic interests of England and the economic interest of India conflict at every stage. I, therefore, feel that this House ought to tell the Honourable the Finance Member and the Government of India, before we take leave of them, till we meet in Delhi, once more that we censure their conduct. It may or may not have any effect, but let us do our duty and pass this vote of censure. All these votes of censure, one after another, will have their cumulative effect, and these gentlemen will soon vacate their seats on the Treasury Benches, and more honest, more patriotic and more responsible Members will take their place, who will

not import experts from outside, who will ruin our economic interests but will honestly solve the economic problems and promote the prosperity of this country. Sir, I move.

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

"That the Assembly do now adjourn."

The Honourable Sir James Grigg (Finance Member) : I hope the House will not misunderstand my action in attempting to put before it the Government case on this occasion.

Mr. S. Satyamurti : We understand it very well.

The Honourable Sir James Grigg : It does not arise from any desire to play the Mussolini, as the Leader of the Opposition suggested this morning, over the whole of the departments of the Government of India. Nor is it due to the fact that I have become such a hardened criminal that I am prepared to stand in the dock on behalf of all my Colleagues. It is due to the fact, that, although it is a Commerce Department matter, the selection of Professor Gregory was, in the main, due to me, because it was done during my recent visit to England. I suppose I ought to know better than being surprised at anything that comes from my Honourable friend, Mr. Satyamurti, but I must confess I am a little surprised at the turn which this discussion has taken from the start. My Honourable friend, first of all, said, "What do you want experts for at all? Governments should be capable of doing their own expert business, and it is the business of Government to make up their minds without having any real and scientific information put before them". Then at a later stage, he asked me whether, if Professor Gregory gave certain advice, I would accept it. First of all, he exhorts Government not to bother about experts, and then, as far as I can make out, he exhorts them to accept the advice of the experts if the advice is given in a particular sense. But I think the function of experts is perfectly clear. It is their business to provide Government with information and advice so that no decision is taken except on the fullest possible information. And that will be the function of Professor Gregory. I may say, lest Honourable Members should go on repeating their suspicion that this is a deep laid plot on my part,—I may say two things. The first is that the Professor will be under the Commerce Department, which, as Honourable Members know, has an Indian Member at the head of it.

Mr. Bhulabhai J. Desai (Bombay Northern Division : Non-Muhammadian Rural) : Does the denial mean an open plot, if it is not a deep laid one?

The Honourable Sir James Grigg : No plot at all. As I say, he will be under the Commerce Department. The second point is, knowing what would happen as soon as Professor Gregory was appointed, I carefully refrained from reading any of his works, so that I do not know whether he was an anti-planner or not.

Prof. N. G. Ranga (Guntur cum Nellore : Non-Muhammadian Rural) : You only had a conversation with him!

The Honourable Sir James Grigg : On that point, I had not seen Professor Gregory since about 1930 until I saw him at the India Office, and the sole topic of conversation was his appointment. In dealing with this question I hope the House will bear with me, if, somewhat unusually, I speak quite frankly (Laughter), or rather bluntly.

Mr. S. Satyamurti : Frankly is better.

The Honourable Sir James Grigg : I would say, rather bluntly. I do not do it out of provocativeness but, because candour is allowed to friends, provided they do not do it too often nor too brutally, and I think that in this matter candour is the best service that I can render. I claim that I have probably read more of the recent works of Indian economists than anybody else in this House.

Prof. N. G. Ranga : Question.

The Honourable Sir James Grigg : I have not read any of yours. They fall in the main into two perfectly clearly defined classes. The first is,—I think the Professor will see into which class he falls—the first is the industrious and unoriginal compilation from the works of other people for the purpose of providing academic text-books and exercises. The second is the adaptation, to use an unemotional and unprovocative word, of economic reasoning to serve a pre-conceived political or industrial end. I do not mean to imply that these classes are all-embracing. There are certainly in India honourable exceptions, particularly among the veterans of economic teaching and among some of the very young students. I do not think that the work of either class is a qualification for the scientific and dispassionate study which is required if Government is to have the best economic advice open to it. The first class is the work of men who have their eyes too closely confined to the class room, and the second pertains to men who are exclusively concerned with India and think of it as a closed system without regard to the remaining four-fifths of the world.

Now, my colleagues on the Economic Sub-Committee of Council and I came to the conclusion that we wanted first of all, a man of high academic qualifications and of international reputation in the economic sphere and, secondly, a man who had had some intimate acquaintance with the practical problems which face Governments, particularly those which originate from international conditions and, when I say that, I would ask Honourable Members to believe that I had no knowledge of his views on the fiscal question at all. I was thinking of the exchange question and he certainly is an authority on the exchanges and international finance. We also came to the conclusion, rightly or wrongly, but in perfectly good faith that these qualifications were not at the moment available in India.....

Mr. S. Satyamurti : Don't be provocative.

The Honourable Sir James Grigg : It is a question whether I am provocative or I am provoked. I was commissioned to try and find such a man in England. His academic qualifications are set out in the works of reference and as Mr. Satyamurti asked about it, perhaps he will allow me to read from them.

Mr. S. Satyamurti : Please don't.

The Honourable Sir James Grigg : Then he does not want to know. This rather reminds me of the scriptural phrase to the effect that though one came from Heaven they would not listen to him. Prof. Gregory was a member of the Macmillan Committee which is probably the most exhaustive inquiry into monetary conditions and science as applied to both internal and external affairs.

An Honourable Member : He wrote a dissenting minute.

The Honourable Sir James Grigg : That was the late Lord Bradbury.

An Honourable Member : He wrote against tariffs.

The Honourable Sir James Grigg : Prof. Gregory was a member of Sir Otto Niemeyer's economic mission to the Commonwealth of Australia but, Sir, it does not stop there. Apart from Prof. Gregory's pre-eminent qualifications we contemplate that he should create, in this country, a small economic department of Government which would be staffed by young Indian economists who will be trained by him in economic research and I have every hope that once Indian economic ability is directed, not like Prof. Ranga's, to controversy and propaganda but to the practical problems of Government, there will be no need ever again to appoint a non-Indian. That is, Sir, as far as I want to go about Prof. Gregory.

My friend raised the question of financial orthodoxy. I can assure him that in this case at any rate I have committed no crime against financial orthodoxy. The proposal to set up an Economic Adviser and give him a certain amount of staff has been submitted to the Standing Finance Committee and passed by them and the money is included in the Budget of this year.

Dr. P. N. Banerjea (Calcutta Suburbs : Non-Muhammadan Urban) : Sir, I support this motion, but I do so not on personal grounds but on important grounds of principle. Prof. Gregory is a well-known economist. He is a successful professor ; and he is the author of a number of books which have earned him reputation as a scholar and as a thinker. He belongs to the University to which I also have the honour to belong, and I would have gladly welcomed him to India if he had come here as a sightseer or as one who wished to be acquainted with the economic conditions of the country. But I am sorry I cannot welcome him in the capacity in which he is coming to this country. Sir, the grounds on which I object to this appointment are four. In the first place, I think that it is essential in an economic adviser that he should possess knowledge and experience of the country. This evidently Prof. Gregory does not possess. Mere academic knowledge is not enough. A person, if he is to do justice to the problems of the country, must have an intimate acquaintance with the economic system of the country. This test Prof. Gregory does not answer.

Secondly, I wish to point out that the economic needs and interests of India are not the same as those of England, and, however fair minded a man may be, it is impossible for him to do justice to Indian interests in the present circumstances in which the country is placed. India is still a dependent country and India's economic problems are solved by the British Government. In such a state of things an economist from England cannot be welcome in India. I wish to remind this House of

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the statement which was once made by Sir John Strachey, a predecessor of the Honourable Sir James Grigg in the position of Finance Member of the Government of India. He said that, although he had eaten the salt of India, his first duty was to England and not to India. Indeed, similar will be the view taken by Prof. Gregory. He will regard the interests of England as superior to the interests of India.

Mr. Akhil Chandra Datta (Chittagong and Rajshahi Divisions : Non-Muhammadan Rural) : Blood is thicker than water.

Dr. P. N. Banerjee : Naturally. Thirdly, the importation of experts from foreign countries is to be condemned on the ground of policy. If you import experts from foreign countries, you do not allow the people of this country to grow to their full height. In order that they may grow to their full height, Indians should have opportunities of dealing with important problems.

