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THE
COUNCIL OF STATE DEBATES

VOLUME I, 1938

(14th February to 8th April, 1938)

THIRD SESSION
OF THE
FOURTH COUNCIL OF STATE, 1938



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

Council of State

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President :

THE HONOURABLE SIR MANECKJI DADABHOY, K.C.S.I., K.C.I.E.,
BAR.-AT-LAW.

Panel of Chairmen :

THE HONOURABLE SIR PHIROZE SETHNA, O.B.E.
THE HONOURABLE SIR DAVID DEVADOSS.
THE HONOURABLE SIR RAMUNNI MENON.
THE HONOURABLE MR. HOSSAIN IMAM.

Secretary :

THE HONOURABLE MR. A. DE C. WILLIAMS, I.C.S.

Committee on Petitions :

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THE HONOURABLE MR. P. N. SAPRU.
THE HONOURABLE SIR RAMUNNI MENON.
THE HONOURABLE MR. R. H. PARKER.
THE HONOURABLE SIR A. P. PATRO, K.C.I.E.

} *Members.*

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THE

COUNCIL OF STATE DEBATES

(OFFICIAL REPORT OF THE THIRD SESSION OF THE FOURTH COUNCIL OF STATE.)

VOLUME I—1938.

COUNCIL OF STATE.

Monday, 14th February, 1938.

The Council met in the Council Chamber of the Council House in New Delhi at Eleven of the Clock, being the first day of the Third Session of the Fourth Council of State, pursuant to section 63D (2) of the Government of India Act. The Honourable the President (the Honourable Sir Maneckji Dadabhoy, K.C.S.I., K.C.I.E., Kt., Bar-at-Law) was in the Chair.

MEMBERS SWORN :

The Honourable Sir Muhammad Yakub (Commerce and Labour Member).
 The Honourable Mr. Reginald Maitland Maxwell (Home Secretary).
 The Honourable Mr. Satyendra Nath Roy (Communications Secretary).
 The Honourable Mr. Dharendra Nath Mitra (Government of India : Nominated Official).
 The Honourable Khan Bahadur Shams-ud-Din Haidar (Bihar : Nominated Non-Official).
 The Honourable Mr. Maurice William Murray Yeatts (Government of India : Nominated Official).

QUESTIONS AND ANSWERS.

MECHANIZATION OF THE ARMY.

1. THE HONOURABLE RAJA YUVERAJ DATTA SINGH : With reference to the special grant of £600,000 which the British Government have made towards the costs of the mechanization of the army in India, will Government state what will be the total approximate capital expenditure involved in the entire measures, and what units of the army are to be mechanized, indicating separately the costs of mechanization of Indian and British units ?

HIS EXCELLENCY THE COMMANDER-IN-CHIEF: It is not proposed to build military aerodromes in Bihar at present.

THE HONOURABLE MR. HOSSAIN IMAM: Are there any proposals for building aerodromes in other parts of Northern India?

HIS EXCELLENCY THE COMMANDER-IN-CHIEF: Not at present.

MECHANIZATION OF THE ARMY.

4. THE HONOURABLE MR. KUMARSANKAR RAY CHAUDHURY: What is the scheme of army mechanization in India recently introduced, whether it is confined to some of the British units in India? If so, why, and what help, if any, is the Government of India getting from the British Government for it and what cost has the Government of India to incur for it from Indian revenues?

HIS EXCELLENCY THE COMMANDER-IN-CHIEF: I refer the Honourable Member to the reply I have just now given to the Honourable Raja Yuveraj Datta Singh's question No. 1 on the same subject.

THE HONOURABLE MR. HOSSAIN IMAM: His Excellency did not enlighten us on the cost of the mechanization of Indian units.

HIS EXCELLENCY THE COMMANDER-IN-CHIEF: I cannot give that at present. The whole scheme is under consideration.

THE HONOURABLE PANDIT HIRDAY NATH KUNZRU: When may we expect a decision with regard to the mechanization of Indian units?

HIS EXCELLENCY THE COMMANDER-IN-CHIEF: I cannot tell you, Sir. I hope in the course of the next two or three months.

THE HONOURABLE RAI BAHADUR LALA RAM SARAN DAS: May I know whether the Government of India are keen in the matter, and whether they strongly recommended this to the Secretary of State?

HIS EXCELLENCY THE COMMANDER-IN-CHIEF: Am I to understand the Honourable Member to mean "Am I keen on the mechanization of Indian units?"

THE HONOURABLE RAI BAHADUR LALA RAM SARAN DAS: Yes.

HIS EXCELLENCY THE COMMANDER-IN-CHIEF: Very.

THE HONOURABLE RAI BAHADUR LALA RAM SARAN DAS: Thank you.

TRAINING OF THE INDIAN AIR FORCE.

5. THE HONOURABLE RAJA YUVERAJ DATTA SINGH: In order to train air units for active service, have long distance flights by the Royal Air Force been given as a part of normal training? What facilities, if any, have been provided for Indians for such training in this branch of national service and with what result?

HIS EXCELLENCY THE COMMANDER-IN-CHIEF: It is necessary to train only certain types of air units in long distance flying, and the Royal Air Force in India exercises its bomber squadrons in such flying. The Indian Air Force is an army co-operation unit. Long distance flights are not included in the war training of such units.

CONSTRUCTION OF AN ORDNANCE FACTORY IN THE CENTRAL PROVINCES.

6. THE HONOURABLE RAJA YUVERAJ DATTA SINGH: Have Government ordered a preliminary survey of land in certain villages of the Jubbulpur District (Central Provinces) with a view to the construction of an Ordnance Factory? If so, what are the main details of the scheme, and its financial implications?

HIS EXCELLENCY THE COMMANDER-IN-CHIEF: The reply to the first part is in the affirmative. I am not yet in a position to give the details of the scheme, or its financial implications.

NUMBER OF HORSES RENDERED SURPLUS DUE TO MECHANIZATION OF THE ARMY.

7. THE HONOURABLE RAJA YUVERAJ DATTA SINGH: Will Government state what approximately is the total number of horses which are likely to be rendered surplus as a result of the forthcoming mechanization of the British cavalry regiments in India; and what will become of these horses? Are there any rules in existence to ensure that such horses do not fall into unsuitable hands? If so, what are the rules?

HIS EXCELLENCY THE COMMANDER-IN-CHIEF: It is estimated that some 2,350 horses will be rendered surplus as a result of the mechanization programme for British cavalry regiments in India. No fit horses will be sold outside the army as it will be possible to re-absorb them into other units in the normal course of replacing wastage. In other words, these horses will be used in place of new horses that otherwise would have to be bought if no mechanization scheme had been introduced. A certain number will be disposed of for veterinary reasons or because they are over age. This would have taken place in any case whether mechanization had been introduced or not. The rules for the disposal of unfit horses are found in paragraph 609 of Regulations for the Army in India (Instructions), a copy of which is in the Library of the House.

THE HONOURABLE RAI BAHADUR LALA RAM SARAN DAS: I should like to know whether these horses can be absorbed in the Indian cavalry or not for their future requirements?

HIS EXCELLENCY THE COMMANDER-IN-CHIEF: Certainly, as I have already indicated.

SARDAR AMAR SINGH BAMRAL.

8. THE HONOURABLE MR. HOSSAIN IMAM: (a) Did Sardar Amar Singh Bamral lead the Pan-Asiatic movement for five years in Japan? If so, what was the nature of his activities?

(b) Were his activities based upon the programme of driving the British out of Asia or merely in the furtherance of the movement for the unity of the nine hundred million people of Asia?

(c) Has Sardar Amar Singh Bamral been delivering numerous speeches in several provinces of India from 1928 to 1937 ?

(d) Was he ever convicted of any offence involving moral turpitude ?

(e) How many times was Sardar Amar Singh Bamral arrested ?

(f) Has Sardar Amar Singh Bamral ever received any financial help from any foreign Government ?

THE HONOURABLE MR. R. M. MAXWELL : (a) and (b). The only information which the Government of India have is that he was once interested in the movement.

(c) Yes.

(d) He was once convicted for making a seditious speech.

(e) Three times so far as is known.

(f) Government has no information.

DEFENCE AGAINST AERIAL ATTACKS IN KARACHI AND OTHER AREAS.

9. THE HONOURABLE RAJA YUVERAJ DATTA SINGH : Are schemes being drawn up at the instance of the Government of India to prepare an air defence for Karachi and other towns ? If so, what are the main features of the schemes and what will be their approximate cost ?

THE HONOURABLE MR. R. M. MAXWELL : The subject of passive air defence has recently been examined by a Committee of representatives of the Departments of the Government of India including the Defence Services. The Report of the Committee has been submitted but has not yet been considered by the Government and no decisions have yet been reached.

EXAMINATIONS IN INDIA FOR INDIANS HOLDING BRITISH PILOTS "B" LICENSES.

10. THE HONOURABLE RAJA YUVERAJ DATTA SINGH : (a) Is an Indian, who obtains a commercial pilot's licence granted by the Air Ministry in England, required to appear again at an examination in India, held at the instance of the Civil Aviation Department with the result that a good many of those British qualified pilots and ground engineers fail to pass the examination, and are debarred from the air services in this country ?

(b) When Indian students have already passed the examinations in England why are they required to appear again at the examination ?

THE HONOURABLE MR. S. N. ROY : (a) Candidates who have not allowed their British pilots "B" licences to lapse for a period exceeding two years preceding the date of their application for the grant of an Indian "B" licence, are not required to take the Indian technical examination except the examination in Indian Aircraft Rules and Notices to Airmen, but they cannot apply for the Indian licence until they have completed the flying experience required under the Indian Aircraft Rules, 1937. There is no record of any such pilot failing to qualify for the Indian licence. As regards ground engineers, the possession of a current Air Ministry licence is accepted as proof of qualification for the issue of an Indian licence. There has, therefore, been no case of an engineer qualified in England failing to pass a corresponding examination in India, but a ground engineer only retains his licence (whether in England or India) subject to his remaining qualified and efficient.

(b) The examination in India is as I have stated confined to Indian Aircraft Regulations, knowledge of which is essential to applicants for an Indian "B" licence.

CENTRALISING THE ADMINISTRATION OF CENTRAL EXCISES UNDER THE CENTRAL BOARD OF REVENUE.

11. THE HONOURABLE RAJA YUVERAJ DATTA SINGH : Will Government make a statement regarding the details of the proposal of centralising the administration of Central Excise under the Central Board of Revenue ; and the prevention of smuggling of dutiable goods into British India by country craft from the Persian Gulf, Kalat and Las Bela States ?

THE HONOURABLE MR. J. C. NIXON : The scheme proposed by Mr. King who was placed on special duty to consider the feasibility of centralising the administration of Central Excises under the Central Board of Revenue has been accepted by the Government generally except that the question of the action to be taken in Bengal is still under consideration. In the first instance the administration of the Excises in the Provinces of Bombay and Madras will be entrusted to the respective Salt Departments while in the majority of the Northern Indian Provinces both Central Excises and Salt will be in the charge of a Commissioner of Central Excises and Salt, Northern India, in whose appointment will be merged that of the Commissioner, Northern India Salt Revenue. The Commissioner will be assisted by two Deputy Commissioners for the Eastern and Western parts of his charge. These three posts were called into existence from the 1st February, 1938 in order that preliminary steps might be taken in time for the actual transfer of authority from 1st April, 1938.

The Government are not in a position to make a statement in regard to the second part of the question.

DISAPPEARANCE IN MALTA OF AN INDIAN NAMED BHAGWAN.

12. THE HONOURABLE RAJA YUVERAJ DATTA SINGH : Has Bhagwan, a Sindhi youth, who while serving in a firm in Valletta (Malta) suddenly disappeared on the 16th February, 1937, and has no trace of him yet been found ? Did Government make any enquiry, or do they propose to take any steps in the matter ?

THE HONOURABLE KUNWAR SIR JAGDISH PRASAD : The Governor of Malta has reported that exhaustive enquiries by the police to trace the youth have so far proved fruitless and that although there is no evidence of his having left Malta he may have done so secretly. The matter is under further investigation.

CUSTOMS DUTY IMPOSED ON THE NECKLACE OF MARIE ANTOINETTE.

13. THE HONOURABLE RAJA YUVERAJ DATTA SINGH : Will Government state the total amount of duty which has been imposed by the Customs authorities of Bombay on the historic necklace of Marie Antoinette which has been purchased by the Honourable Maharajahdiraj of Darbhanga for about Rs. 2,10,000 ?

THE HONOURABLE MR. J. C. NIXON : Duty at the rate of 50 per cent. *ad valorem* has been demanded.

OPIUM MANUFACTURE.

14. THE HONOURABLE RAJA YUVERAJ DATTA SINGH: (a) Will Government state how many opium factories there are now in India, and what is the approximate quantity of opium annually manufactured in them?

(b) Is opium now exported outside the country and, if so, is it proposed to restrict its export, and ultimately to suppress it?

(c) Will Government state what approximate saving in expenditure has been effected by the withdrawal of the customs cordon from Chandernagar, which was imposed to prevent contraband opium from being smuggled into Calcutta and other areas in British India?

THE HONOURABLE MR J. C. NIXON: (a) Opium is manufactured on behalf of the Government of India at two factories, viz., (1) Opium Factory, Ghazipur, and (2) Neemuch Opium Factory. A statement giving by years the quantities manufactured in each factory is laid on the table.

(b) The export of opium, except for medicinal or scientific purposes has been generally prohibited since 1st January, 1936. It is, however, still permitted to Burma and Aden which formed integral parts of India in 1926 when it was announced that the export trade would be abolished by stages within ten years, and also in small quantities to the foreign settlements in India and to Zanzibar and Pemba as the announcement in question was not intended to apply to those areas.

(c) The saving effected by the withdrawal of the customs cordon round Chandernagore is approximately Rs. 36,000. This cordon was imposed to prevent the smuggling of dutiable goods into British India and not opium, for controlling the traffic in which the Police and Excise Departments had already made arrangements.

Statement showing the quantities of opium manufactured at the Opium Factory, Ghazipur, and the Neemuch Opium Factory.

	Years. (Opium year 1st October to 30th September.)	Excise opium (in chests) (1 chest = 160 lbs.).	Medical opium (in lbs.).	
			Cakes.	Powder.
1. Opium Factory, Ghazipur.	1934-35	4,141	658	1,470
	1935-36	3,749	562	1,218
	1936-37	3,740	732	1,844
	Years (Financial).	Hard ball opium (in maunds).		
2. Neemuch Opium Factory (started manufacture from the financial year 1935- 36).	1935-36	200		
	1936-37	400		
	1937-38	400 (Quantity sanctioned for manufacture during the year).		

RUNNING OF MOTOR BUS SERVICES BY RAILWAYS.

15. THE HONOURABLE RAJA YUVERAJ DATTA SINGH: Will Government state whether it is proposed to run motor bus services through the agency of certain Railways, and to close down unremunerative branch lines? If so, what Railways are to open motor bus services, and where; and what branch lines are to be closed?

THE HONOURABLE SIR GUTHRIE RUSSELL: Railway Administrations have been advised to examine the possibility of running motor bus services where circumstances warrant the introduction of such services. They have also been asked to investigate the position of those lines which are being run at a net loss, with a view to considering whether there is justification for continuing to work them.

The N.-W.R. are arranging to run a motor bus service between Lyallpur and Jhang. No other Railway Administration has yet submitted proposals for running similar services.

No decision has yet been arrived at to close any branch line.

EMIGRATION OF INDIAN LABOUR TO CEYLON.

16. THE HONOURABLE RAJA YUVERAJ DATTA SINGH: Have the Ceylon Government asked the Government of India for the supply of Indian labour? If so, do Government propose to prohibit the further emigration of Indian labour to Ceylon, so long as the question of franchise of the Indians and their disabilities in Ceylon are not satisfactorily solved?

THE HONOURABLE KUNWAR SIR JAGDISH PRASAD: The attention of the Honourable Member is invited to the answer given to the supplementary question of the Honourable Pandit Hriday Nath Kunzru in the Council of State on the 25th November, 1937.

DISCOVERY OF AN ANCIENT MONUMENT IN BALIRAJPUR, DARBHANGA DISTRICT.

17. THE HONOURABLE RAJA YUVERAJ DATTA SINGH: (a) Has an ancient monument of some historical importance been discovered at a place called Balirajpur, about eight miles from Rajnagar railway station (B. and N.-W. R.) in Darbhanga district (Bihar), and did an officer of the Archaeological Department inspect it some months back?

(b) If so, will Government be pleased to give a short description of the find?

THE HONOURABLE KUNWAR SIR JAGDISH PRASAD: (a) Yes.

(b) The site measures about 500 yards by 300 yards. Traces of the rampart walls of the Fort of Raja Bali are visible and the area is full of ancient pottery and other remains. Steps are being taken to protect it under the Ancient Monuments Preservation Act. No specific age can be assigned to the fort until trial diggings have been conducted.

ADMINISTRATION OF SALT MANUFACTURE.

18. THE HONOURABLE RAJA YUVERAJ DATTA SINGH: Is there any proposal to transfer the administration of salt manufacture from the Central to the Provincial authorities? If so, what will be the financial adjustments necessary?

THE HONOURABLE MR. J. C. NIXON : No such proposal is under consideration.

KENYA TRANSPORT LICENSING ORDINANCE, 1937.

19. THE HONOURABLE RAJA YUVERAJ DATTA SINGH : Has the Kenya Legislative Council passed the second reading of the Transport Control Bill in spite of the unanimous opposition of the Indian community ? What are the main aspects of the Bill which will adversely affect Indian interests in Kenya ; and what steps have Government taken in the matter ?

THE HONOURABLE KUNWAR SIR JAGDISH PRASAD : The Bill has been passed into law and a copy of the Ordinance is available in the Library of the House. The Indian members of the Kenya Legislative Council objected to the principle of the Bill as in the attempt to prevent wasteful competition between the Railways and other forms of transport in Kenya, namely, lorries and dhows, they felt that Indians, who have considerable interests in the latter business, would be affected adversely. Their other main objections were directed towards the composition of the Transport Licensing Board and the provisions relating to the grant of exclusive licences. From the Bill as passed it will be observed that Indians are not precluded from being appointed to the Board and as regards the grant of exclusive licences, time is given for objections to be lodged and provision for an appeal to the Supreme Court against the decision of the Licensing Board also exists. No representation from the local Indian community was received until after the Bill had passed its second reading and been referred to a Select Committee. This representation did not specify their objections to the Bill. An endeavour by the Government of India to secure postponement of consideration of the measure was unsuccessful but His Majesty's Government have stated that should specific objections to any provisions of the Bill arise when it has been enacted they will be examined and, if necessary, amendments will be considered. Certain representations have already been made by the Government of India and the matter is receiving further attention.

SARDAR MUHAMMAD UMAR KHAN.

20. THE HONOURABLE RAJA YUVERAJ DATTA SINGH : Has Sardar Muhammad Umar Khan, the Afghan Sardar, who disappeared from Naini (Allahabad) in October last been traced ? Has the allowance which was paid to his wife now been stopped ? Has his brother Sardar Sarwar Khan, as a protest, refused to accept his allowance ?

THE HONOURABLE KUNWAR SIR JAGDISH PRASAD : Sardar Muhammad Umar Khan has not yet been traced. His wife was not in receipt of an allowance and the question of the stoppage of her allowance does not therefore arise. The allowance which was sanctioned in the name of Sardar Muhammad Umar Khan has however been stopped.

As a protest against the stoppage of his brother's allowance Sardar Muhammad Sarwar Khan refused to accept his own allowance for some time, but he is reported to have started drawing it again.

THE HONOURABLE MR. G. S. MOTILAL : I did not hear the Honourable Member when he said something about his wife. Does he mind repeating it ?

THE HONOURABLE KUNWAR SIR JAGDISH PRASAD : I said that his wife was not in receipt of an allowance and the question of the stoppage of her allowance does not therefore arise.

THE HONOURABLE MR. HOSSAIN IMAM : Will the Government consider the advisability of giving an allowance to his wife ?

THE HONOURABLE KUNWAR SIR JAGDISH PRASAD : I do not think so.

ESTABLISHMENT OF SEISMOLOGICAL STATIONS.

21. THE HONOURABLE RAJA YUVERAJ DATTA SINGH : Do Government propose to strengthen the seismological organisation in India in view of the recent earthquakes in several parts of upper India ? If so, what are the main outlines of the proposal, and its approximate cost ?

THE HONOURABLE MR. S. N. ROY : The question of strengthening the seismological organisation in India by establishing seismological stations at different centres is under the consideration of the Government of India. No decision has yet been taken and it is not possible to give any estimate of cost.

THE HONOURABLE MR. HOSSAIN IMAM : How long has it been under the consideration of the Government of India ?

THE HONOURABLE MR. S. N. ROY : As far as I can remember for about a year and a half.

THE HONOURABLE MR. HOSSAIN IMAM : Not from the time of the Quetta earthquake ?

THE HONOURABLE MR. S. N. ROY : Subsequent to the Quetta earthquake as the result of a report of a Committee which was appointed to go into this question.

RETURN TO INDIA OF MAULVI OBEIDULLA SINDHI.

22. THE HONOURABLE RAJA YUVERAJ DATTA SINGH : Has the Sind Government recommended to the Government of India that the ban on Maulvi Obeidulla be removed, and that the Provincial Government has no objection to his residing in Sind ? What have Government decided in the matter ?

THE HONOURABLE MR. R. M. MAXWELL : The Government of India recently received some letters on the subject from the Government of Sind. The position is that no application has yet been received from Maulvi Obeidulla himself for facilities to return to India. The question of granting him such facilities does not therefore arise.

ESTABLISHMENT OF A RADIO STATION AT PATNA.

23. THE HONOURABLE RAJA YUVERAJ DATTA SINGH: Has any representation been received from the Government of Bihar for establishing a broadcasting station in Patna, with a view to facilitate the rural development scheme and to broadcast up-to-date market news relating to agricultural commodities?

THE HONOURABLE MR. S. N. ROY: Yes, Sir.

THE HONOURABLE MR. HOSSAIN IMAM: What have the Government decided?

THE HONOURABLE MR. S. N. ROY: Government have not yet been able to come to a decision.

PASSAGE THROUGH INDIA, FREE OF DUTY, OF FOREIGN POSTAL PARCELS FOR AFGHANISTAN.

24. THE HONOURABLE RAJA YUVERAJ DATTA SINGH: (a) Has Afghanistan a right under an International Convention to receive parcels from the world outside for internal consumption, through British India, free of customs duty?

(b) Are goods thus imported into Afghanistan re-imported into India from Afghanistan duty free?

(c) Will Government state the general outline of the fiscal arrangements relating to the imposition of the customs cordon to prevent smuggling?

THE HONOURABLE MR. J. C. NIXON: (a) Yes. With effect from the 1st February, 1938, postal parcels from foreign countries for addressees in Afghanistan pass through India free of duty in accordance with the provisions of the Parcel Post Agreement of the Universal Postal Union to which both India and Afghanistan are parties.

(b) No. If goods imported into Afghanistan from foreign countries are re-transmitted to India by the parcel post, they will, if included in the list of articles in the Notification of the Government of India in the Commerce Department No. 24-T.(1)/37, dated the 29th January, 1938, be liable to customs duty. This order took effect from the same date as the measure referred to in the answer to part (a) of the question.

(c) The attention of the Honourable Member is invited to the "Press Note," dated the 29th January, 1938, a copy of which is laid on the table.

THE HONOURABLE PANDIT HIRDAY NATH KUNZRU: With regard to part (b) of the question, is it a fact that goods imported duty-free into Afghanistan have been re-imported, rather smuggled, into India in order to evade the payment of the duty?

THE HONOURABLE MR. J. C. NIXON: I should like notice of that question, Sir.

CENTRAL BOARD OF REVENUE.

New Delhi, the 29th January, 1938.

PRESS NOTE.

Imposition of a limited land customs regime on the external frontiers of India.

Notifications have been published in the Gazette of India dated the 29th January, 1938, imposing a limited land customs regime on the external frontiers of India with effect from the 1st February, 1938.

2. Till recent years, it has been the policy of the Government of India, to refrain from any attempt to collect customs duties generally on goods imported into British India by land from countries beyond the external frontiers of India. Certain developments have, however, lately taken place in India and the neighbouring countries, which have inevitably led to a modification of this traditional policy of the Government. The great improvement in the means of communication with these countries and the imposition of a high tariff in India have caused a diversion to land routes of certain traffic which should normally have come by sea, with consequent loss of revenue to Government and unequal competition with legitimate trade. Originally, it was proposed to have a complete land customs line on all the external land frontiers but later on it was considered that a limited regime would sufficiently meet the present requirements. The scheme, which was to have come into effect from the 1st June, 1935, had to be deferred from time to time owing to certain unforeseen circumstances, notably, the earthquake at Quetta, and the consequent delay in putting through the necessary arrangements.

3. The meaning of the expression "limited land customs regime" is that only a few selected articles such as saccharine, tobacco manufactures, matches, cotton, silk and artificial silk fabrics, raw silk, silver, cut diamonds, sewing machines and mechanical lighters have been subjected to duty on import over the land frontiers. Any trade in these commodities is certain to consist, almost entirely, of goods that have reached the countries adjoining India from other parts of the world; and there will therefore be no hardship in restricting the traffic to a few specified routes, where regular customs stations can be conveniently set up. It is not at present the intention to interfere in this way with the more normal traffic across these frontiers, so that customs work at places where there are no regular customs stations will be confined to seeing that goods in the selected list are not being smuggled by unauthorised routes. Regular customs stations are being established in the first instance at Torkham, Thal and Chaman on the Afghanistan frontiers and at Nok Kundi on the Iranian frontier.

INDIAN HISTORICAL RECORDS COMMISSION.

25. THE HONOURABLE RAJA YUVERAJ DATTA SINGH: Was the Indian Historical Commission constituted in 1919? What are the objects of this Commission, and what has been the nature of its activities? What is the total amount of expenditure incurred since its establishment; and how long is it likely to remain in existence?

THE HONOURABLE KUNWAR SIR JAGDISH PRASAD: The answer to the first part is in the affirmative. As regards the second and third parts, I lay on the table a statement giving the information asked for.

The duties of the Indian Historical Records Commission are of a purely consultative character. Its principal function is to make enquiries and recommendations regarding:

(i) the treatment of archives for the purposes of historical study in all provinces of India and in such Indian States as might seek their advice;

- (ii) the scale and plan on which the cataloguing, calendaring and reprinting of each class of documents should be undertaken ;
- (iii) the sums required for encouraging research and publication in respect of unpublished documents ;
- (iv) the extent to which and the manner in which documents should be open to inspection by the public ; and
- (v) the training of Indian students from the Universities in methods of historical research and the selection of competent editors and assistants for the publication of documents.