Fourthly, my objection is based on the very important principle that this appointment involves a slur on Indian intelligence, Indian scholarship and Indian ability. The Honourable the Finance Member said that no Indian at the present moment possesses the required qualifications. This is wholly incorrect. Holding such a responsible position as the Finance Member does, he ought to have been more careful in making his statements. There are, at the present moment in India, many economists who hold important chairs, and, besides, there are many administrators who have dealt with economic problems in a practical way, and there are many businessmen who are capable of dealing with economic questions on broad principles of national policy. Sir, he has added insult to injury. The appointment itself is a great injury to India, and Sir James Grigg has made matters a great deal worse by the insult he has offered to the country. I hope, Sir, this House will not accept what the Honourable the Finance Member has said. Sir, Professor Gregory, it is true, has written a number of books, and I have read more of his writings than the Honourable the Finance Member has, but I can state it definitely that his views are not accepted by many economists in America.

An Honourable Member : By even London economists ?

Dr. P. N. Banerjee : To say, therefore, that there is no person in India who can compare with Professor Gregory is to say a thing which is not true. I hope, therefore, that this House will not accept the Honourable the Finance Member's statement but will carry this motion by an overwhelming majority. (Applause.)

Mr. Muhammad Azhar Ali (Lucknow and Fyzabad Divisions : Muhammadan Rural) : Sir, my idea was that when this adjournment motion was tabled, the Honourable the Finance Member would accept the adjournment motion and would not speak a word in the House today ; and the reason I would give for that would be that yesterday's proceedings in this House and the vote of this House in not accepting the appointment of another gentleman, was carried by a majority ; and the House declared that it was not at present in a mood and temperament to accept such a policy. Now the policy of Indians is that they would not have outsiders and foreigners dumped upon India, only to come here

and dictate their own new principles and new ideas,—ideas which are absolutely foreign to our own ideas at the present moment. Sir, when I heard Sir James Grigg, I had an open mind and I was thinking that he might give some very cogent and good reasons for appointing Mr. Gregory to this new appointment but I am sorry to say that no great necessity has been shown by my Honourable friend for this appointment of a foreigner and for dumping him over the heads of Indian experts. Sir, this theory of exporting people from outside and especially in connection with subjects which the Indians have studied for a long, long time and on which Indians have made great contributions and while India has produced great economists themselves, is an exploded one and also absurd ; and I should have thought that Sir James Grigg would have realised that such a proposal could not carry any favour with the present House. Sir, my friends have said that it would be a slur on the Indian nation that people from outside should now come out to manage and handle even the economics of India. Sir, if after one hundred and fifty years of British rule our European friends over there and those Indians on the back Benches and in the country itself, have not learnt the problems of economics in relation to the conditions in India with a view to the improvement of our economical conditions, I should say that it is a much greater slur on those of our friends who are in Government service and those who are daily engaged in grappling with economic problems throughout the country. Sir, it is not we Indians alone who would be ashamed of such appointments : my suggestion is that every Englishman in the country now should tell the Government of India that no more foreigners should come out here but that our Indian and European friends, who are already in this country, are quite competent enough to handle all economical subjects, having for their object the betterment of the economical condition of India. To say that so and so professor alone is the best man for this job does not stand to any reason. Sir, we do not want those people who are absolute strangers to our conditions, to our economical needs and to all those subjects, having for their object the betterment of the economic condition of India, to be dumped upon us and to be exported from outside any more. My friend, Dr. Banerjee, here has just explained that interests of India are always bound to clash with the interests of the United Kingdom at present, therefore, on such occasions and especially when we are going to enter upon Federation in one or two years' time, no Indian would tolerate such dumping of foreigners from outside into this country. Sir, with these remarks I would support the adjournment motion.

Maulvi Abdur Rasheed Chaudhury (Assam : Muhammadan) : Sir, I rise to support this motion. I support it not because it has been moved by my friend, Mr. Satyamurti. I would have supported it even if it had been moved by my friends of the European Group or by a friend of any other Group in this House, because the motion does deserve support. Sir, the Government of India have got such a tragic record, so far as economic deterioration of this country is concerned that whenever they come forward with any proposal, we view that with great suspicion. To every student of economics it is clear and it is a patent fact that some sixty years ago the economic condition of India was not worse off than that of Canada or Japan. Now, in the course of these sixty years, the policy of the Government of India has killed the economic progress of this country and has killed the prosperity of this

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country. Sir, to come to facts, I can point out that about sixty years ago the *per capita* income of India was something like Rs. 86 and it was almost the same so far as Japan and Canada were concerned. But in the course of these sixty years Canada's *per capita* income has increased to over Rs. 1,200 and that of Japan to over Rs. 700 but India's *per capita* income has gone down from Rs. 86 to Rs. 55. Now, Sir, we cannot say that this economic deterioration is due to the fact that the authorities of India have not been efficient enough to see to the economic progress of this country. We know from our experience that amongst the highly-paid officers there are men with brains and resources, and with ability who could have easily contributed towards the economic prosperity of this country, instead of allowing it to go down. But, Sir, the policy of the Government of India is at the root of it. They did not like to see the prosperity of the country and they were indifferent so far as the condition of the people of this country was concerned. While other countries made every effort to improve the economic condition of their people, the Government of India remained satisfied with the fat salaries of their officers and with doing nothing for the improvement of the economic condition of the people of this country. Now, Sir, that being the history, the new suggestion for the appointment of an Economic Expert fills us with consternation. The Finance Member knows and he alone can certify what is in his mind, whether he wants to bring down the *per capita* income from Rs. 55 to zero or to raise it from Rs. 55 to Rs. 86 or more. He alone knows it. But, so far as the frankness of these officers is concerned, we have got our experience which says that their frankness is not to be taken as frankness just as the wrecking of the Constitution by the Congress means the working of it.

Let us now see what reforms we have got under the Government of India Act, 1935. The Government of India Act, 1935, has provided for a Federal Public Service Commission for all appointments under the Central Government. Now, Sir, it is apparent that the Finance Member did not consult the Federal Public Service Commission. If he had done that, certainly the Public Service Commission would have advertised the post and we would have known about it. Now, Sir, is it not a fact that the Government of India Act, 1935, has given us only a shadow of power and nothing else? The Government of India Act provides that the appointments at the Centre are to be made by the Federal Public Service Commission, but the Finance Member laughs and says: 'I will show what power the Public Service Commission has got'. Thus, he has flouted the Public Service Commission and has humiliated it before this House and before the public. We have always been saying that the Government of India Act, 1935, has not given us any real power, and this is an instance of that. The Finance Member can trample under his foot all the powers given to this country by the Government of India Act. Now, Sir, we have got a very good public service in this country and I have got a great admiration for it. The Indian Civil Service is supposed to know almost everything. Why was it not possible to select a man from the Indian Civil Service for this post? Is it not a disgrace to the entire Indian Civil Service that a man of this qualification was not found among a body of 1,000 officers of that service? I think it is not only a disgrace to the Indian Civil Service but it is also

a disgrace to India's talents to import a man from abroad at this time. The real fact is that by the introduction of the Government of India Act the Finance Member is in difficulty about money and he wants to get it by hook or by crook. Yesterday we discussed the appointment of an expert on income-tax and today we are discussing the appointment of an expert on economics. All this is due to the fact that they made a mistake in bringing that Act into operation. In order to work it, they require money and they are bringing in people to find out the sources of money. Now, Sir, why are they bringing these men from England? The reason is that if they appoint an Indian, he will have his sympathies towards Indians. But they are bringing an expert from England so that he may have no sympathy with the conditions prevailing in this country and who will recommend only those things which will benefit his country and not India. I think the Government are committing blunder after blunder by bringing these outsiders on high salaries and for that they deserve the censure.