Between 1919 and 1930 the Commission held thirteen annual sessions at different centres in India. The meetings of the Commission were held in abeyance on grounds of economy from 1931 to 1936, but the fourteenth session was held at Lahore in December, 1937. Information regarding the work done by the Commission during the first thirteen sessions is given in the proceedings of the meetings, which have been published from time to time. Copies of these proceedings are available in the Library of the House. Copies of the proceedings of the fourteenth session will be placed in the Library, when they are published. The total expenditure incurred in connection with the Commission since its establishment is about Rs. 55,000.

ADMISSION OF INDIAN STUDENTS TO BRITISH UNIVERSITIES.

26. THE HONOURABLE RAJA YUVERAJ DATTA SINGH : (a) Has the attention of Government been drawn to a statement made by the Deputy High Commissioner for India (*vide Pioneer*, dated the 21st December, 1937) that " It was particularly difficult for Indian students to obtain admission in British Universities " and also " deprecated the colour bar prejudice of some middle class families " ?

(b) Do Government propose to enquire into this matter, by reference to the Deputy High Commissioner, or otherwise, and state the nature of the difficulties and colour bar prejudice, and the steps, if any, taken in the matter ?

THE HONOURABLE KUNWAR SIR JAGDISH PRASAD : (a) Yes.

(b) The report in the *Pioneer* newspaper of the 21st December, 1937, was referred to the High Commissioner for India. Sir Firoz Khan Noon has informed the Government of India that the Deputy High Commissioner far from suggesting that Indian students had any special difficulties in obtaining admission to educational institutions in the United Kingdom, emphasised the readiness of the authorities concerned to go as far as they could to meet Indian requirements. If some candidates from India for admission to British Universities could not be satisfied, this was due to (i) the increase, during the last 20 years, in the number of British students—the number had gone up from 27,000 to 50,000, (ii) the fact that Provincial Universities in Great Britain are largely dependent on grants from Local Authorities within the area they serve and in many cases, these grants were sanctioned on the condition that preference should be given as far as possible to students from within that area, and (iii) the fact that the Oxford and Cambridge Colleges gave preference to sons or near relations of their old students from India, to I.C.S. probationers and to research and post-graduate students.

As regards the colour bar, the Deputy High Commissioner brought out the fact that this does not operate in educational institutions at all, but is limited to the admission of Indians to the smaller hotels and perhaps to some boarding houses of the middle classes. The High Commissioner has assured me personally that the attitude of all the educational authorities with whom

he has had dealings is most sympathetic as regards the admission of Indian students and that, thanks to the services of the Accommodation Officer whom he appointed in 1936 with the approval of the Government of India, there is little practical inconvenience to Indian students as regards admission, except into a certain class of hotels and boarding houses to which I have already referred.

DEFENCE AGAINST AERIAL ATTACKS IN KARACHI AND OTHER AREAS.

27. THE HONOURABLE RAJA YUVERAJ DATTA SINGH : Will Government make a statement regarding the scheme, in so far as it may not be confidential from a military point of view, of affording defence against aerial attacks in Karachi or other areas in British India, for the civil population and the soldiers ? What is the approximate total cost of the scheme, recurring and non-recurring ; and what are the places that are likely to come under the operation of the scheme ?

THE HONOURABLE MR. R. M. MAXWELL : As regards passive air defence of the civil population I refer the Honourable Member to my reply to his question No. 9.

As regards defensive measures to be taken by the Defence Services it would not be in the public interest to disclose details.

EVICTION OF INDIANS FROM KANDAPOLA, CEYLON.

28. THE HONOURABLE RAJA YUVERAJ DATTA SINGH : Will about 33 Indian families in Kandopola, Ceylon, be evicted under the Ceylon Land Ordinance, because the Minister wants to give the land to the Sinhalese ? What are the facts of the case, and what steps have been taken by the Government of India in the matter ?

THE HONOURABLE KUNWAR SIR JAGDISH PRASAD : The attention of the Honourable Member is invited to the reply given to Mr. K. Santhanam's starred question No. 646 in the Legislative Assembly on the 20th September, 1937. Further representations have been made by the Agent of the Government of India in Ceylon and the matter is still under consideration.

APPOINTMENT OF AN AGENT OF THE GOVERNMENT OF INDIA IN BURMA.

29. THE HONOURABLE RAJA YUVERAJ DATTA SINGH : Will Government state whether the Government of Burma have objected to the appointment of an Agent for Indians in Burma ? If so, why ? Is there any proposal to appoint such an Agent and, if so, whether a non-official or an official ?

THE HONOURABLE KUNWAR SIR JAGDISH PRASAD : With the concurrence of the Government of Burma, the Government of India have decided to create the post of Agent in Burma and the question of selecting a suitable incumbent is under consideration.

THE HONOURABLE MR. HOSSAIN IMAM : Do the Government propose to appoint an official or a non-official ?

THE HONOURABLE KUNWAR SIR JAGDISH PRASAD: Sir, I cannot give any answer to that question. As I have said the question of selecting a suitable candidate is under consideration.

EDUCATED UNEMPLOYMENT AND RECRUITMENT TO THE PUBLIC SERVICES.

30. THE HONOURABLE RAJA YUVERAJ DATTA SINGH: Will Government state whether there has been recently any correspondence between them and the Provincial Governments on the subject of relieving to some extent the problem of educated unemployment by adjusting the methods of recruitment and retirement in the public services? If so, what are the proposals in this respect?

THE HONOURABLE SIR MUHAMMAD YAKUB: Provincial Governments have been requested to give their views on certain proposals relating to Government recruitment. These proposals are set out in a letter issued from the Department of Labour on the 20th January, of which particulars have appeared in the press.

THE HONOURABLE MR. HOSSAIN IMAM: Will the Honourable Member lay that letter on the table of the House?

THE HONOURABLE SIR MUHAMMAD YAKUB: The letter has already been published and I can lay a copy of it on the table if the Honourable Member so desires.

APPOINTMENT OF AN AGENT OF THE GOVERNMENT OF INDIA IN BRITISH GUIANA.

31. THE HONOURABLE RAJA YUVERAJ DATTA SINGH: Has there been any correspondence recently between the Government of India and the Colonial Office or any other authority with regard to the appointment of an Indian Agent in British Guiana? If so, what is the decision; and when is an Agent likely to be appointed?

THE HONOURABLE KUNWAR SIR JAGDISH PRASAD: Yes. The question of appointing Agents of the Government of India in certain countries, including British Guiana, is still under correspondence with His Majesty's Government.

FINANCIAL ASSISTANCE GIVEN BY GOVERNMENT TO FLYING CLUBS, NUMBER OF PILOTS TRAINED AND FACILITIES FOR NIGHT FLYING.

32. THE HONOURABLE RAJA YUVERAJ DATTA SINGH: Will Government place on the table a statement showing the amount of financial assistance given to the Flying Clubs in India, year by year, since their formation, and the number of Indian pilots trained by each of them? In which clubs are facilities for night flying available?

THE HONOURABLE MR. S. N. ROY: A statement giving the information asked for by the Honourable Member is placed on the table.

Statement showing the amount of financial assistance given by the Government of India, year by year, to the Flying Clubs in India since their formation, the number of pilots trained and the facilities for night flying available.

Name of the Club.	1928-29.	1929-30.	1930-31.	1931-32.	1932-33.	1933-34.	1934-35.	1935-36.	1936-37.	No. of pilots trained since 1929.				Whether facilities for night flying are available?	Remarks.
										A.	A.I.	B.	Total.		
Karachi Aero Club	Rs. 10,000	20,000*	22,550	24,800	17,850	17,600	17,100	21,400	23,000	96	1	9	106	Yes.	The financial assistance given to Clubs on their formation for the construction of hangars has not been included in the tables.
Bombay Flying Club	10,000	20,000*	22,550	22,850	19,100	15,900	17,500	19,100	20,000	87	5	11	103	Yes.	
Madras Flying Club	...	...	20,450	22,100	18,850	16,900	17,000	19,500	20,000	39	9	2	50	No.	
Bengal Flying Club	5,000	20,000*	23,750	22,700	18,800	17,100	17,100	20,000	19,992	45	1	...	46	No.	
United Provinces Flying Club.	...	...	...	...	...	16,300	17,100	18,500	20,160	9	7	6	22	Yes.	
Delhi Flying Club	10,000	20,000*	23,300	22,700	18,600	16,800	17,000	19,600	20,000	76	7	10	93	Yes.	
Punjab Flying Club	...	...	21,950	21,500	...	...	...	...	...	11	...	...	11	No.	
Northern India Flying Club.	...	...	...	...	...	10,800	17,100	17,000	19,976	30	2	...	32	No.	
Jodhpur Flying Club	...	...	...	...	...	...	...	...	2,000	8	...	...	8	Yes.	
Total for each year	35,000	91,400	1,34,550	1,38,650	92,700	1,12,400	1,19,900	1,34,700	1,45,128	396	32	38	466		

* An additional sum of Rs. 11,400 was divided among these Flying Clubs as bonus. (Paid through the Aero Club of India and Burma. No record of distribution.)

GRANT OF HOUSE ALLOWANCE AND ENTERTAINMENT ALLOWANCE TO THE
HIGH COMMISSIONER FOR INDIA IN LONDON.

33. THE HONOURABLE RAJA YUVERAJ DATTA SINGH : Will Government state whether any additional house and entertainment allowance has recently been sanctioned for the High Commissioner for India in London ? If so, how much per annum, and since when ?

THE HONOURABLE SIR MUHAMMAD YAKUB : Some correspondence as regards this matter is going on between the Government of India and the Secretary of State but no final decision has yet been arrived at. The second part of the question does not arise.

WATER-SUPPLY ON THE LUCKNOW-SULTANPUR-JAUNPUR LINE, E.I.R.

34. THE HONOURABLE RAJA YUVERAJ DATTA SINGH : (a) Has the attention of Government been drawn to "the long-standing grievance of the public regarding scarcity of water on the Lucknow-Sultanpur-Jaunpur line", in the lavatories of third class carriages and also on platforms Nos. 6 and 7 on the Lucknow station, E.I.R. (vide the *Pioneer*, dated the 23rd December, 1937, page 8).

(b) Who is responsible for this state of things and what steps have been taken to ensure an adequate water-supply ?

THE HONOURABLE SIR GUTHRIE RUSSELL : (a) Government have seen in the *Pioneer* a letter to the editor drawing attention to the points referred to.

(b) The Agent, E.I.R., reports that the rakes constituting the trains serving the Lucknow-Sultanpur-Jaunpur line are watered at Lucknow, Fyzabad and Jaunpur, and that further special orders are being issued for watering at Jaunpur where there is no overhead watering arrangement.

Platforms Nos. 6 and 7 at Lucknow station are used for the reception and despatch of sectional trains and, being therefore a terminal point, no arrangement has been made for the supply of water.

NON-ADMISSION OF INDIANS TO THE VENTERSDORP CHAMBER OF COMMERCE,
JOHANNESBURGH.

35. THE HONOURABLE RAJA YUVERAJ DATTA SINGH : Have Indians been refused admission to the Ventersdorp Chamber of Commerce, Johannesburg, in spite of the representation of the Indian community that the interests of the Indian traders and the Europeans were the same ? What steps have been taken by Government in the matter ?

THE HONOURABLE KUNWAR SIR JAGDISH PRASAD : Government have seen a press report to that effect. They have received no report on it from the Agent General but have no doubt that if he is approached by responsible interests he will give all the assistance in his power.

THE HONOURABLE MR. G. S. MOTILAL : Are the Government making any enquiries about the correctness of this statement ?

THE HONOURABLE KUNWAR SIR JAGDISH PRASAD : I have said, Sir, that, as they have received no information from the Agent General, they conclude that the matter is really one of not very great importance. Because

if it had been, the Agent General would have reported the matter to us and it would have been considered. If for every little thing we suggest an enquiry, there will be no end to it.

THE HONOURABLE MR. G. S. MOTILAL : Do the Government consider that this matter is not of sufficient importance to make an enquiry about ?

THE HONOURABLE KUNWAR SIR JAGDISH PRASAD : If the Honourable Member has got any definite information, I will make an enquiry.

SIMLA EXODUS.

36. THE HONOURABLE RAJA YUVERAJ DATTA SINGH : Will Government state whether it is proposed to reduce the cost of the forthcoming Simla exodus by locating some of the offices and staff permanently in Delhi ? If so, what are the arrangements proposed ; and is the office and residential accommodation sufficient in Delhi for the purpose ?

THE HONOURABLE MR. R. M. MAXWELL : I would refer the Honourable Member to the Press Communique of the 19th January, 1938, a copy of which is in the Library of the House. There is adequate office and residential accommodation for those who are likely to be in Delhi during the hot weather.

DACCA-ARICHA RAILWAY PROJECT.

37. THE HONOURABLE MR. KUMARSANKAR RAY CHAUDHURY : Will Government state when the Aricha-Dacca Railway project was first taken into consideration, through what successive stages it proceeded : and whether it has been abandoned finally and, if so, why ? If not, when will it be constructed ?

THE HONOURABLE SIR GUTHRIE RUSSELL : The Dacca-Aricha Railway project was first surveyed in 1877—1879. It was re-surveyed in 1915. At the instance of the Government of Bengal further surveys were made between 1924 and 1927 and its construction was sanctioned in 1929. In 1930 the Government of Bengal withdrew their previous support of the project, as a committee had been appointed to consider what measures would be necessary to safeguard public health and sanitation along the route of the proposed railway. In 1933 the Government of Bengal, supporting the report of the committee, objected to the construction of the railway on the grounds that it would be a serious menace to the public health and agricultural prosperity of a large area. The project was accordingly abandoned.

REASONS FOR ABANDONING THE PROJECTED RAILWAY FROM A PLACE OPPOSITE
SERAJGANJ TO A STATION ON THE MYMENSINGH-DACCA ROUTE.