Mr. Bhulabhai J. Desai: Mr. President, much for the unintended provocation of the Honourable Sir James Grigg, I should not have thought a reply was necessary. The provocation, though unintended, amounts to this that there is only one sacred man in this land, the four-fifths of it, and we must look for experts in the remaining one-fifth which is out. If that were the only point, I would not have minded it because, after all, he is entitled to his opinions and he is, for the moment, entitled to his choice. But there is a graver issue involved on this particular motion, not the issue which I raised yesterday, but a somewhat more intimate issue from the point of view of Indian Economics. It may be that Sir James Grigg evidently could not have done his duty very well as a Finance Member if he were to survey correctly the Indian Economists who have written books, for if they had all been allowed to send their books, including Dr. Banerjee, I am quite certain Sir James Grigg must have spent a considerable amount of time doing something else than the duty for which we are paying him. I am quite certain equally that except for the purpose of castigating Indian Economists and except for the purpose of reviling them, which, I think, is an art in which we can easily try and emulate him, he divides the Economists into two classes. At one time I was myself a humble professor of economics, not knowing as much as Sir James Grigg thinks I ought to know as an economist. The assimilation of knowledge, I hope he will remember, is of much greater value than a large quantity of either conceited opinions or uninformed knowledge. There are two classes of people whom I do not like—those who have an entirely uninformed knowledge and those who refuse to be taught at all. Sir, these are the two classes into which I see the other side. They refuse to be taught and so far as information is concerned, following the old dilemma which I have heard what does not conform to his opinion must be wrong and what conforms to his opinion must be useless and, therefore, there is no need for any advice so far as Sir James Grigg is concerned. If that is his attitude of mind, during the time that he is here, why impose this heavy expenditure upon us? I really think that at least we might be saved a certain amount of money because what will happen is obvious. He has told us certain things which he is not going to do. One thing I have decided and that is why I am examining

Several Honourable Members : The question may now be put.

Sir Muhammad Yakub (Rohilkund and Kumaon Divisions : Muhammadan Rural) : Sir, I submit that no one has yet spoken from my Party, and I hope you will allow a Member from my Party to speak.

5 P.M.

Mr. President (The Honourable Sir Abdur Rahim) : If any one wants to speak, he must rise in his place.

Mr. Muhammad Nauman (Patna and Chota Nagpur cum Orissa : Muhammadan) : Sir, I had no desire to take part in the debate at this fag-end of the day, as most of the time I was absent from the House for reason of my ill-health. Yesterday, an adjournment motion on the appointment of one Mr. Chambers gave unusual heat to the House, and the Opposition is again anxious to give the last parting kick, as they say, today to the Government. I quite appreciate their idea of trying to check the importation of Englishmen to India and I appreciate the spirit in which the protest has been made ; but at the same time I will sound a note of warning to the Congress and say that in the practical side of life we cannot always be guided by sentiments. There is always a saying that :

"Na Harjaha Murkub Be-ban takhtan ke Jaha Sapar bacd andakhtan."

On translation it means "We should not plunge our horses in every spot but on occasions it is rather wiser to abandon our arms". In this particular case let us examine the reasons of the appointment of an economic expert and what Government is accused of. The Opposition has not denied the necessity of an adviser. I think the crime attributed to Government is that they have not been able to find an expert in India. Whether the failure is intentional, accidental or compulsory, under the circumstances, is a matter to be considered. If it was necessary, even if it might be called a necessary evil it had to be done. If Government have made investigations, as Sir James Grigg has just said that he did, to find an expert among Indian economists and if they have failed to find one and if they think that in the interests of India they had to bring an economic expert from abroad, where is the harm ? Why should the Honourable the Finance Member not be allowed to get an expert from any other country to help him and advise him on the economic situation of this country when he cannot find one here ? If investigations have not been made and if my Honourable friends are convinced that investigations have not been made, I would only say that the Opposition has not explained this to the House. We, in our individual undertakings and normal activities of life, always take the help of experts from foreign countries when necessary. I may inform the House that many of the Indian private and public corporate companies and many zamindari and feudatory and Native States are being managed by European managers who have been imported from Europe as experts of those lines. For instance, Adamji Hajee Dawood and Co., Ltd., Sir Chajuram, Sir Swarupchand, etc., and many hundreds of Indian merchants have all got European managers. Many zamindars like the Raja of Amawan and the Maharaja of Darbhanga and others have European managers and many of the Feudatory States have got European managers and staff.

Mr. Sri Prakasa (Allahabad and Jhansi Divisions : Non-Muhammadan Rural) : And there are Indian homes managed by English wives. (Loud laughter.)

Mr. Muhammad Nauman : That is not my part to answer here. I will ask my Honourable friends to tell me why we engage foreigners in our private pursuits of business ? We do not import them for the sake of love or fancy. We import these foreigners only to get the advantage of their experience. I was myself having my manager Mr. A. E. Yearley an Englishman for many years and many other Indian merchants have European managers. Even the Federal Insurance Company only started a few years ago has got a European manager in spite of the fact that Indians are Managing Agents, and it is run and organised by Indian finance and Indian labour chiefly. How many of our friends go to Germany or Vienna to get expert training and then even import experts from those countries for medical and other scientific purposes. Even Java experts have been imported in sugar factories in this country. For developing Rubber shoe industry Indian industrialists have imported Japanese experts from Japan and so on.

Now, Sir, the point that my Honourable friend, Mr. Satyamurti, just placed before the House is that economics is not a science at all. With all due respects to him I submit that this may be his individual opinion but perhaps the world's opinion differs with his novel conception. I agree that the economic considerations in India may be different from those in other parts of the world, and Professor Gregory might not be quite as much conversant with Indian conditions as he is with European conditions, but that can be no valid argument for denying his capacities in understanding India. When he was imported to Australia to advise Australian Exchequer on economic and financial problems, there is no reason to suppose that he cannot study Indian conditions. If he could study Australia, I think he can study India as well. Sir, I have not taken a brief for the Government (Laughter) and I do not say that whatever they do is always the right thing. But what I say is that if, in the economic sphere the Government feel that they require a foreign expert, why should Government be denied this facility ? Then my Honourable friend, Mr. Satyamurti, suggested that because Mr. Gregory is a man from Manchester, therefore, the chances are that he will look to the interests of Manchester and not to the interests of India. And Dr. Banerjee has quoted an ex-Finance Member once saying that although he had eaten the salt of India he had still to look to the interests of England. I cannot doubt individual honesty on mere suspicions and in this connection I cannot forget the advice given to the Princes here by their legal advisers as regards their entry into the Federation ; the opinion was probably not given what Government or Congress wanted but what those lawyers honestly thought was the correct position of the Princes and advice was given in Princes' interest. Therefore, we have every reason to believe that Professor Gregory will give opinions which, in his view, will be honest and to the interest of solving the problem of India. Then my Honourable friend, Mr. Bhulabhai Desai, said that the Finance Member always sticks to his opinions and he will not change his views whatever advice may be given by Professor Gregory inasmuch as even if Professor Gregory opines that an exchange rate of 1s. 6d. is not to the

[Mr. Bhulabhai J. Desai.]

the problem of the utility of this learned gentleman. He says no monkeying with the ratio, an expression which has become hackneyed except on the occasion when I saw my Honourable friend with tails the other day in which he sat for a long time. That was the only time when I remember he was monkeying. He has decided that the ratio will remain so long as his life in India remains. Therefore, we do not want any advice from Prof. Gregory. As to his knowledge of international exchange, if he lectures in the Simla Kali Bari Hall, I believe Dr. Banerjee will attend, and, so far as I am concerned, I do not intend to. And that for very good reasons, that that knowledge as to how France could stem the tide and stabilise the franc at 144 to the pound sterling or how Germany will be able to continue the Reichsmark are not questions in which I am interested to pay another man to teach me what to do. I am only interested in two things. First, as to the international exchange of India which is dependent on and tied up not to the tail but to the apron strings of Britain and so long as that cannot be cut loose, I am afraid the rest of the international exchange does not interest me. (Hear, hear.) Inasmuch as I am tied to a definite arithmetical ratio of sterling, I think this knowledge is utterly useless (Hear, hear) and I hope my Honourable friend will think it over a little more seriously before he imports this costly article, because it is obvious that no independent advice to us is of any value so far as this item of exchange is concerned. Supposing he came here and told my Honourable friend, Sir James Grigg, "well, Grigg, you have been too dogmatic about this, almost to the point of fanaticism", then my Honourable friend, Sir James Grigg will say: "Well, you are only a professor. I am the Finance Member, I am responsible for the stability of the finances of this country and I think you had better have a smoke or deliver your address somewhere else". The real point I wish to make before the House is this. It is utter inutility if this gentleman comes and it is still more useless. (Laughter.)

Then, take the next important point in Indian economics of today and that is discriminating policy of protection. The Honourable Sir James Grigg imagines that so long as it suited England, free trade was in that policy, he found this country offering itself as a fair field and no favour. (Laughter.) He now comes along and tells us: "My friends you have overdone discriminating policy of protection. You have built up four large industries and the last one to be built up was sugar. Thus you are producing too much sugar. You must now stop and if you produce more, my other friends, sitting over there as permanent locum tenens—that is the proper expression—are going to send us away. I submit, Sir, such people we do not want to export here. We do not compete in foreign markets. We only allow foreigners to compete in our market. That is the next point of economics on which we would have to be enlightened by Professor Gregory. Now, so far as I am concerned, we want to resist for ever at revising that policy, however tempting it may appear from the theoretical point of view. (Hear, hear.) I may remind my Honourable friend, Sir James Grigg, that about a quarter of a century ago I learned economics from an Englishman. Then

he told us a great deal about free trade and the conditions of free trade. There was no doubt that inasmuch as they could not eat either coal or iron and inasmuch as chemistry of that kind has not been discovered—some economical chemistry had to be discovered and that is how to foist coal and iron on other lands in order to get food and raw materials for clothing, etc. That I think they have done for a quarter of a century and now they find they cannot dump their goods into this country because the industries are growing here. I think we ought to be taught free trade over again. Where in their own country in order to balance their exchange, where Gregory's knowledge might have been utilised they say: "Oh! no, I do not think a theory of absolute free trade is much use. England's agriculture requires protection". I believe Lloyd George and the two Chamberlains and the one that is now the Prime Minister of England, they all thought that the free trade had been overdone. When it comes to readjusting their own economics, no theory has any value. No theory matters. What matters is the actual results in terms of food and clothing John and Smith so that we do not want theoretical knowledge. We have been fed too much with it by Prof. Coyajee and all the rest of that folk. My Honourable friend thinks there are not many friends he can find to agree with him. If he wants agreement with his views, I can give him any, other names. I have many fellow students who, though not now—at least at one time—were regarded by this Government of India as great economists, they were knighted, boomed and boosted so long as they signed the reports which suited their economic theory suited to Britain. When the Government find that these gentlemen have become—I do not know—fossils, they think they are of no use. So that the two classes into which he divides Indian economists, those who will not agree with him, therefore, he will not take them as advisers and those who agree with him, it is obvious that they do not get anything out of them—because those who agree with him are Indians who are not big enough for the purpose of handing round opinions. I attended, about three years ago, a meeting of economists in Patna—the Indian economists—there was no Englishman there at all unless one disguised himself as an Indian—there were 51 Economists there including Mr. Manohar Lal, the present Finance Member of the Punjab Government. It will be duly conveyed to all these 50 odd economists of this country the opinion of my Honourable friend not merely because *ex cathedra*, but on the question of their fitness to advise on the economic policy of this country. But I may assure him that even if it were not as it sometimes becomes an expensive luxury and even if it were not merely a racial question, from my knowledge and study of the subject I may give him an advice which he will not take, but it is time that I gave it to him as I gave one to him yesterday that is a sympathetic consideration of the needs of one's own country and approaching theories in that spirit and that spirit alone is going to make a useful economist. (Hear, hear.) He may rely on it that this dry light of reason with the sub-consciousness of Britain becoming much is not going to help this country at all. Therefore, this Professor Gregory, whatever else he may be, his merits are gathered from the books he has written, we must conclude that he is a very expensive luxury or a very expensive obstacle and in either view, I hope the House will pronounce its opinion in the way we want to. (Applause.)

[Mr. Muhammad Nauman.]

interest of India, he will stick to 1s. 6d. Therefore, in his opinion this expense is futile. But the Finance Member has already said in his speech that he will be guided by his opinion inasmuch as it will be possible as Mr. Gregory will be chiefly attached to Commerce Department and not his.

Several Honourable Members : No, he did not say so. (Laughter.)

Mr. Muhammad Nauman : I am sorry ; I thought he said so in a round about way. My only submission to the House is that on principle I do not object to an appointment of expert, and I do not see why my friends in the Congress should object to any adviser being appointed for any particular matter from any part of the world when we in India cannot provide one. The spirit in which the Opposition has made this protest is absolutely correct in the sense that they want to limit the importation of Europeans as far as they can but on occasions it should be permissible and our friends should not insist on such protests in season and out of season. In this case, where Opposition Members have accepted that Mr. Gregory is a man of international reputation and exceptional merit in economics, I do not see the sense of protest. If my Honourable friends are convinced without being biased that he can be really useful for the economic salvation of this country, I think we should not make this protest only for the sake of opposition, but try to support the Finance Member, who has done this in the anxiety to solve the economic problems of India. With these few words, Sir, I resume my seat.

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 Assembly do now adjourn.”

The Assembly divided :

AYES—53.

Abdul Ghani, Maulvi Muhammad.
Abdul Qaiyum, Mr.
Abdur Rasheed Chaudhury, Maulvi.
Azeq, Mr. M. S.
Asaf Ali, Mr. M.
Ayyangur, Mr. M. Ananthasayanam.
Azhar Ali, Mr. Muhammad.
Banerjee, Dr. P. N.
Bhagavan Das, Dr.
Chaliha, Mr. Kuladhar.
Chattopadhyaya, Mr. Amarendra Nath.
Chaudhury, Mr. Brojendra Narayan.
Das, Mr. B.
Das, Pandit Nilakantha.
Datta, Mr. Akhil Chandra.
Desai, Mr. Bhulabhai J.
Deshmukh, Dr. G. V.

Deshmukh, Mr. G. V.
Essak Sait, Mr. H. A. Sathar II.
Gadgil, Mr. N. V.
Ghiasuddin, Mr. M.
Govind Das, Seth.
Gupta, Mr. K. S.
Jedhe, Mr. K. M.
Jogendra Singh, Sirdar.
Joseph, Mr. George.
Kailash Behari Lal, Babu.
Mangal Singh, Sardar.
Misra, Pandit Shambhu Dayal.
Mudaliar, Mr. C. N. Muthuranga.
Muhammad Ahmad Kazmi, Qazi.
Murtaza Sahib Bahadur, Maulvi Syed.
Paliwal, Pandit Sri Krishna Dutta.

AYES—contd.

Pande, Mr. Badri Dutt.
Parma Nand, Bhai.
Raghubir Narayan Singh, Choudhri.
Ramayan Prasad, Mr.
Ranga, Prof. N. G.
Rao, Mr. Thirumala.
Saksena, Mr. Mohan Lal.
Santhanam, Mr. K.
Satyamurti, Mr. S.
Sham Lal, Mr.

Shaukat Ali, Maulana.
Siddique Ali Khan, Khan Sahib Nawab.
Sikandar Ali Choudhury, Maulvi.
Singh, Mr. Gauri Shankar.
Singh, Mr. Ram Narayan.
Sinna, Mr. Satya Narayan.
Som, Mr. Suryya Kumar.
Sri Prakasa, Mr.
Varma, Mr. B. B.
Zafar Ali Khan, Maulana.

NOES—45.

Abdul Hamid, Khan Bahadur Sir.
Abdullah, Mr. H. M.
Ahmad Nawaz Khan, Major Nawab Sir.
Aikman, Mr. A.
Aghar Ali, Sheikh.
Bajpai, Sir Girja Shankar.
Boyle, Mr. J. D.
Buss, Mr. L. C.
Chanda, Mr. A. K.
Dalal, Dr. R. D.
Dalpat Singh, Sardar Bahadur Captain.
Fazl-i-Haq Piracha, Khan Bahadur Shaikh.
Fazl-i-Ilahi, Khan Sahib Shaikh.
Ghulam Muhammad, Mr.
Grigg, The Honourable Sir James.
Hudson, Sir Leslie.
Jawahar Singh, Sardar Bahadur Sardar Sir.
Kamalu'din Ahmed, Shams-ul-Ulema.
Kushalpal Singh, Raja Bahadur.
Lloyd, Mr. A. H.
Mackeown, Mr. J. A.
Manavchara Raia, Rao Bahadur K. C.
Mani, Mr. R. S.