38. THE HONOURABLE MR. KUMARSANKAR RAY CHAUDHURY : Will Government state when the railway project, if any, between some place opposite Serajganj and some station on the Mymensingh-Dacca route was first taken into consideration, to what successive stages it proceeded, and whether it has been finally abandoned and, if so, why ? If not, when will it be constructed ?

THE HONOURABLE SIR GUTHRIE RUSSELL : Such a project as the Honourable Member has in view was first considered in 1913.

As the possibility of establishing a wagon ferry at Serajganj was a condition precedent to the construction of any project in this area several surveys were carried out between 1916 and 1921 to find a workable steamer ghat on the left bank of the Jamuna opposite Serajganj, but the investigations revealed that it was impossible to find such a ghat. The idea of a railway was accordingly abandoned in 1921.

Recently, however, a suggestion has been made for a project Pingna-Tangail-Tangi together with an extension of the railway line from Jagannathganj or Sarisabari to Pingna, with a wagon ferry service between Serajganj and Pingna. The project cannot, however, be further examined, until the views of the Government of Bengal, who have under consideration the general question of the effect of railways in this area on the drainage and health of the country, are known.

REASONS FOR ABANDONING THE PROJECTED RAILWAY FROM KHULNA TO BARISAL.

39. THE HONOURABLE MR. KUMARSANKAR RAY CHAUDHURY : Will Government state whether and, if so, when was any railway project first taken into consideration between Barisal and any other place with railway communication, through what successive stages it proceeded and whether it has been abandoned finally and, if so, why? If not, when will it be constructed?

THE HONOURABLE SIR GUTHRIE RUSSELL : The first projected railway to Barisal was for a line from Khulna in 1889. This was reconsidered in 1894 and dropped. It was again considered in 1911, but the Bengal Government, who had at first supported the project, subsequently condemned it as they apprehended that the railway would be a standing menace to the general health of the population by interfering with the natural flow of the drainage of the country traversed. The project was accordingly abandoned in 1916. The Honourable Member is also referred to the reply given to his question No. 37 on the 4th of March, 1937.

CONSTRUCTION OF THE HARDINGE BRIDGE AT SARA AND ITS EFFECT ON THE GANGES.

40. THE HONOURABLE MR. KUMARSANKAR RAY CHAUDHURY : Will Government state whether the construction of the bridge over the Ganges at Sara narrowed down the breadth of that river there? If so, whether and to what extent has water been diverted from it to flow through the branches of that river above that bridge and what effect has such diversion over those branches and the health of the locality drained by them?

THE HONOURABLE SIR GUTHRIE RUSSELL : The maximum width covered by water at high flood has been reduced. This, however, does not necessarily imply that there is any reduction in the volume of water discharged, and the Hardinge Bridge at Sara was designed to avoid any such reduction. Government have no reason to suppose that the discharges through the various off-takes from the Ganges above the bridge have been augmented as a result of its construction.

RATIFICATION OF THE INTERNATIONAL SUGAR AGREEMENT, 1937.

41. THE HONOURABLE MR. KUMARSANKAR RAY CHAUDHURY : Will Government state :

(a) Whether the Sugar Convention has been ratified by the Government of India and certain other countries and, if so, has the Government of India ratified it conditionally upon other countries also ratifying it and fulfilling its terms?

(b) Whether China and Japan are parties to the said Convention and has the outbreak of war between them upset the Convention between them and consequently among other nations who are parties thereto?

(c) When will the Tariff Board take up the question of the protection of the sugar industry in India?

THE HONOURABLE SIR MUHAMMAD YAKUB : (a) Yes. The ratification on behalf of India is not subject to the condition suggested by the Honourable Member but I may draw his attention to article 51 of the Agreement.

(b) China is a party to the Agreement but not Japan. The latter part of the question does not, therefore, arise.

(c) The question was referred to the Tariff Board in the Commerce Department Resolution No. 127-T. (i)/37, dated the 27th March, 1937. The enquiry has been completed recently and the Report of the Board is receiving the consideration of the Government of India.

THE HONOURABLE PANDIT HIRDAY NATH KUNZRU : May we expect it to be published before this session is over?

THE HONOURABLE SIR MUHAMMAD YAKUB : Well, it will be difficult to say when it will be published. Of course, it will be published as soon as the consideration stage is over.

THE HONOURABLE PANDIT HIRDAY NATH KUNZRU : When will the period for which the present duty was imposed expire?

THE HONOURABLE SIR MUHAMMAD YAKUB : I could not give an answer offhand.

THE HONOURABLE MR. G. S. MOTILAL : Will it be published before the Government take their decision on it?

THE HONOURABLE SIR MUHAMMAD YAKUB : I cannot give an undertaking in this behalf.

THE HONOURABLE MR. G. S. MOTILAL : Not an undertaking. What is the Government's intention—to publish it before they take their conclusions on it?

THE HONOURABLE THE PRESIDENT : That is a matter of opinion. I disallow it.

THE HONOURABLE PANDIT HIRDAY NATH KUNZRU : Sir, the Honourable Member wanted to know the Government's intention. That is not an opinion.

THE HONOURABLE THE PRESIDENT : That is an opinion but skilfully asked!

CEYLON MINIMUM WAGE ORDINANCE, 1927.

42. THE HONOURABLE MR. KUMARSANKAR RAY CHAUDHURY : Will Government state whether the Minimum Wage Ordinance of 1927 of Ceylon reduced the wages of Indian labourers in Ceylon and whether it was passed with the consent of the Government of India and, if so, why was such consent given ?

THE HONOURABLE KUNWAR SIR JAGDISH PRASAD : The Indian Labour Ordinance, No. 27 of 1927, known as the Minimum Wage Ordinance regarding which the Government of India were consulted, merely prescribes the machinery and procedure to fix and secure payment of standard rates of wages to Indian labourers in Ceylon. It did not reduce their wages.

GRANT OF RURAL FRANCHISE TO INDIANS IN CEYLON.

43. THE HONOURABLE MR. KUMARSANKAR RAY CHAUDHURY : Will Government state whether the Government of Ceylon has refused rural franchise to Indians in Ceylon ? If so, in what way and whether the Government of India are taking any steps in the matter and what are those steps ?

THE HONOURABLE KUNWAR SIR JAGDISH PRASAD : As regards the first part of the question, the attention of the Honourable Member is invited to the answer given to his own question No. 15 on the 15th September, 1937. The Ordinance, which has been passed with certain amendments, has been reserved for the signification of His Majesty's pleasure. The Government of India's position, as explained in answer to a supplementary question arising out of the short notice question asked in this House on the 25th November, 1937, by the Honourable Pandit Hirday Nath Kunzru, is that it is not their intention to agree to the re-opening of the emigration of Indian labour to Ceylon until the franchise question is settled to their satisfaction.

APPOINTMENT OF EDUCATIONAL COMMISSIONER WITH THE GOVERNMENT OF INDIA.

44. THE HONOURABLE MR. KUMARSANKAR RAY CHAUDHURY : Will Government state whether one Mr. Sargeant has been appointed as Educational Commissioner with the Government of India ? If so, what are his qualifications and terms of service and was not any Indian available for the post with proper or better qualifications ?

THE HONOURABLE KUNWAR SIR JAGDISH PRASAD : Government are not prepared to make any statement at present.

THE HONOURABLE PANDIT HIRDAY NATH KUNZRU : Are they considering the question of the appointment of a successor to the present Educational Commissioner ?

THE HONOURABLE KUNWAR SIR JAGDISH PRASAD : Yes, Sir, they are.

THE HONOURABLE PANDIT HIRDAY NATH KUNZRU : Has their attention been drawn to the statement published in some newspapers that Mr. Sargeant, a member of the Board of Education in England, was going to be appointed ?

THE HONOURABLE KUNWAR SIR JAGDISH PRASAD : Their attention has been drawn to it, Sir.

ACTION TAKEN ON THE RECOMMENDATIONS OF THE COAL MINING COMMITTEE REPORT.

45. THE HONOURABLE MR. KUMARSANKAR RAY CHAUDHURY : Will Government state what effect, if any, are Government giving to the recommendations in the Coal Mining Committee's Report ?

THE HONOURABLE SIR MUHAMMAD YAKUB : I invite the attention of the Honourable Member to the reply given by the Honourable Sir Thomas Stewart in the Legislative Assembly on 30th August last to part (a) of Mr. Satyamurti's starred question No. 181. Since then the following further action has been taken. The Bill referred to in that reply has since been passed as Act XXIX of 1937. The draft amendments to the permanent Coal Mines Regulations, incorporating the temporary regulations and those dealing with the certification of shot-firers, were published for criticism, as required by section 31 of the Indian Mines Act, on the 16th December, 1937. The recommendations of the Committee relating to control of first workings and section-working were referred to the Mining Boards on 5th November, 1937 : their opinions have been received and are being considered. It has been decided to take no action on the recommendation of the Committee for the grant of a preference in respect of benzol manufactured from coal. The other recommendations made by the Committee are under consideration.

HYDROGENATION OF COAL.

46. THE HONOURABLE MR. KUMARSANKAR RAY CHAUDHURY : Will Government state whether any investigation has been held in India for the hydrogenation of coal and production of bye-products from it ? If so, with what results ?

THE HONOURABLE SIR MUHAMMAD YAKUB : So far as Government are aware, no investigation regarding the hydrogenation of coal has hitherto been carried out in India.

STOWING IN COAL MINES.

47. THE HONOURABLE MR. KUMARSANKAR RAY CHAUDHURY : Will Government state what quantity of coal dust is produced from the coal industry in India and how is it utilised, whether it can be utilised in stowing coal mines instead of sand ?

THE HONOURABLE SIR MUHAMMAD YAKUB : With your permission, Sir, I propose to answer questions Nos. 47 and 48 together.

Stowing in coal mines has to be done with incombustible material. Coal dust and dry leaves, being combustible, are not suitable for stowing.

Government have no information as to the quantity of coal dust produced, but on the average it does not exceed 15 per cent. of the total output. It is utilised for—

(a) the manufacture of metallurgical coke, if it is of good cooking quality;

(b) firing in steam boilers ; and

(c) brick-making and lime and cement burning.

STOWING IN COAL MINES.

48. THE HONOURABLE MR. KUMARSANKAR RAY CHAUDHURY : Will Government state whether Government has considered the feasibility of stowing coal mines with dried leaves of trees instead of sand? If so, with what results?

(See reply to question No. 47.)

REDUCTION IN THE NUMBER OF COTTON MILLS.

49. THE HONOURABLE MR. KUMARSANKAR RAY CHAUDHURY : Has the number of cotton mills of late been reduced in India? If so, by how many and what is the cause?

THE HONOURABLE SIR MUHAMMAD YAKUB : Information as to the number of cotton mills at work in India for the period 1st April, 1937 to date is not yet available, but during 1936-37 there was no decline in the number of such mills.

IMPORTS OF COTTON.

50. THE HONOURABLE MR. KUMARSANKAR RAY CHAUDHURY : Is the import of cotton from outside gradually increasing? If so, what effect does it have on the cotton grown in India, and what steps are Government taking to reduce such imports?

THE HONOURABLE KUNWAR SIR JAGDISH PRASAD : Yes. These imports being almost entirely of long staple cotton, which is not produced in India in sufficient quantities to meet the requirements of Indian mills, have no unfavourable effect on cotton growers in India. In these circumstances reduction of imports could only follow a satisfaction of the demand in India for long staple cotton and the encouragement of its production in India has already received attention.

THE HONOURABLE MR. G. S. MOTILAL : May I know whether the quantity of Indian cotton used in Indian mills has not gone up?

THE HONOURABLE KUNWAR SIR JAGDISH PRASAD : I do not know how this supplementary question arises out of this question, but I understand that it has gone up.

AVERAGE ENGINE MILES PER DAY PER PASSENGER ENGINE.

51. THE HONOURABLE MR. KUMARSANKAR RAY CHAUDHURY : What are the average passenger engine miles of the different railway lines in India during 1933-1936 and what is the cause of their difference, if any?

THE HONOURABLE SIR GUTHRIE RUSSELL : The Honourable Member refers, presumably, to the average engine miles per day per passenger engine. If so he is referred to column 17 of statement 22 on pages 137 and 139 of Volume II of the Reports by the Railway Board on Indian Railways for 1932-33 to 1935-36, copies of which are available in the Library of the House.

Variations in traffic density, proportion of suburban services to main line services, proportion of branch lines to main lines and locomotive utilisation are among the more important factors contributing to the different results attained by Railways.

SAFETY GLASS ON MOTOR VEHICLES.

52. THE HONOURABLE MR. KUMARSANKAR RAY CHAUDHURY : Is Government contemplating to make it compulsory to use safety glass on motor vehicles?

THE HONOURABLE MR. S. N. ROY : No, Sir. Under the existing Act, the power to make rules to regulate the equipment of motor vehicles rests with the Provincial Governments and this power they will continue to have under the Bill now under contemplation. It will, therefore, be a matter for them to consider.

AERIAL TRAFFIC.

53. THE HONOURABLE MR. KUMARSANKAR RAY CHAUDHURY : Will Government state what Companies are in charge of the various aerial traffic over India and what part do Indians and the Government of India take in the matter?

THE HONOURABLE MR. S. N. ROY : I would refer the Honourable Member to the Report on the Progress of Civil Aviation in India, 1936-37, copies of which will be found in the Library.

MODEL GLASS FURNACE AT FEROZABAD.

54. THE HONOURABLE MR. KUMARSANKAR RAY CHAUDHURY : Will Government state whether they are contemplating the opening of a model glass furnace at Ferozabad or any other place? If so, at what cost and on what conditions?