Mehta, Mr. S. L.
Mudie, Mr. R. F.
Nagarkar, Mr. C. B.
Nauman, Mr. Muhammad.
Nayudu, Diwan Bahadur B. V. Sri Hari Rao.
Parsons, Lieut.-Colonel A. E. B.
Purcell, Mr. R. S.
Rahman, Lieut.-Colonel M. A.
Roy, Mr. S. N.
Scott, Mr. J. Ramsay.
Sher Muhammad Khan, Captain Sardar Sir.
Slade, Mr. M.
Spence, Mr. G. H.
Staig, Mr. B. M.
Stewart, The Honourable Sir Thomas.
Sukthankar, Mr. Y. N.
Sultan Ahmad, The Honourable Sir Saiyid.
Thorne, Mr. J. A.
Tylden-Patterson, Mr. A. E.
Yakub, Sir Muhammad.
Yamin Khan, Sir Muhammad.
Ziauddin Ahmad, Dr.

✓ The Motion was adopted. ✓

Maulana Zafar Ali Khan : With your permission, Sir, I beg that the consideration of the Durgah Khwajah Bill should be taken up tomorrow, although it may perhaps be decided by you that the Assembly is going to close now. We have gone through almost all the sections of the Bill : almost all the amendments have been moved : only one remains, and if we had sat another couple of minutes, we should have finished it.

Mr. President (The Honourable Sir Abdur Rahim) : The Honourable Member must ask the Government if they are willing to sit.

The Honourable Sir James Grigg : No, Sir. In accordance with what I said yesterday, we have got to a stage in the proceedings in which we do not feel justified in asking you to direct a sitting of the Assembly tomorrow. As far as the Government are concerned, they have no desire to sit tomorrow.

Mr. President (The Honourable Sir Abdur Rahim) : The Assembly is adjourned sine die.

The Assembly then adjourned sine die.

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— raised by Mr. M. Ananthasayanam Ayyangar that firstly the Manœuvres Field Firing and Artillery Practice Bill is outside the competence of this Legislature inasmuch as its subject-matter must be related to compulsory acquisition of land, a subject included in the Provincial list and secondly, because prior sanction of the Governor General to the Bill was not obtained afresh under the new Government of India Act, 1935. 3125-34.

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— raised by Sir Cowasji Jehangir as to whether the Chair can allow another Honourable Member to speak at the same time or give him precedence over the Honourable Member who is in possession of the House. 1746.

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Question *re* employment of —, a Parliamentary Counsel, to revise terms on which States are to join the Federation. 915-16.

ROY, MR. S. N.—

Motion for Adjournment *re* hunger-strike of political prisoners in the Andamans. 561-64.

ROYAL COMMISSION—

See "Commission(s)".

ROYAL COMMISSION ON PALESTINE—

Motion for Adjournment *re* report of the —. 617.

Question *re*—

Cost of publication of the report of the — borne by the Government of India and subsidy given to Palestine, etc. 1154-55.

Resentment amongst Indians and Muslims against the report of the —. 918-20.

RULE(S)—

Motion for Adjournment *re* amendment of Indian Legislative Assembly —. 446, 475-92.

Question *re*—

Administration of Jail —, etc. 674-75.

Amendment of Postal Insurance —. 758.

RULE(S)—contd.

Question *re*—contd.

Applicability of the Government Servants' Conduct — to railway servants. 2390-91.

Application of new recruitment — in the Posts and Telegraphs Department. 1710.

Coming into operation of the Payment of Wages Act and — on the Eastern Bengal Railway. 1801-02.

Condition in the — for the recognition of Unions. 1802-03.

Disciplinary — governing the members of the Indian Civil Service and other all-India services. 2488.

Leave — applicable to certain officers of the South Indian Railway of Asiatic domicile. 851.

Modification of the Standing Orders and — of the Indian Legislative Assembly. 1080-82.

New pass — for railway employees. 857-58.

New — regarding municipal elections in Ajmer. 2220.

Penalties referred to in — 2 of the — regulating discipline and rights of appeal of non-gazetted Railway Servants. 2136.

Proposed amendment of the — enabling the Indian Legislative Assembly to discuss matters of privilege. 2629-30.

Removal of certain drivers from service in disregard of subsidiary — framed by the Agent, Eastern Bengal Railway. 74.

Revised — for the issue of passes on railways. 1079, 1070-71.

Revision of the free pass — for the Railway Staff. 80-83.

— empowering the Railway Board and Administrations to modify, amend or annul their orders. 2665.

— for admission into the Walker Hospital, Simla. 9102-03.

— for elections to the Indian Legislative Assembly from the United Provinces. 833-35.

RULE(S)—contd.

Question *re*—contd.

— for promotion of temporary surveyors in the Survey of India. 2816.

— for transfer of prisoners and maintenance of the Cellular Jail at Port Blair and the Deoli Detention Camp. 929-31.

— regarding absconding accused. 2490.

— regarding the setting up of telegraph and telephone posts within municipal limits. 1211-13.

— restricting immigration from colonies to India. 1213.

Uniformity in Excise — for the whole of India. 1217-18.

Resolution *re* amendments to the Indian Legislative —. 368-85, 446-53.

RULES AND REGULATIONS CONTINUANCE BILL—

See "Bill(s)".

RULING(S) BY MR. DEPUTY PRESIDENT (MR. AKHIL CHANDRA DATTA)—

Miscellaneous—

If one Honourable Member is in possession of the House, no other Honourable Member can be allowed to speak until he finishes. 1746.

It is for the Mover of an amendment to get up at the proper time. 1363.

The mere fact that the Honourable Member in Charge of a Bill accepts a motion does not debar anybody else from speaking. 1358.

Select Committees, Proceedings of—

If in the course of a speech any Member takes objection to the discussion of anything that has happened in the Select Committee, although that appears in the Minute of Dissents, it is better that it should not be referred to in the House. 1433.

What happened in the Select Committee should not be discussed on the floor of the House. 1433.

RULING(S) BY MR. PRESENT (THE HONOURABLE SIR ABDUR RAHIM)—

Bill(s)—

An amendment seeking not merely a verbal change cannot be allowed to be moved on the floor of the House without due notice having been given; but once an amendment has been moved, the Chair cannot insist on time being given—that is not the practice. 1290.

Of the two inconsistent amendments to — if one is carried by the House, the other cannot be moved; but it is then open to the mover of the second amendment to get the whole clause negatived when it is put to vote. 1694.

Demands for excess grants—

Question of policy cannot be raised on —. 3227, 3230, 3234, 3235.

Insurance Bill—

Although several amendments to a clause had been left over for further consideration, it did not mean that the whole clause had been left over and that fresh amendments to the clause could be received. 1294.

Amendment proposing omission of clause 37 (provision for licensing of Insurance Agents), was held to be in order although clause 35, using the language "licensed under section 37" was previously adopted. 2454.

An amendment (No. 42) to the Third Schedule, which was not moved purely through inadvertence at the proper time, was not allowed to be moved at the stage when the Schedule had been adopted in the form in which it stood and as amended by other amendments. 2942-43.

An amendment, seeking to lay down that protected and subsidised industries or industries applying for protection or subsidy shall not be eligible to such protection or subsidy unless companies engaged in such industries agree to place every class of insurance business, other than life, under

RULING(S) BY MR. PRESIDENT **(THE HONOURABLE SIR ABDUR** **RAHIM)—contd.**

Insurance Bill—contd.

their control with a particular class of insurers, namely, Indian insurers, was held not to come within the scope of the Bill. 2863.

An amendment seeking to make provision for a provident fund for the benefit of the employees of an insurer was held to be outside the scope of the Bill and ruled out. 2884-85.

Manœuvres Field Firing and Artillery Practice Bill—

A Bill having already been introduced under sanction obtained under the Government of India Act, 1919, no previous sanction of the Governor General is required afresh under section 299 of the Government of India Act, 1935, for taking it into consideration. 3133-34.

Federal legislation on any of the items enumerated in List I in the Seventh Schedule to the Government of India Act, 1935, may to the extent that is necessary affect some of the subjects in List II—Provincial List. The Bill does not provide for the acquisition of land, nor does it provide for the acquisition of any right in or over land though some of the provisions may incidentally affect rights in or over land. Considering the scope of section 100 and the items in List I, there seems nothing in the provisions of the Bill which can be said to be *ultra vires* of the Government of India Act. 3200-02.

Miscellaneous—

An Honourable Member should give his own arguments. The Chair will allow an Honourable Member to read from a document if they are not long passages. 2273.

An Honourable Member should not discuss personalities individually. 1930.

RULING(S) BY MR. PRESIDENT **(THE HONOURABLE SIR ABDUR** **RAHIM)—contd.**

Desultory conversation cannot be allowed. 2865.

Honourable Members must not impute any personal motive to another Honourable Member, especially if they have not been able to understand the speech. 1439.

Honourable Members ought not to say anything which is a reflection on any High Court Judge. 1414.

Individual cases should not be discussed at great length in speeches. 979, 980.

It is not for an Honourable Member to regulate or interfere with the proceedings of the House. 1714.

It is objectionable to ask an Honourable Member to stand up on the bench and answer. 1236.

It is objectionable to call members of a Party in the House as toadies. 1825.

It is unparliamentary to call the Legislative Assembly a debating society. 88.

The arrangements *re* admission to the galleries of the House being under the Honourable the President's control, an Honourable Member should not refer to them. 952.

The expression "evasive answer" is objectionable. 2723.

Use of the word "benign" in the expression "benign pressure exercised by Government" is not in order. 2481.

Motion(s) for adjournment—

The Mover of a motion has to make himself responsible for stating the facts correctly before the House; he must be ready with all the facts before he makes his motion. 613.

Point(s) of order—

There can be no — while the Chair is standing. 86.

RULING(S) BY MR. PRESIDENT **(THE HONOURABLE SIR ABDUR** **RAHIM)—contd.**

Questions—

A Government Member need not say on every occasion, when he is not in a position to answer a question, that it is not in the public interest to do so. 10.

An Honourable Member is not entitled to ask about informal consultations by the Governor General with the Council. 9.

An Honourable Member is not to put a question as to why a certain question has been allowed. 840.

Ordinarily the Chair would allow a question to be put by another Member only if he has been authorised in writing. 499.

The replies of questions which could not be answered for want of time have to be laid on the table. 51.

Question(s), Supplementary—

All sorts of language in putting supplementary questions which have nothing to do with the original question should not be used. 1800.

Honourable Members cannot cast reflections in putting —. 1389.

If an Honourable Member has been able to follow the answer in English, he should put the supplementary questions in English. 1571.

If specific answers on specific points are wanted they ought to be specified. 587.

It is for the Chair to decide whether a particular — arises out of the original question or not. 1714.

One question having been put, another one cannot be put before the first is answered. 428.

Supplementaries cannot be put to a question which was not reached on a previous day. 1078.

Supplementaries to an identical question previously asked cannot be allowed. 1886.

Unless there is any sort of ambiguity in the answer given, an Honourable Member is not entitled to put further —. 9.

RULING(S) BY MR. PRESIDENT **(THE HONOURABLE SIR ABDUR** **RAHIM)—contd.**

Question *re*—contd.

When a Government Member is unable to give the information that is sought, no Honourable Member is entitled to put any —. 25.

Recognition(s)—

An amendment, the first portion of which is a direct negative and the subsequent portion is an additional recommendation quite relevant to the Resolution, is in order. 2800.

Select Committee(s), Proceedings of—

An Honourable Member cannot refer to the —. 2848.

SHED(S)—

See "Shed(s)".

RUPEE(S)—

Question *re* circulation of spurious — in India. 517.

RUPEE COIN(S)—

See "Coin(s)".

RURAL AREA(S)—

Question *re*—

Fund for the economic development and improvement of —. 3468-10.

Improvement in facilities for the marketing of agricultural produce from —. 2313-14.

Post Offices opened and closed in —. 1716.

RURAL DEVELOPMENT—

Question *re* training in —, village hygiene and sanitation to Indian soldiers. 1149.

RURAL INDEBTEDNESS—

See "Indebtedness".

RURAL POST OFFICES—

See "Post Office(s)".

RURAL RECONSTRUCTION—

Question *re* — and assistance to civil authorities by the Indian Army. 429-30.

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SABATHU—

Question re relief of tax-payers of Cantonment and overseer of the Kasauli Cantonment Board. 2232.

SAHARANPUR—

Question re denial of facility to holders of intermediate class return tickets to travel to Kalka from Benares cantonment either via Delhi or via —. 584.

SAKSENA, MR. MOHAN LAL—

Demand for Excess Grant for 1935-36 in respect of—

Executive Council. 3229.

Indian Posts and Telegraphs Department. 3227, 3228.

Indian Mines (Amendment) Bill—

Motion to refer to Select Committee. 1603-05, 1613.

Insurance Bill—

Consideration of—

Clause 26. 2249.

New clause 36. 2427.

New clause 38A. 2611.

Clause 87. 2714-15, 2716.

Third Schedule. 2893.

Motion for Adjournment re—

Frontier policy of Government. 529.

Indian interests at Zanzibar. 405.

Mr. Mudie's Enquiry Report into the Bengal Nagpur Railway affairs. 529, 611, 612, 614, 615, 616.

Position of Indians in Zanzibar. 530.

Refusal by the Law Member to answer a question regarding amendments to the Government of India Act. 2493.

Question re—

Action taken on Motions for Adjournment carried in the Indian Legislative Assembly. 2928.

Action taken on resolutions passed by the Indian Legislative Assembly. 608, 1815-16.

SAKSENA, MR. MOHAN LAL—

contd.

Question re—contd.

Alleged propaganda against any demand for the reduction of Defence Services. 2734-35.

Allowances paid to Sirdars Muhammad Umar Khan and Muhammad Sarwar Khan, Afghan detenus. 2487-88.

Andamans hunger-strike. 40-49.

Anti-Indian feelings in Ceylon. 760-61.

Appeals of the East Indian Railway Employees withheld by Divisional Superintendents. 1311-12.

Appointment of Mr. Waddington as Assistant Superintendent of Archaeology. 2550-53.

Articles exported to and imported from India in Peuba and Zanzibar. 1082.

Attacks on Indians in the book "Land of the Lingam" by Arthur Miles. 2204-06.

Attending of a public entertainment by the Senior Superintendent of Police, Delhi. 2216-17.

Ban on Dr. Har Dayal against his return to India. 2998-99.

Books and leaflets proscribed by the Central Government or administrations. 443.

Censorship of correspondence. 2475-76.

China's representation to the League of Nations and developments in the Far East. 2919-20.

Circular re policy to be followed by cantonment authorities in their dealings with Provincial Governments. 940.

Confiscation of the photo enlargement of Jatindra Nath Das. 673.

Constituent Assembly. 1928.

Contract for advertisements on telegraph and telephone posts. 2547.

Cost of establishment and maintenance of the Federal Court. 1312, 1646-47.

Criticism of the Amery Report by the London Times. 2209-11.

Crossword competitions in India. 2737-38.

SAKSENA, MR. MOHAN LAL—

contd.

Question re—contd.

Customs duty for bringing gold in India and duty paid by Pandit Jawahar Lal Nehru on a gold casket. 1706-07.

Debarring graduates of Veterinary Colleges in India from appearing at the competitive examination for appointments in the Indian Army Veterinary Corps. 1882-83.

Deduction of Income-tax on dividend paid to share-holders of the Reserve Bank of India. 1473-74.

Detenus in the Deoli Detention Camp. 443.

Dismissal of the Bengal Nagpur Railway employees after the termination of the strike. 2924.

Disposal of cast iron scrap on the North Western Railway. 5.

Dissenting note of Sir Tracy Gavin Jones to the Sapru Committee Report and enquiry into the question of currency and exchange. 2804.

Employees of the Great Indian Peninsula Railway transferred to other railways. 1312.

Encouragement to the handloom and cottage woollen industry. 2803-04.

Explosion of a bomb at Babina in Jhansi District. 940, 2057-58.

Extension of the life of the Indian Legislative Assembly. 1079.

Government advertisement given to newspapers. 2474-75.

Grant of compensatory allowance to certain officials of the Posts and Telegraphs Department in Simla. 2299-2300.

Grant of house rent allowance to the fitter Khalasis of the Eastern Bengal Railway at Chitpore. 858, 2407.

Grant of passes to retired railway servants. 2098-99.

Grant of permission to Mr. Mahado Abaji Nadedkar and other Indian natives to return to India. 671-72.

SAKSENA, MR. MOHAN LAL—

contd.

Question re—contd.