THE HONOURABLE SIR MUHAMMAD YAKUB : The attention of the Honourable Member is invited to the answers given to parts (a) and (c) of starred question No. 623 and to part (d) of starred question No. 1031 by Pandit Sri Krishna Dutta Paliwal in the Legislative Assembly on the 20th September and the 6th October, 1937, respectively. The erection of an experimental furnace at any place other than Ferozabad is not contemplated at present.

IMPORT DUTY ON SODA ASH.

55. THE HONOURABLE MR. KUMARSANKAR RAY CHAUDHURY : Will Government state whether they contemplate the reduction of the import duty on soda ash to facilitate the manufacture of glass in India?

THE HONOURABLE SIR MUHAMMAD YAKUB : The Honourable Member's attention is invited to the Government of India, Department of Commerce, Resolution No. 458-T. (14), dated the 22nd June, 1935, which was published in the Gazette of India of the same date, from which it will be observed that in respect of soda ash used in the manufacture of glass refund of duty is already granted—namely, in the case of soda ash of British or Colonial origin, the entire duty, and in the case of other soda ash, the excess over 10 per cent. *ad valorem*.

ACTION TAKEN ON THE RECOMMENDATIONS OF THE LONDON SHELLAC BUREAU REPORT.

56. THE HONOURABLE MR. KUMARSANKAR RAY CHAUDHURY : Will Government state whether their attention has been drawn to the Report of the London Shellac Bureau? If so, what are the recommendations contained therein and what advantage are they taking of these recommendations?

THE HONOURABLE KUNWAR SIR JAGDISH PRASAD : Government have read the Report referred to, which is an account of work done by the London Shellac Research Bureau and are not aware of any specific recommendations on which action is required.

ESTABLISHMENT OF MARKETING BOARDS.

57. THE HONOURABLE MR. KUMARSANKAR RAY CHAUDHURY : Will Government state what steps have they taken for the establishment of marketing boards throughout India for facilitating the sale of agricultural products of the country?

THE HONOURABLE KUNWAR SIR JAGDISH PRASAD : The matter is primarily the concern of Provincial Governments.

INCOME-TAX IN INDIA AND IN ENGLAND.

58. THE HONOURABLE MR. KUMARSANKAR RAY CHAUDHURY : Will Government state whether a man in India earning a salary of Rs. 6,000 a year has to pay an income-tax of about Rs. 305 whereas a man similarly circumstanced in England with a wife and two children pays only Rs. 67?

THE HONOURABLE MR. J. C. NIXON : Yes.

RECOMMENDATIONS OF THE EXCISE CONFERENCE.

59. THE HONOURABLE MR. KUMARSANKAR RAY CHAUDHURY : Will Government state the main recommendations of the Excise Conference held recently in Delhi?

THE HONOURABLE MR. J. C. NIXON : A substantial degree of agreement was reached by the executive officials on the subjects discussed at the Excise Conference in question but, as the interests of the provinces are concerned the Government of India are not willing to make the recommendations public.

APPOINTMENT OF INDIAN TRADE COMMISSIONERS AND BILATERAL TRADE PACTS WITH EUROPEAN COUNTRIES.

60. THE HONOURABLE MR. KUMARSANKAR RAY CHAUDHURY : Will Government state whether Government contemplate appointing trade commissioners in other European countries where they do not exist at present and opening bilateral trade pacts with those countries directly?

THE HONOURABLE SIR MUHAMMAD YAKUB : The Indian Trade Commissioners at Hamburg and Milan include most of the European countries in their jurisdiction and it is not proposed to appoint a separate Trade Commissioner for each European country.

As regards the latter portion of the question, the answer is in the negative.

EXPORT OF FRUITS.

61. THE HONOURABLE MR. KUMARSANKAR RAY CHAUDHURY : Will Government state what arrangements, if any, have been made by Government to foster and improve the export of fruits from India and what is the total amount of such exports of different kinds of fruits during the last five years?

THE HONOURABLE SIR MUHAMMAD YAKUB : The Imperial Council of Agricultural Research have been financing schemes for the improvement and standardisation of quality in fruit and increase of quantity which are essential for developing the export trade in fruits. The Agricultural Marketing Adviser is at present carrying on a fruit marketing survey and it is expected that his investigations will be found useful for the development of both the internal and external trade in fruit.

As regards the latter portion of the question, the information has been called for and will be furnished, as far as available, in due course.

RESULT OF ACTION TAKEN AGAINST SMUGGLING OF DUTIABLE GOODS INTO SIND.

62. THE HONOURABLE RAJA YUVERAJ DATTA SINGH : As a result of smuggling of dutiable goods into Sind from neighbouring States, is there an approximate loss of about Rs. 3,00,000 annually to the customs revenue? What steps have Government taken to minimise the chances of smuggling, and with what result?

THE HONOURABLE MR. J. C. NIXON : The attention of the Honourable Member is invited to the reply to the second part of his question No. 11.

CONCLUSIONS OF GOVERNMENT ON THE RECOMMENDATIONS OF THE INCOME-TAX ENQUIRY COMMITTEE'S REPORT.

63. THE HONOURABLE RAJA YUVERAJ DATTA SINGH : Will Government state whether they have received the opinions of the Provincial Governments on the recommendations of the Income-tax Enquiry Committee's Report? If so, will Government make a statement regarding their conclusions in the matter?

THE HONOURABLE MR. J. C. NIXON : Yes, except those of the Government of the Punjab and the North-West Frontier Province. The conclusions of Government are being embodied in legislative proposals which it is hoped to introduce during the current session of the Legislature.

COMMUNAL REPRESENTATION IN THE PUBLIC SERVICES.

64. THE HONOURABLE RAJA YUVERAJ DATTA SINGH : (a) Has the attention of Government been drawn to a public advertisement (*vide* the *Indian Nation* of Patna, dated the 28th December, 1937) of the Federal Public Service Commission, Delhi, inviting applications "from Muslims only for a permanent and pensionable post of Probationary Superintendent in the Northern India Salt Revenue Department? Candidates must not belong to the Provinces of Bombay, Madras and Sind"? (b) Has the attention of Government been drawn to the fact that the advertisement mentioned above is in violation of the Government of India Act, 1935, which provides that no person shall be appointed to any post in the public service of India unless he is a citizen of India?

(b) Why has this restriction been imposed upon the candidates? Do Government recognise the principle of communal and territorial claims for appointment to the public services?

THE HONOURABLE MR. J. C. NIXON: (a) Yes.

(b) The reservation of this appointment for Muslims is in accordance with the Government of India, Home Department, Resolution No. F. 14/17-B./33-Ests., dated the 4th July, 1934, regarding communal representation in public services. Candidates belonging to the Provinces of Bombay, Madras and Sind have been excluded as these provinces are outside the jurisdiction of the Northern India Salt Revenue Department, and there are separate Salt Departments in those provinces. As regards the second part of this clause Government have recognised the principle of communal representation in the services, but not of territorial representation. In regard to locally recruited services or posts, however, admission is, as in the present case, restricted to persons domiciled in particular areas.

(1) ADVERTISEMENT FOR A VETERINARY BACTERIOLOGIST, IMPERIAL VETERINARY RESEARCH INSTITUTE AND (2) RECRUITMENT OF INDIANS FOR COMMISSIONS IN THE INDIAN ARMY VETERINARY CORPS.

65. THE HONOURABLE RAJA YUVERAJ DATTA SINGH: (a) Did not the Federal Public Service Commission receive a single application in response to their advertisement for a Veterinary Bacteriologist?

(b) Is it a fact that suitable Indian candidates with necessary qualifications are not available for vacancies in the Army Veterinary Corps?

THE HONOURABLE KUNWAR SIR JAGDISH PRASAD: (a) No.

(b) At present the supply of suitable Indians with the necessary qualifications is inadequate to fill the Indian commissioned officers' establishment of the Indian Army Veterinary Corps.

SHORTAGE OF WAGONS ON THE E.I.R.

66. THE HONOURABLE RAJA YUVERAJ DATTA SINGH: Has a general shortage of coal wagons been reported on the E.I.R. and have complaints from Cawnpore, Delhi, and other north India mills been made to the Railway authority in this connection? What steps have now been taken to cope with the situation?

THE HONOURABLE SIR GUTHRIE RUSSELL: Complaints have been received of demands for wagons for loading coal on the E.I.R. not being met in full. To ease the situation, additional wagons and locomotives have been obtained by the E.I.R. from other Railways, and wagons which would normally have been sent into workshops for periodical overhaul have continued to be kept in commission.

REPATRIATION OF INDIANS FROM BRITISH GUIANA.

67. THE HONOURABLE RAJA YUVERAJ DATTA SINGH: Have the Government of British Guiana decided to provide a ship for the repatriation of about 600 destitute Indians to this country? Do Government propose to enquire into this matter, and press upon the British Guiana authorities not to repatriate the Indians in view of the serious economic situation obtaining in this country?

THE HONOURABLE KUNWAR SIR JAGDISH PRASAD: Government understand that the Government of British Guiana propose to charter a ship for the repatriation of Indian labourers. The whole question is being examined by the Government of India.

NANGA PARBAT EXPEDITION.

68. THE HONOURABLE RAJA YUVERAJ DATTA SINGH: Is a new attempt by German mountaineers to ascend Nanga Parbat under contemplation? If so, what facilities, if any, are proposed to be given to this expedition by Government?

THE HONOURABLE KUNWAR SIR JAGDISH PRASAD: Yes. The usual facilities, e.g., customs exemption on the expedition's equipment.

COLOUR PREJUDICE SHOWN BY HOTELS AND BOARDING HOUSES IN ENGLAND TO INDIAN STUDENTS AND VISITORS.

69. THE HONOURABLE RAJA YUVERAJ DATTA SINGH: Have Government taken any action to protect Indian students or visitors proceeding abroad from the effect of colour prejudice in regard to their admission to hotels and boarding houses in England? Is there any truth in the report that a person holding the highest judicial position in the United Provinces had experience of difficulties in the matter of admission to hotels in the United Kingdom? What are the facts of the case?

THE HONOURABLE KUNWAR SIR JAGDISH PRASAD: So far as the question relates to Indian students in England, the attention of the Honourable Member is invited to the reply given by me this session to his question No. 26. As regards Indian visitors, Government have not received any complaints. They have no doubt that the High Commissioner for India will attend to any remediable grievance of this kind that may be brought to his notice.

DISCOURTESY SHOWN BY A LIFT BOY TO SIR RAZA AND LADY ALI IN JOHANNESBURGH.

70. THE HONOURABLE RAJA YUVERAJ DATTA SINGH: Has the attention of Government been drawn to the report of the speech made by Mr. C. F. Andrews in Calcutta about the 21st January, 1938 (published in the *Leader*, dated the 26th January, 1938) in which he called attention to the "very serious report of an insult to the Agent General of India in Johannesburg, which appears to have followed closely on a similar insult to Seth Govind Das, M.L.A."? What are the facts? Do Government propose to enquire into this matter and make a statement on the situation and the steps taken to prevent the recurrence of such events in future?

THE HONOURABLE KUNWAR SIR JAGDISH PRASAD: Government have seen the press report referred to by the Honourable Member. They understand that on the 18th January, 1938, Sir Raza and Lady Ali went to a business house in Johannesburg and a European lift boy refused to take them up on the ground that they were not Europeans. Another European liftman however took them up and within a few minutes after the incident the Secretary to the owner of the building apologised on behalf of the management for the discourtesy shown. The lift boy was also made to apologise while the Manager of the building, after apologising both in person and in

writing, issued instructions to the liftmen that they are to admit all people with the exception of natives for whom a special lift is provided. As regards the incident which happened in December last to Seth Govind Das in the premises of the Standard Bank of South Africa in Pretoria, the Manager of the Bank offered a full apology both to Mr. Govind Das and to the Agent General and has taken steps to prevent similar incidents in future.

LEGISLATION TO CLARIFY THE ISSUE WHETHER CERTAIN HEADS OF TAXES ARE IN THE PROVINCIAL OR FEDERAL SPHERE.

71. THE HONOURABLE RAJA YUVERAJ DATTA SINGH : Is there any proposal for amending legislation to clarify the issue whether certain heads of taxes are in the provincial or the federal sphere ? If so, will Government be pleased to make a statement giving the main details of the proposal ?

THE HONOURABLE MR. J. C. NIXON : No such legislation is at present contemplated.

REMARKS MADE BY THE HONOURABLE SIR JOHN THOM IN CONNECTION WITH THE RAILWAY ACCIDENT AT BIHTA, E.I.R.

72. THE HONOURABLE RAJA YUVERAJ DATTA SINGH : (a) Has the attention of Government been drawn to the following remarks made by the Honourable Sir John Thom, who is holding an enquiry at Allahabad into the Bihta Railway disaster, E.I.R. (*vide the Leader*, dated the 26th January, 1938) :

- (i) "My orders and directions are being trifled with both by counsel and by the officials of the Railway Company ?"
- (ii) "I consider the explanation in regard to the non-production of these books as highly unsatisfactory ?"
- (iii) "I resent the Court not being treated with courtesy or candour ?"
- (b) Do Government propose to take any steps in the matter ?

THE HONOURABLE SIR GUTHRIE RUSSELL : (a) Yes.

(b) The question of what action is called for will be considered when the report of the Honourable Sir John Thom has been received.

RURAL BROADCASTING FOR DELHI PROVINCE.

73. THE HONOURABLE RAJA YUVERAJ DATTA SINGH : Do Government propose to give effect to a scheme of rural broadcasting in the Delhi Province ? If so, what are the main outlines of the scheme, its likely utility, and the approximate total cost involved ?

THE HONOURABLE MR. S. N. ROY : A scheme of rural broadcasting for the Delhi Province has been sanctioned at an approximate total cost of Rs. 1,00,000. For the main outlines of the scheme and its utility I would invite the Honourable Member's attention to the article "Radio for Delhi villagers", published in the *Indian Listener* of the 22nd January, 1938, a copy of which is available in the Library.

THE HONOURABLE MR. G. S. MOTILAL : Is this cost of Rs. 1 lakh a recurring or non-recurring one ?

THE HONOURABLE MR. S. N. ROY : It is the total cost for an experiment spread over three years, including recurring and non-recurring cost.

THE HONOURABLE MR. HOSSAIN IMAM : Will it be charged to Broadcasting or is it a contribution from the Government of India ?

THE HONOURABLE MR. S. N. ROY : I do not know what the Honourable Member means by asking whether it will be charged to Broadcasting. It will be paid out of general revenues.

REPAIRS TO HARDINGE BRIDGE, E.B.R.

74. THE HONOURABLE MR. HOSSAIN IMAM : Will Government give the following information about the repairs of the Hardinge Bridge (E.B.R.) : (a) the total cost of work ; (b) the names of contractors with the money paid to each for works costing more than Rs. 5,000 and (c) the original estimates ?

THE HONOURABLE SIR GUTHRIE RUSSELL : Enquiries are being made from the Railway Administration and a reply will be laid on the table in due course.

RUPEE CIRCULATION.

75. THE HONOURABLE MR. HOSSAIN IMAM : Will Government state the amount of rupees withdrawn from circulation (net) from 1st April, 1919 to 31st March, 1935 each year ?

THE HONOURABLE MR. J. C. NIXON : I would refer the Honourable Member to Statement XXIV in the Reserve Bank's Report on Currency and Finance for the years 1935-36 and 1936-37. A copy of the Report is available in the Library of the House.

THE HONOURABLE MR. HOSSAIN IMAM : Will the Honourable Member have those copies circulated to the Members of the Legislature ?

THE HONOURABLE MR. J. C. NIXON : I think it is sufficient, Sir, for it to be in the Library of the House, but I am prepared to give the Honourable Member a copy for himself if he wishes one.

AREAS AND POPULATION OF EACH OF THE CENTRALLY ADMINISTERED UNITS IN BRITISH INDIA.

76. THE HONOURABLE MR. HOSSAIN IMAM : Will Government lay on the table a statement showing the area and population of each of the Centrally administered units in British India ?

THE HONOURABLE MR. R. M. MAXWELL : I lay on the table a statement containing the information asked for by the Honourable Member.

Statement showing the areas and population according to the census of 1931 of each of the Centrally administered units in British India.

Name of unit.	Area in square miles.	Population.
1. Delhi	573	636,246
2. Ajmer-Merwara	2,711	500,292
3. Coorg	1,593	163,327
4. Andaman and Nicobar Islands	3,143	29,463
5. Panth Piploda	25.29	4,545
6. British Baluchistan	9,084	136,793

NOTICE OF TERMINATION OF CONTRACT ARISING DURING THE CURRENT YEAR IN RESPECT OF RAILWAYS, ETC.

77. THE HONOURABLE MR. HOSSAIN IMAM: Will Government state whether notice of the termination of a contract with any railway or branch line or administration is due this year? If so, the names and the action Government proposes to take thereon?

THE HONOURABLE SIR GUTHRIE RUSSELL: The question of notice of termination of contract arises this year in regard to the Darjeeling Himalayan, South Bihar and Hardwar-Dehra branch lines and is under the consideration of Government.

FOREIGN TRADE.

78. THE HONOURABLE MR. HOSSAIN IMAM: Will Government lay on the table a statement showing the figures of foreign trade of the three quarters of the years 1936 and 1937, excluding and including the figures of trade with Burma in both the years?

THE HONOURABLE SIR MUHAMMAD YAKUB: The information is being collected and will be laid on the table in due course.

PRICE OF PADDY AND RICE.

79. THE HONOURABLE MR. SUSIL KUMAR ROY CHOWDHURY: Will Government state:

(a) Whether the price of paddy and rice in India is low owing to large imports from Burma?

(b) Whether Government proposes to take any steps to check the downward tendency of the price of paddy and rice? If so, what?

THE HONOURABLE KUNWAR SIR JAGDISH PRASAD: (a) Prices on the whole have been moving upward during the past year. There has been no increase in imports from Burma.

(b) Does not arise.

TRAINING OF CANDIDATES IN HIGHER FORESTRY.

80. THE HONOURABLE RAJA YUVERAJ DATTA SINGH: Will Government state whether there is any scheme for reviving the college for higher forestry training at Dehra Dun? If so, is it intended to reserve a specified number of seats for students from different provinces, and will the Provincial Governments be required to contribute towards the financial support of the institution?

THE HONOURABLE KUNWAR SIR JAGDISH PRASAD: Yes. A higher forestry course at Dehra Dun will start on the 21st of April, 1938. Arrangements for the recruitment of staff, provision of laboratories, hostel accommodation, etc., are in progress.

No specific number of seats will be reserved for the different provinces but arrangements will be made, as far as accommodation permits, to admit all the candidates deputed by Provincial Governments.

The recurring charges will be met by the levy of fees from the students or from the Governments which depute them. A copy of the rules has been placed in the Library of the House.

THE HONOURABLE THE PRESIDENT: It is now 12 Noon. The other 12 Noon. questions will be taken up at the next meeting.

May I point out to Honourable Members that on today's list of business there have been 90 questions altogether, of which 57 stand in the name of the Honourable Raja Yuveraj Datta Singh and 26 in the name of the Honourable Kumarsankar Ray Chaudhury. In the House of Commons a Member is only allowed to put three questions on a single day and lately on account of this practice growing in the Central Legislative Assembly, by a modification of the Standing Orders, it has been ruled there that only five questions will be allowed to a Member on a single day. The putting of an enormous number of questions means both an expenditure of time and money and of work in the various Departments of Government. I am giving a timely warning to Honourable Members to exercise some restraint in the matter of putting questions. I do not wish to introduce the rule obtaining in the Central Assembly, but if this practice is persisted in, I may be compelled most reluctantly to go in for the modification of the Standing Order and adopt the wise practice now established in the Central Legislative Assembly.

THE HONOURABLE MR. HOSSAIN IMAM: Questions are crowded only on the opening day. On other days you will find scarcely any questions at all.

THE HONOURABLE THE PRESIDENT: I am referring to the number of questions on a single day.

INFORMATION PROMISED IN REPLY TO QUESTIONS LAID ON THE TABLE.

KHALASIS EMPLOYED BY THE KARACHI PORT TRUST.

THE HONOURABLE MR. S. N. ROY (Communications Secretary): Sir, I lay on the table the information promised in reply to question No. 453 asked by the Honourable Mr. P. N. Sapru on the 22nd September, 1937.

(a) The duty hours of the khalasis in the Deputy Conservator's Department of the Karachi Port Trust are as under :

7 A.M. to 9 A.M.	Work.
9 A.M. to 10 A.M.	Breakfast.
10 A.M. to 1 P.M.	Work.
1 P.M. to 2 P.M.	Tiffin or lunch.
2 P.M. to 5 P.M.	Work.

At 5 P.M. men are mustered and cutter crews appointed 1st, 2nd or 3rd on turn if required overnight.

On Saturdays they work up to 4 P.M. and on Sundays no work except of shipping.

When they attend shipping at night they get time off the following day, besides overtime fees.

(b) The khalasis are allowed one day off in a month in addition to 20 days casual leave in a year,

General holidays and sectional holidays,

Other earned leave on average or half average pay.

(c) Seven Europeans and one Indian.

(d) No. The standing orders are that launches shall not wait for anybody for more than 30 minutes.

(e) No.

(f) Yes, irrespective of time limit. There are 240 khalasis including petty officers. One hundred and twenty-four houses are provided for married men and 11 barracks for single men. Additional quarters are being constructed to allow each man a house.

(g) No.

(h) Yes, with effect from the 1st August, 1932.

Previous to 1923-24, rations were given in kind. It was however found that this system was open to abuse and the employees concerned were given money allowances instead of rations in kind.

At the time of making the change, the cost of the rations in kind was worked out and the rates of payment fixed accordingly.

These allowances are purely compensatory and in no sense an addition to pay.

In 1932, therefore, the cost of the component parts of rations allowed in kind previously, was recalculated and the new rates of payment were reduced as under for this class of employees :

2nd class from Rs. 15-5-0 to Rs. 13-12-0 per mensem.

3rd class from Rs. 11-2-0 to Rs. 10 per mensem.

Khalasi boys Rs. 5 (No change).

The Government have not so far considered the question of restoring the allowance.

NUMBER OF PERSONS ABDUCTED OR OTHERWISE MOLESTED ON THE NORTH-WEST FRONTIER DURING THE LAST TWO YEARS.

THE HONOURABLE KUNWAR SIR JAGDISH PRASAD (Leader of the House) : Sir, I lay on the table the information promised in reply to part (b) of question No. 300 asked by the Honourable Raja Yuveraj Datta Singh on the 15th November, 1937.

STATEMENT I.

Statement showing number of Hindus and Mohammedans kidnapped from the North-West Frontier Province to Tribal Territory, during the year 1936.

Serial No.	Mohammedans.			Hindus.			Circumstances under which the outrage took place.	Steps taken.
	Men.	Women.	Children.	Men.	Women.	Children.		
1	2	3	4	5	6	7	8	9
1	..	1	..	..	..	..	Must. Khanat Jan, wife of Azad, Gujar, of village Lehri, Police Station Shinkari, was kidnapped by 8 dacoits of tribal territory on the night between 20/21st September 1936. The dacoits looted the house and before leaving they tied Azad to a Pillar and kidnapped his wife. Later the kidnapped woman, finding a chance to escape, returned to her husband from tribal territory.	A case under Section 366/363, I. P. C., was registered and action under section 512, Cr. P. C., was taken against the offenders.
2	..	2	..	..	..	..	Must. Bakhat Bibi of village Siri, Tehsil Charsadda, and Must. Dalfaroza of Janakar, when collecting fuel outside village Siri, were abducted by Badshah Gul, Afridi, and three Khoshtwal companions.	The women were recovered by the Political Agent, Khyber, and returned to British Territory.

Statement showing number of Hindus and Mohammedans kidnapped from the North-West Frontier Province to Tribal Territory, during the year 1936—contd.

Serial No.	Mohammedans.			Hindus.			Circumstances under which the outrage took place.	Steps taken.
	Men.	Women.	Children.	Men.	Women.	Children.		
1	2	3	4	5	6	7	8	9
3	..	..	1	..	..	..	Must. Niaz Paro, a minor girl 6/7 years, daughter of Taj Mohd., of village Deh Bahadur, while playing on the road, was abducted by Taza Gul and Must. Kakai, Kuchis of Afghanistan, from village Deh Bahadur on 26th April 1936.	The accused were arrested by the Political authorities at Landi Kotal and handed over to the Police. On being sent up for trial they were convicted.
4	..	1	..	..	..	..	Must. Basri was decoyed from village Kullagai Swat, Police Station Khan Mahi, by accused Jonis and sold to an Afridi in tribal territory for Rs. 500. Finding an opportunity she came back to British territory and lodged a report.	The accused was arrested and suitable legal action was taken against him.
5	..	..	..	..	..	1	A Hindu girl named Chambeli was abducted by a Mohammedan, Abdul Akbar, of village Babini, Police Station Swabi, and taken to Besak tribal territory where she was converted to Islam and married to the accused.	Political pressure was brought to bear on the tribe concerned but the girl stated that she had eloped with the accused of her own accord and married him.

6	..	..	1	..	..	..	Jafar Shah, a minor boy, aged 6/7 years, was kidnapped by one Lal Khan of Kunar, Bajaur, tribal territory from Primary School at Kazi Khel near Charsadda. The accused took the boy from school on the plea that his father was ill, and led him to Gandab tribal territory. The boy was subsequently brought back from tribal territory by two men sent by the father of the boy. The motive was a dispute over payment of some dues.	A case has been registered and action under sections 363/512 C. P. C. has been taken against the accused.
7	..	..	..	..	1	..	On 6th March, 1936 Must. Ram Kaur, aged 15, was abducted by Amir Nur of village Jhandu Khel, from Bannu City and concealed somewhere. This case excited considerable odium between the Muslim and Hindu communities. On 24th March, 1936 the accused were taking the girl to Tank in a car when they were arrested and the girl was recovered.	The accused were convicted and the girl was returned to her mother.
8	..	..	1	..	..	..	A boy named Roghan Din, aged 11/12 years, of village Torwari was kidnapped to tribal territory while he was grazing cattle at "Mir Gul Talab," within the limits of Torwari village. The motive was an old blood feud.	The Police investigated the case. The accused himself brought back the boy. He was convicted and awarded 12 stripes.

Bannu District.

Kohat District.

STATEMENT I—concl'd.

Statement showing number of Hindus and Mohammedans kidnapped from the North-West Frontier Province to Tribal Territory, during the year 1936—concl'd.

Serial No.	Mohammedans.			Hindus.		Circumstances under which the outrage took place.	Steps taken.
	Men.	Women.	Children.	Men.	Women.		
1	2	3	4	5	6	7	9
9	..	..	..	..	..	Kohat District—concl'd. 1	The police investigated case. The accused together with the kidnapped boy was brought back from tribal territory. The accused was arrested and sentenced to 5 years rigorous imprisonment.
10	1	..	..	..	..	Dera Ismail Khan. ..	A case was registered but as the description of the accused was not given nothing could be done to bring the culprits to book
Total No. for 1936	1	4	3	..	1	2	

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STATEMENT II.