Gratuity withheld from certain employees in the Jamalpur Railway Workshop. 2650.

Grievances of owners of ~~ekkas~~ and tongas at Lucknow junction and Benares Cantonment Stations. 2638-39.

Hunger-striking detenus in the Deoli detention camp. 2486-87.

Income-tax recoverable on pensions earned in India and paid in England. 1235-37.

Indians outside India not permitted to return to India. 444.

Introduction of a Bill regarding the Indian Chartered Accountants.

Investigations regarding the electrical properties of the ground for setting up of Radio transmitting stations and training of Indians in Radio research. 2016-17.

Joining of the Federation by the Indian States. 2201-04.

Legislation regarding acquiring of interests of African and Arab Mortgagors in Zanzibar. 2804-05.

Maintenance of the Deoli Camp Jail. 941, 1816.

Modification of the Standing Orders and Rules of the Indian Legislative Assembly. 1080-82.

Negotiations for Trade Agreements with Great Britain and other countries. 860.

New pass rules for railway employees. 857-58.

Non-clearance of letter boxes on certain railway stations. 1707-08.

Non-enrolment of members of the Trade Union, Lucknow, residing in Bihar and Bengal, as voters in the Labour Trade Union Constituencies. 1080.

Officers and staff working in the Broadcasting Department. 523, 1806-14.

Officers in the Computing Office of the Survey of India. 1235.

Official members from the Provinces nominated to the Indian Legislative Assembly. 1569-70.

SAKSENA, MR. MOHAN LAL—
*contd.*Question *re—contd.*

Optical goods imported into India and development of lense industry. 2647-48.

Outsiders recruited as clerks by the Postmaster General, Lucknow. 8117-18.

Parking of tongas and *ekkas* at Lucknow Junction Station. 2383-81.

Participation of Indian trades and industries in the Paris Exhibition. 860.

Persons externed or interned in the centrally administered areas. 442, 2051.

Persons refused passports. 76.

Possibilities of growing cloves in India. 2832-33.

Prisoners confined in the Cellular Jail in the Andamans. 443.

Prisoners who developed tuberculosis or became invalids in the Cellular Jail at Port Blair. 2474.

Procedure followed in the matter of grant of titles. 2215.

Prohibition of Government Servants from doing insurance business. 2738.

Prosecution of employees of Jamalpur Running Shed and stoppage of allowance of Permanent Way Staff at Jamalpur. 2650.

Protection of the life and property of Indians in Shanghai. 2735-36.

Provisions of the Unbeneficial Occupation of Lands Bill introduced in the South African Parliament. 759.

Publication of the report of the British expert on broadcasting in India. 2810-14.

Purchase and manufacture of wagons. 2926.

Qualifications and social status of prisoners in the Andamans. 1148.

Qualifications of the British expert invited to study the possibilities of development of broadcasting in India. 1012-13.

SAKSENA, MR. MOHAN LAL—
*contd.*Question *re—contd.*

Qualifications of the Controller of Broadcasting and the Chief Engineer, All-India Radio. 1013-14, 2814-16.

Radio Research. 2015-16.

Railway accident at Bihta on the East Indian Railway. 858-59.

Reduction of staff in the Reforms Office. 2380.

Reforms Office. 1313-14.

Refusal of the Agent, East Indian Railway, to receive deputations from the East Indian Railway-men's Union, Lucknow. 1083-84.

Refusal to grant passports to Srimati Kamla Debi and other persons. 672.

Release of Mr. Amir Haider Khan detained under Regulations III of 1818. 2736-37.

Release of political prisoners and detenus and withdrawal of externment and internment orders in the centrally administered areas. 929.

Release of political prisoners of Delhi. 2997-98.

Repatriation of prisoners from the Andamans. 2999-3002.

Representation from Indians in Malaya regarding the recommendations of the Right Honourable Mr. Sastri. 760.

Representation regarding the amalgamation of the two clerical grades in the Operating Department of the Divisional Superintendent's Office, Lucknow. 79-80.

Resolutions and motions for adjournment. 2100.

Rules for transfer of prisoners and maintenance of the Cellular Jail at Port Blair and the Deoli Detention Camp. 929-31.

Rules regarding absconding accused. 2490.

Safeguarding of the interests of Indian clove growers in Zanzibar. 2548-50.

SAKSENA, MR. MOHAN LAL—
*contd.*Question *re—concl'd.*

Securities demanded from presses and newspapers in the centrally administered areas. 443, 2052-53.

Situation in Zanzibar. 759-60.

Statement of Khan Abdul Ghaffar Khan regarding Frontier Tribes. 2212-13.

Strength of the Indian Medical Service. 2206-09.

Subsistence allowance paid to the mother of Srijut Panchanan Chakravarty, a detenu in the Deoli detention camp. 2487.

Suicide cases in the centrally administered areas and retirement of Government servants at the age of fifty-five. 1883-84.

Sum sanctioned by the Railway Board for disbursement amongst non-strikers of the Bengal Nagpur Railway. 3180-81.

Telegraph Office at Gupta Kashi, District Garhwal. 527-28, 2297-98.

Tolls charged on the East Indian Railway bridge on the Kosi between Rampur and Moradabad. 607-08.

Training in rural development, village hygiene and sanitation to Indian soldiers. 1149.

Unemployment Problem. 1237-38, 1583-96.

Withdrawal of recognition of the Bengal Nagpur Railway Union. 1778-79.

Withdrawal of the representatives of the Bengal Nagpur Railway Union from the enquiry held by Mr. Mudie. 1777-78.

Work in the Home Department. 2215-16.

Working hours of guards and drivers. 2926.

Question (Supplementary) *re—*

Abandonment of the idea of opening slaughter houses in certain Provinces. 1303.

Absence of wire fencing along the railway line between Jhansi and Manikpur. 831, 832.

SAKSENA, MR. MOHAN LAL—
*contd.*Question (Supplementary) *re—cont'd.*Activities of the *Fauji Akhbar*. 2729.

Allegations against the Senior Superintendent of Police, Delhi. 433.

Allowances paid to Sardars Muhammad Umar Khan and Muhammad Sarwar Khan, Afghan Detenus. 1154, 1636.

Amount paid by the Publicity Society for using the telegraph posts for advertisement. 2306.

Appointment of India's Representatives to the League of Nations. 1551.

Appointment of the Chief Medical Officer of the East Indian Railway. 2654.

Arrangements for starting a Central Veterinary College at Izzatnagar. 1222.

Attending of a public entertainment by the Senior Superintendent of Police, Delhi. 431, 432.

Availability of the Indian Army for the defence of Burma. 646.

Ban on Dr. Har Dayal against his return to India. 2994, 3008.

Break of journey between Benares and Lucknow on the Loop Line. 1062.

Breaking of their parole by Sardars Muhammad Umar Khan and Muhammad Sarwar Khan, Afghan Detenus. 1645.

British journalist imported as Director of Public Information. 654.

Broadcasting of Indian music. 3112.

Broadcasting stations in India. 1240.

Circulation of Bills for eliciting opinions thereon. 1775.

Classification of *Koris* in the United Provinces. 1786.

Clove plantation and protection of the interests of Indians in Zanzibar. 768.

SAKSENA, MR. MOHAN LAL—
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- Question (Supplementary) *re—contd.*
Constitutional position of the official representatives of the Provincial Governments nominated to the Indian Legislative Assembly. 1302.
Contract for parking of *ekkas* outside the Benares Cantonment Railway Station. 1296.
Contribution entitled "Professor Khankhoje in exile—Lift the Ban" published in the *Hindustan*. 1879.
Creation of a corporation for the control of the All-India Radio. 1004.
Creation of posts of Under Secretaries in the Department of Education, Health and Lands. 767.
Curtailement of railway passes among the subordinate Railway staff. 3020.
Customs duty for bringing gold in India and duty paid by Pandit Jawaharlal Nehru on a gold casket. 504.
Denial of facilities to Mr. V. V. Narasimhan to attend the sittings of the Madras Legislative Assembly. 2650.
Discussion in the Indian Legislative Assembly of proposals made by the Wedgwood Committee. 20.
Diversion of certain trains to enable them to touch Benares and Allahabad. 583.
Economies in the Central Government expenditure. 1112, 1113.
Enquiry into the Bengal Nagpur Railway strike affairs. 2384, 2387.
Erection of a recuperative pot furnace in a factory at Ferozabad. 2021, 2022.
Expenditure incurred in the Waziristan Military Expedition. 656.
Extermment of Maulana Husain Ahmad Madani and Maulana Nuruddin from Delhi. 926.
Government advertisements given to newspapers. 1382.
Grievances of Indians in Malaya. 1221.