Statement showing number of Hindus and Mohammedans Kidnapped from the North-West Frontier Province to Tribal Territory, during the year 1937.

Serial No.	Mohammedans.			Hindus.		Circumstances under which the outrage took place.	Steps taken.
	Men.	Women.	Children.	Men.	Women.		
1	2	3	4	5	6	7	9
1	..	..	1	..	..	..	A boy named Gulla, son of Shah Wali, Gujjar, of Mang area, village Balakot, while he was grazing goats at Dhela on 23rd July 1937, was kidnapped by a gang of Kohistanis, who were armed with rifles and daggers.
2	..	1	..	..	..	..	A case under sections 395/363, I. P. C., was registered in Police Station Balakot, but was filed as untraced.
	..	..	..	..	..	..	A chigha party pursued the offenders and rescued the girl, but the accused escaped across the border.

STATEMENT II—contd.

Statement showing number of Hindus and Mohammedans kidnapped from the North-West Frontier Province to Tribal Territory, during the year 1937—contd.

Serial No.	Mohammadans.			Hindus.		Circumstances under which the outrage took place.	Steps taken.
	Men.	Women.	Children.	Men.	Women.		
1	2	3	4	5	6	7	8
3	..	..	..	2	..	..	9
<i>Bannu District.</i>							
4	..	..	..	1	..	..	9

Extra Police, Frontier Constabulary and Military detachments have been posted in the affected area, village defence rifles have also been issued.

On the night of 18th February 1937, a gang of 8/10 armed transborder Wazirs raided the house of a Hindu in village Mobati Barak-zai, Police Station Mirian, and kidnapped 2 Hindus. During the encounter one other Hindu struck a dacoit with an axe and was fired at and wounded by the raiders. This raid is a repercussion of the disturbed conditions in Waziristan. The Hindus have since returned from tribal territory.

At 20-30 hours on 17th March 1937, a gang of 40/50 armed Wazirs from tribal territory held up a lorry on the Bannu-Kohat Road, 7.8 miles west of Police Station Domel, and kidnapped 3 Mussalmans and one Boga Ram, a Hindu of Bannu. On reaching the border the raiders released the three Mussalmans, but took

This road has been closed for traffic after prohibited hours in order to avoid a recurrence of this nature. Extra police have also been posted to the police station.

INFORMATION LAID ON THE TABLE.

the Hindu to tribal territory who up to this time remains untraced. The raiders had cut the telephone wire before the occurrence. This case is a repercussion of the disturbances in Waziristan.

This raid is a repercussion of the disturbances in Waziristan. Extra Police, Frontier Constabulary and Military detachments have been posted in the affected area.

At 20-45 hours on 19th March 1937 an armed gang of transborder Wazirs, believed to be 18/20 in number, came to village Lakki in the Bannu district and kidnapped five Hindus to tribal territory. A section of District Armed Reserve and chigha parties turned out in pursuit of the raiders and Frontier Constabulary were immediately warned to hold up all likely routes, but the raiders managed to cross the border. The five Hindus subsequently returned to British territory after paying ransom.

Extra police, Frontier Constabulary and detachments of Military have been posted at Haved. Village Defence rifles and licenses for firearms have been issued on a liberal scale to enable the villagers to defend themselves.

At 23-30 hours on 13th March 1937 a gang of 30/40 strong armed with rifles raided the shop of a Hindu in village Haved and attempted to kidnap Hindus. Their efforts were, however, frustrated by the police who opened fire from the neighbouring Police Post. The dacoits left the village with booty valued at Rs. 35-6-0. This case is a repercussion of the disturbed conditions in Waziristan.

STATEMENT II—contd.

Statement showing number of Hindus and Mohammadans kidnapped from the North-West Frontier Province to Tribal Territory, during the year 1937—contd.

Serial No.	Mohammadans.			Hindus.			Circumstances under which the outrage took place.	Steps taken.
	Men.	Women.	Children.	Men.	Women.	Children.		
1	2	3	4	5	6	7	8	9
7	..	..	..	1	..	..	A gang of 30/35 armed Wazirs from tribal territory raided the house of a Hindu in village Kotka Matam Khel. Police Station Sadar, Bannu and kidnapped two Hindus named Guli Chand and Gopi Chand. The villagers raised an alarm whereupon the raiders left Guli Chand but escaped with the other across the border. Gopi Chand returned to British territory some days later but did not disclose the identity of the offenders, or the manner in which he had secured his release. This case is also a repercussion of the disturbances in Waziristan.	Extra police, Frontier Constabulary and detachments of Military have been posted at Havel. Village Defence rifles and licences for firearms have been issued on a liberal scale to enable the villagers to defend themselves.
8	..	..	..	1	..	..	On the night of 19/20th March 1937, a party of 80/90 strong raided village Bharat Kalan and kidnapped Parma Nand, Hindu, and looted some shops belonging to	Tochi Scouts who were warned to hold up all routes in tribal territory were successful in engaging the gang in tribal

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Hindus. A chigha party engaged the raiders, who, however, managed to escape across the border. This case is a repercussion of the disturbances in Waziristan. The Frontier Constabulary and Tochi Scouts, who were warned about the occurrence turned out and held all likely routes.

On the evening of a gang of 72 transborder raiders kidnapped Abdullah Khan, Overseer, and a contractor, when they were out in the jurisdiction of Miran Police Station in the Bannu District in connection with the District Board work. Both the kidnapped persons were released on payment of ransom of Rs. 1,500 by the Jani Khel Malik. This case is an offshoot of the disturbed conditions in Waziristan.

On the night of 16/17th April 1937 a party of 30/35 strong raided the house of Nirmal Dass in village Behram Khel, Police Station Tajori, District Bannu, and carried him off to tribal territory. The raiders were transborder Bhattanis. A village chigha engaged the raiders and followed them for some miles, but the raiders managed to escape across the border. This case is a repercussion from the disturbances in Waziristan.

territory and recovered the kidnapped Hindu.

Political pressure was brought to bear on the Jani Khel Malik who secured the release.

Political pressure was brought to bear on the Bhattani Khassadars and the kidnapped Hindu was recovered through one Juma Khan, Jemadar of the Khassadars. Extra Police Frontier Constabulary and detachments of Military have been posted in this area. A liberal issue of village defence rifles and licences for firearms has been sanctioned to enable the villagers to defend themselves.

STATEMENT II—contd.

Statement showing number of Hindus and Mohammadans kidnapped from the North-West Frontier Province to Tribal Territory, during the year 1937—contd.

Serial No.	Mohammadans.			Hindus.			Circumstances under which the outrage took place.	Steps taken.
	Men.	Women.	Children.	Men.	Women.	Children.		
1	2	3	4	5	6	7	8	9
11	6	..	..	..	..	..	On the night of 20/21st April 1937 a gang of 40/50 transborder Wazirs raided village Bizan Khel and drove away with six shepherds and 900 goats. The raiders released the shepherds when they reached tribal territory. This case is also an offshoot of the Waziristan operations.	Political action was taken against the Bizan Khel and Sperka Wazirs of British territory.
12	..	..	1	..	..	..	On 18th June, 1937 two Bhittanis of tribal territory kidnapped Mir Afzal, a minor boy aged 6 years from the fields within the limits of village Bhangi Khan Killi. The kidnapped boy was brought back to British territory by his father some days later. The parties were interrelated and the motive for the offence was a dispute over women. One of the accused has since been arrested.	A case has been registered and is under investigation.

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A case has been registered and is under investigation.

13	..	..	..	8	..	..	On 10th May, 1937 a gang led by Shahzada Mahsud of tribal territory kidnapped 8 Mohammadan children when they were grazing cattle in the fields of village Baragi close to the border. The motive for the offence was that some time ago the people of Baragi had arrested an outlaw who was being harboured by Shahzada Mahsud. The villagers had also recovered a revolver from the outlaw which Shahzada claimed as belonging to him but the villagers refused to return him the weapon. The villagers paid a ransom of Rs. 2,100, secured the release of the children and also returned the revolver which was the cause of this outrage.	On 10th May, 1937 a gang led by Shahzada Mahsud of tribal territory kidnapped 8 Mohammadan children when they were grazing cattle in the fields of village Baragi close to the border. The motive for the offence was that some time ago the people of Baragi had arrested an outlaw who was being harboured by Shahzada Mahsud. The villagers had also recovered a revolver from the outlaw which Shahzada claimed as belonging to him but the villagers refused to return him the weapon. The villagers paid a ransom of Rs. 2,100, secured the release of the children and also returned the revolver which was the cause of this outrage.
14	..	..	..	..	..	2	On the night of 3rd July, 1937 a mixed gang of Wazirs and Mahsuds of tribal territory raided the house of Gela Ram, Hindu, of village Passani in the Bannu District and kidnapped his son and daughter aged 12/13 and 15/16 years, respectively. The villagers put up a fight by taking up positions on their houses as a result of which the raiders left the girl, but carried off the boy to tribal territory. The kidnapped boy returned to British territory on 7th September, 1937 but he has not disclosed as to how he obtained his release.	Village Defence rifles have been issued on a liberal scale in order to enable the villagers to defend themselves. Extra Police, Frontier Constabulary and detachments of Military have been posted to the affected area. This case is still under investigation.

INFORMATION LAID ON THE TABLE.

STATEMENT II—contd.

Statement showing number of Hindus and Mohammedans kidnapped from the North-West Frontier Province to Tribal Territory, during the year 1937—contd.

Serial No.	Mohammedans.			Hindus.			Steps taken.
	Men.	Women.	Children.	Men.	Women.	Children.	
1	2	3	4	5	6	7	9
15	..	..	2	..	..	..	On the night of 10/11th August, 1937 a gang of 10/12 transborder raiders, including two absconders of British territory raided the house of one Sherbaz of village Khan Suba in the Bannu district and kidnapped his minor son and a daughter. Elaborate arrangements were made to intercept the gang and a village Chigha pursued the raiders but they escaped across the border. The motive was a quarrel over a girl, who had eloped with one of the accused. The children were subsequently released by the parents on payment of ransom of Rs. 100.
16	..	..	..	1	..	..	On the night of 10/11th August, 1937 a gang of 10/12 transborder raiders, including two absconders of British territory raided the house of one Sherbaz of village Khan Suba in the Bannu district and kidnapped his minor son and a daughter. Elaborate arrangements were made to intercept the gang and a village Chigha pursued the raiders but they escaped across the border. The motive was a quarrel over a girl, who had eloped with one of the accused. The children were subsequently released by the parents on payment of ransom of Rs. 100.
17	..	..	1	..	..	..	At mid-day on 15th August 1937, a party of 7/9 offenders kidnapped Ditta Ram, a Hindu from the limits of village Saragrah Mohd. Khan in the Bannu District. Sub-Inspector Sadullah Khan, with two foot constables and a Khessadar, who happened to be

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17	..	..	1	..	..	..	in the village chased the offenders, engaged them and compelled them to leave the Hindu. The Sub-Inspector continued his pursuit, but the raiders disappeared in a nullah and made good their escape.
18	..	..	..	..	4	..	On 17th September, 1937 a gang of outlaws and Ali Khel Wazirs kidnapped Rahman Din, a minor boy, from the fields of village Shigi, in the Bannu District and took him to tribal territory. The motive was a dispute over the grazing of cattle. The kidnapped boy was subsequently released.
19	..	..	..	..	..	..	At 22-30 hours on 19th May 1937 a gang of 60 armed Bhittanis raided the house of one Nirmal Dass in village Titar Khel, in the Bannu District, and kidnapped his four daughters. Chigha parties turned out and the Frontier Constabulary held up all the likely routes but the raiders managed to cross the border without an encounter. The girls were subsequently brought back from tribal territory through the Political authorities. Some local villagers were suspected of being in league with the raiders and were challaned to court but as the complainants did not charge anybody they were discharged by the court. This is a repercussion from the disturbances in Waziristan.

Political pressure was brought to bear on the Malik concerned as the result of which the boy was released.

Chigha parties and Frontier Constabulary went in pursuit of the raiders. Political pressure was brought to bear and the release of the kidnapped girls obtained. Extra police, Frontier Constabulary and Military have been posted in this area. Village Defence rifles have been issued on a large scale to the villagers.

mapped from the Von
year 1937—contd.

Serial No.	Mohammadans.			Hindus.			Circumstances under which the outrage took place.	Step taken.
	Men.	Women.	Children.	Men.	Women.	Children.		
1	2	3	4	5	6	7	8	9
19	..	..	..	1	..	..	One Remal Dass was kidnapped from Daraka Aziz Khan in the Bannu district on the night of 14th July, 1937 by some unknown persons. He has since returned to his village.	A case was registered against the accused.
20	1	..	..	..	..	..	On 22nd January, 1937 one Ali Mohammad, with some cattle, was kidnapped by 3 persons, while he was grazing cattle near Mira Khan Talab, situated within the limits of Torwari village in the illaqua of Police Station Doaba. The motive is said to be that about three years ago, on the information of the owner of the cattle, a dagger was recovered from the house of Uddin, one of the accused, who was convicted.	The Police investigated the case. Ali Mohad was recalled from tribal territory. Action under section 512, Cr. P. C. was taken against the accused, who subsequently surrendered themselves and were sentenced to three years' rigorous imprisonment each.

Kohat District.

On 22nd January, 1937 one Ali Mohammad, with some cattle was kidnapped by 3 persons, while he was grazing cattle near Mira Khan Talab, situated within the limits of Torwari village in the illaqua of Police Station Doaba. The motive is said to be that about three years ago, on the information of the owner of the cattle, a dagger was recovered from the house of Udlin, one of the accused, who was convicted.