SAKSENA, MR. MOHAN LAL—
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- Question (Supplementary) *re—contd.*
Health of Maharaja Gureharan Singh of Nabha. 2221.
Hunger-strike by prisoners in the Andamans. 2733.
Inauguration of the Federation and extension of the life of the Indian Legislative Assembly. 20.
Incivility shown by Railway subordinates to the travelling public. 853.
Increase in the allowances and pay of British soldiers. 1152.
Indian Legislative Assembly Electoral Roll for Delhi. 866.
Indians and Europeans in Shanghai. 1397, 1398.
Installation charge for telephones levied from the Members of the Indian Legislative Assembly. 1698.
Interception of letters and telegrams and tapping of telephone calls. 1384.
Investigation of the problem of flood prevention. 2007.
Joining of the Federation by the Princes. 835.
Keeping of British troops for internal security purposes. 2215.
Licences granted to vendors on Railway Stations in Bihar. 1794.
Lives and property of Indians in China. 1639, 1640.
Long continuous duty of railway drivers. 2088.
Luggage passes granted to inferior staff on the North Western Railway. 2919.
Marks for *viva voce* in the Indian Civil Service examination. 2990, 2992.
Martial Law prisoners of the Garhwal Regiment. 417.
Mental Hospital at Ranchi. 653.
Military manœuvres or artillery practice near village Rabina in Jhansi District. 1147.
Mr. Mudie's report on the Bengal Nagpur Railway strike. 847, 848.

SAKSENA, MR. MOHAN LAL—
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- Question (Supplementary) *re—contd.*
Negotiation for a trade agreement with Ceylon. 2366.
Nomination of Official Members from the Provinces to the Indian Legislative Assembly. 600.
Non-clearance of letter boxes on certain stations. 511.
Noting down of names and addresses of passengers at the Tara Devi Railway Station. 1064.
Opening of combined Post and Telegraph Offices in Sind. 1006.
Parking of *ekkas* outside Railway stations. 1545.
Permits for entry into the Kurram Agency. 2226, 2227.
Positions regarding Indian labour in British Guiana. 2395.
Post of Deputy Director General, Indian Medical Service. 2024.
Prisoners convicted or detained for political offences under the charge of the Government of India. 416.
Prisoners in the Andamans suffering from dyspepsia. 1387.
Prohibition of Congress election meetings and flying of National Flags in the Lansdowne Cantonment. 1615, 2741.
Proposal to establish a Central Veterinary College in Izatnagar. 2295-96.
Proposal to increase railway freights. 591.
Proposed slaughter house in the Lahore Cantonment. 1392.
Protection to the glass industry. 1564, 1566, 1771.
Railway accident at Bihta on the East Indian Railway. 1077-78.
Railway ticket of Mr. Sri Prakasa checked at the bidding of the Criminal Investigation Department man at Moghul Sarai. 1546, 1547.
Recommendations of the Maxwell Committee. 1622.
Recruitment of a News Editor of Broadcasting and an Editor of *Indian Listener*. 1227.

SAKSENA, MR. MOHAN LAL—
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- Question (Supplementary) *re—contd.*
Refusal to grant passport to Mr. Virendra, Managing Editor of the *Daily Paritap*, Lahore. 1878.
Release of invalid political prisoners in the Andamans. 1336.
Removal of the postal seals and stamps office from Aligarh to Alipore Workshop. 2559.
Reorganisation of the Government of India Secretariat. 1632.
Repatriation of prisoners from the Andamans. 3015.
Report of the Ashworth Committee about administrative and judicial reforms in Ajmer-Merwara. 2464.
Restoration of original pensions after realisation of the amount of commutation with interest. 756.
Revised rules for the issue of passes on railways. 1071.
Rules for elections to the Indian Legislative Assembly from the United Provinces. 635.
Rural reconstruction and assistance to civil authorities by the Indian Army. 430.
Selection of Allahabad as the venue for the enquiry of the Bihta railway disaster. 2656, 2657.
Selection of representatives of India at the Imperial Conference. 589.
Separation allowance allowed to British soldiers. 2473.
Situation on the Frontier. 650, 651.
State of health of seven Andamans prisoners. 2046, 2047.
Stay-in protest in the North Western Railway Workshops, Moghalpura. 2108.
Supply of court notices and Government advertisements to vernacular newspapers in Delhi for publication. 924, 925.
Terms of notification of Lieut. Colonel Shaikh's appointment. 2023.

SAKSENA, MR. MOHAN LAL—
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Question (Supplementary) *re—concl'd.*
Travelling of persons with the Members of the Railway Board in saloons. 2096, 2097.

Types of Air Action on the Frontier employed during the Waziristan Expedition. 666, 667.

Veterinary Colleges in the Provinces. 2296.

Withdrawal of the recognitions of the Bengal Nagpur Railway Labour Union. 865.

Work done in the provinces on behalf of the Government of India by the Criminal Intelligence Department. 1145.

SALARY (IES)—

Question *re—*

Exemption from Income-Tax allowed on leave allowance and — paid outside British India. 502.

Reduction in the — of Imperial Services. 518-19.

Reduction in the — of members of the Governor General's Executive Council. 523, 1644-45.

Revision of the — of the Indian Civil Service and the Indian Police Service. 937, 2742-43.

— of Rao Bahadur V. P. Menon. 2660.

SALE (S)—

Question *re* proposed — of certain areas in the Karachi Cantonment. 680.

SALOON (S)—

Question *re* travelling of persons with the Members of the Railway Board in —. 2096-97.

SALT—

Question *re—*

Hardship experienced by the — licencees of certain places in the Madras Presidency. 523-24.

Restoration of — concessions. 757-58.

SAM RANIZAI—

Question *re* system of administration in — and Swat Ranizai areas in the North-West Frontier Province. 444.

SANITARY RULES—

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Point of order raised by Mr. Bhulabhai J. Desai that the Manœuvres Field Firing and Artillery Practice Bill is *ultra vires* of this Legislature inasmuch as it is a law modifying rights in, over or concerning lands situate in the provincial units—a subject entered in the Provincial list. 3141, 3142, 3143-45.

Point of order raised by Mr. M. Ananthasayanam Ayyangar that firstly the Manœuvres Field Firing and Artillery Practice Bill is outside the competence of this Legislature inasmuch as its subject-matter must be related to compulsory acquisition of land, a subject included in the Provincial list and secondly, because prior sanction of the Governor General to the Bill was not obtained afresh under the new Government of India Act, 1935. 3128-29, 3130, 3132.

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Point of order raised by Mr. M. Ananthasayanam Ayyangar that firstly the Manœuvres Field Firing and Artillery Practice Bill is outside the competence of this Legislature inasmuch as its subject-matter must be related to compulsory acquisition of land, a subject included in the Provincial list and secondly, because prior sanction of the Governor General to the Bill was not obtained afresh under the new Government of India Act, 1935. 3127.

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- Attaché cases carried free of charge by first and second class passengers on the East Indian Railway. 585.
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- Construction of air-conditioned Coaches. 1297-98.
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- Denial of facility to holders of intermediate class return tickets to travel to Kalka from Benares cantonment either *via* Delhi or *via* Saharanpur. 584.
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- Postage rates between Burma and India. 744-46.
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- Radio sets supplied to political and military officers. 3003-04.
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Point of order raised by — that protection of industries not being one of the subjects or topics discussed under the —, an amendment seeking to lay down conditions which will be applicable to protected industries is out of order. 2792.

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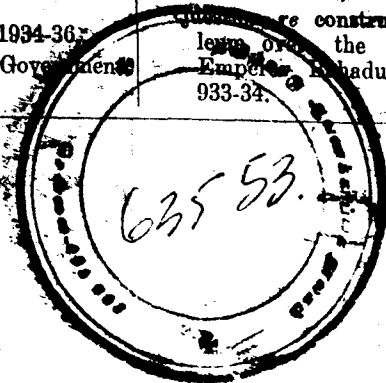
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