The Police investigated the case. Ali Molla was recalled from tribal territory. Action under section 512, Cr. P. C., was taken against the accused, who subsequently surrendered themselves and were sentenced to three years' rigorous imprisonment each.

The Police investigated the case and Political Agent concerned was requested to take necessary action. The accused along with the kidnapped girl surrendered himself to the police. On being sent up for trial the accused was sentenced to two years rigorous imprisonment.

On 9th February, 1937, Must. Zul-
kha, aged 16/17 years, daughter
of Lai Gul of Basid Khel, when
collecting wood from Shina-
Chana mountain (Basid Khel
Boundary) was abducted by
two persons. The father of the
girl had refused to give in
marriage his second daughter
to one of the accused.

A case was registered and investigation made.

On the evening of 6th April, 1937, two Majnud Khassadars, having purchased some sugar, etc., were returning to Murtsa from Gomel in British territory when 7 Wazias from tribal territory confronted them and took one of them to tribal territory. The motive was that some time ago the complainants had driven off a flock of sheep belonging to the accused.

The accused was arrested after some days and was sentenced to 7 years' rigorous imprisonment.

On 28th March 1937, Mohd. Jan, Proclaimed Offender, abducted a woman from village Tator in the Dera Ismail Khan district. Inspector Dhani Ram who was in the vicinity at once organised a combined police and chigha party, on the arrival of which the Proclaimed Offender left the woman and took to his heels.

Statement showing number of Hindus and Mohammedans kidnapped from the North-West Frontier Province to Tribal Territory, during the year 1937—contd.

Serial No.	Mohammedans.			Hindus.			Circumstances under which the outrage took place.	Steps taken.
	Men.	Women.	Children.	Men.	Women.	Children.		
1	2	3	4	5	6	7	8	9
24	..	..	..	2	..	..	In the small hours of the morning of 2nd May, 1937, a gang estimated to be 70 strong raided village Paharpur in the Dera Ismail Khan district, looted the shops and houses of Hindus. Two Hindus were killed and two wounded. The raiders also kidnapped one Sikh and one Hindu. The Station House Officer with a Police party of 12 men at once reached the spot and engaged the dacoits, who left the village after setting fire to 10 houses. District Armed Reserve and Seinde Horse reached the spot soon after the raiders had left and arrangements were made to picket all the likely routes. Seinde Horse intercepted the gang, killing four of the raiders. The raiders however took to their heels and escaped across the border with the kidnapped persons.	Political pressure was brought to bear on the Malik concerned and release obtained. Extra Police, Frontier Constabulary and detachments of Military have been posted in the area.

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25	..	..	..	..	1	1	On the night of 27th September, 1937, a gang of 35/40 Bhittanis of tribal territory raided the house of one Mal Chaud of village Mullazai in the Dera Ismail Khan district and kidnapped his wife and daughter. Mullazai Levies exchanged shots with the dacoits to no effect. Detachments of Frontier Constabulary and Military went after the raiders but failed to locate them. The kidnapped women were released by the Political authorities.	Political pressure was brought to bear on the Malik concerned and release obtained. Extra Police, Frontier Constabulary and detachments of Military have been posted in the area.
26	..	..	..	2	..	..	On the night of 24th April, 1937, a party of 300 armed raiders from tribal territory raided village Gul Imam in the Dera Ismail Khan District. 38 shops and 10 houses were looted and 4 houses were burnt, and 2 Hindus were kidnapped. The villagers returned the fire inflicting some casualties on the raiders. The raiders who had cut the telephone wire, escaped across the border. Action under Section 55, Cr. P. C., has been taken against certain suspects for being "Razdars".	Ditto.
27	..	..	..	..	..	1	On the night of 1/2nd August, 1937 a gang of 8 transborder offenders raided the house of one Tala Ram of village Paim the D. I. Khan district and kidnapped his daughter. A chigha party was turned out but the raiders escaped.	A chigha party pursued the raiders. Extra Police and Military detachments have been posted in this area and Village Defence rifles and liberal number of licenses for fire-arms have been sanctioned to enable the villagers to defend themselves.

STATEMENT II—contd.

Statement showing number of Hindus and Mohammedans kidnapped from the North-West Frontier Province to Tribal Territory, during the year 1937—contd.

Serial No.	Mohammedans.			Hindus.			Circumstances under which the outrage took place.	Steps taken.
	Men.	Women.	Children.	Men.	Women.	Children.		
1	2	3	4	5	6	7	8	9
28	..	..	..	1	1	1	On the night of 14th August, 1937 a gang of about 50 armed trans-border Bhattanis raided the house of one Asa Ram of village Umar Khel in the Dera Ismail Khan district and kidnapped Asa Ram, his son and one Must. Jamna Bai. The villagers offered resistance and followed the raiders up to the border. In the fight the leader of the gang and one villager were killed. The kidnapped persons were subsequently released through the efforts of the Political authorities.	Political pressure was brought to bear on the tribe concerned as a result of which the kidnapped persons were released. Action under sections 512/87/88, Cr. P. C. has been taken against the offenders. Extra Police and Military have been posted in this area and Village Defence rifles have been issued to enable the villagers to defend themselves.
29	..	..	..	1	..	4	On the night of 15th August, 1937 a party of 60/70 transborder Bhattanis raided village Sheikh Auler. The raiders looted 8 houses, 11 shops, burnt one house and one shop and while retreating took away one Hindu, two boys and two girls with them to tribal territory. In tribal territory one Bhattani succeeded in	Ditto.

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30	..	..	..	4	..	..	getting hold of the children with a view to their surrender to the Political authorities. A scuffle ensued in which the girls were thrown down a cliff and killed. The remaining kidnapped persons have since been released. On the evening of 10th September, 1937 a gang of six armed dacoits, held up a lorry between Tank and Kullachi in the D. I. Khan District and kidnapped three Hindus and one Sikh. The Police, Frontier Constabulary and a detachment of Military pursued the raiders and held the likely routes in order to intercept the raiders, but to no effect. The kidnapped persons were subsequently released through the Political authorities.	Ditto.
31	1	..	..	..	..	..	On the morning of 11th August 1937 one Adam Khan, who was employed to search for the tracks of raiders was kidnapped by four Bhattanis. He however managed to escape from the house of the accused and returned to British territory.	A case was registered against the accused.
32	..	1	..	..	..	..	Must. Narai, wife of Lali Jan, caste Malizai of Sikandri Karuna, while she was working in the fields in the illaqua of Police Station Hoti, was kidnapped by Zewar Shah of the village aided by two other men. She	The case is still under investigation.

Mardan District.

[14TH FEB. 1938.]

STATEMENT II—concd.
Statement showing number of Hindus and Mohammedans kidnapped from the North-West Frontier Province to Tribal Territory, during the year 1937—concd.

Serial No.	Mohammedans.			Hindus.			Circumstances under which the outrage took place.	Steps taken.
	Men.	Women.	Children.	Men.	Women.	Children.		
1	2	3	4	5	6	7	8	9
33			1				was sold for Rs. 200 to Harif, an Afridi, who helped Zewar Shah in the abduction. One day when she went to a well in village Asa Khel, Police Station Mastani, to fetch water, she met a Constable to whom she narrated her story. The Constable brought her to Police Station Mastani. A young girl Must. Badshagai, aged 15 years, was kidnapped to tribal territory by Ghulam Haider of Maneri Payan in the illaqa of Police Station Swebi, District Mardan, in March 1937. Ghulam Haider after sometime took her to Landi Kotal, where the information was passed to the Political authorities, who sent the girl back to Mardan.	The Police are investigating the case and the accused has been arrested.
Total No. for 1937.	10	3	15	24	6	9		

INDIAN DETENUS AND POLITICAL PRISONERS IN BURMA ON THE 31ST MARCH, 1937.

THE HONOURABLE MR. R. M. MAXWELL (Home Secretary): Sir, I lay on the table the information promised in reply to question No. 223 asked by the Honourable Mr. Hossain Imam on the 2nd October, 1937.

A.—List of Indian detenues in Burma as they stood on the 31st March, 1937.

No.	Name.	Home province.	Period of imprisonment.	Remarks.
1	K. Bhattacharjee	Chittagong, Bengal.	Arrested on 2-2-1931.	Committed to custody in jail under the Burma Criminal Law Amendment Act, 1931.
2	K. L. Mukherjee.	Dacca, Bengal]	Arrested on 2-2-1931.	Do.
3	S. K. Sen Gupta .	Chittagong, Bengal.	Arrested on 2-2-1931 and restricted to Bhamo. Put back to jail on 22-1-1932.	Do.
4	P. C. Barua .	Chittagong, Bengal.	Arrested on 2-3-1931.	Do.
5	N. B. Bairagi .	Do.	Arrested on 19-12-1933.	Do.
6	P. K. Mukherjee .	Faridpur, Bengal .	Arrested on 2-2-1931 and restricted to Bhamo. Put into prison on 30-11-1931.	Do.
7	A. N. De .	Chittagong, Bengal (Domiciled in Burma).	Arrested on 8-10-1935.	Do.
8	H. Bhattacharjee	Chittagong, Bengal.	Arrested on 24-8-1934.	Do.
9	H. N. Chatterjee.	Howrah, Bengal .	Arrested on 1-11-1935.	Do.
10	D. C. Baul .	Noakhali, Bengal .	Arrested on 9-10-1935.	Do.

N. B.—There were no Indian prisoners convicted for political offences and confined in jails in Burma on the 31-3-1937.

NUMBER OF WAGONS AND LOCOMOTIVES PURCHASED BY STATE-MANAGED RAILWAYS.

THE HONOURABLE SIR GUTHRIE RUSSELL (Chief Commissioner for Railways): Sir, I lay on the table the information promised in reply to question No. 147 asked by the Honourable Mr. Hossain Imam on the 20th September, 1937.

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Statement giving separately for each State-owned Railway the number of Wagons purchased since 1924-25 up to 31st March, 1937.
(NOTE.—The number of wagons shown include wagons placed on the line either by purchase, inter-railway transfers or built in Railway workshops.)
(In terms of 4-wheelers.)

Railway.	Years.												Remarks.
	1924-25.	1925-26.	1926-27.	1927-28.	1928-29.	1929-30.	1930-31.	1931-32.	1932-33.	1933-34.	1934-35.	1935-36.	1936-37.
Bengal Nagpur	952	860	244	54	76	35	56	1,086	14	1	500	522	35
Bombay, Baroda and Central India	259	643	870	105	186	36	115	31	42	..	200	180	330
Eastern Bengal	..	116	..	25	75	..	..	25	82	..	218	552	56
East Indian	2,125	3,408	1,599	349	169	1,739	1,327	316	227	2,423	1,077	1,982	411
Great Indian Peninsula	771	1,534	1,479	2	21	76	101	926	85	..	399	459	44
Madras and Southern Mahratta	232	283	115	51	14	252	70	150	81	7	145	305	79
North Western	166	279	389	1,818	153	60	268	60	10	2	..	..	90
South Indian	3	36	209	106	119	5	4	80	195	..	282	15	9
Assam Bengal	52	..	16	32	68	145	530	150	34	..	30	21	127
Bombay, Baroda and Central India	440	732	..	195	121	200	..	206	208	298	..	200	400
Eastern Bengal	352	677	557	289	62	184	289	145	129	30	52	110	190
Madras and Southern Mahratta	144	625	138	131	7	500	29	150	10	..	525	119	..
Rohilkund and Kumaon	110	20	124	843	268	272	1,134	586	30	213	348	84	80
South Indian	20	92	195	829	60	67	34	..	..	68	269	41	..
Bengal Nagpur	5	366	231	181	8	..	86	28	..	..	..	..	..
Bombay, Baroda and Central India	..	11	8	1	1	34	10	6	4	..	..	10	5
Eastern Bengal	..	..	..	..	..	..	..	..	..	..	..	..	9
Great Indian Peninsula	6	..	..	62	..	..	..	30	14	..	20	..	..
North Western	..	..	..	48	118	68	223	41	7	..	..	..	..
South Indian	..	..	..	..	..	..	..	..	..	..	..	..	..
III.—Narrow Gauge.													
Bengal Nagpur	..	..	..	..	..	..	..	..	..	..	..	..	..
Bombay, Baroda and Central India	..	..	..	..	..	..	..	..	..	..	..	..	..
Eastern Bengal	..	..	..	..	..	..	..	..	..	..	..	..	..
Great Indian Peninsula	..	..	..	..	..	..	..	..	..	..	..	..	..
Madras and Southern Mahratta	..	..	..	..	..	..	..	..	..	..	..	..	..
Rohilkund and Kumaon	..	..	..	..	..	..	..	..	..	..	..	..	..
South Indian	..	..	..	..	..	..	..	..	..	..	..	..	..
Assam Bengal	..	..	..	..	..	..	..	..	..	..	..	..	..
Bombay, Baroda and Central India	..	..	..	..	..	..	..	..	..	..	..	..	..
Eastern Bengal	..	..	..	..	..	..	..	..	..	..	..	..	..
Great Indian Peninsula	..	..	..	..	..	..	..	..	..	..	..	..	..
Madras and Southern Mahratta	..	..	..	..	..	..	..	..	..	..	..	..	..
Rohilkund and Kumaon	..	..	..	..	..	..	..	..	..	..	..	..	..
South Indian	..	..	..	..	..	..	..	..	..	..	..	..	..
Assam Bengal	..	..	..	..	..	..	..	..	..	..	..	..	..
Bombay, Baroda and Central India	..	..	..	..	..	..	..	..	..	..	..	..	..
Eastern Bengal	..	..	..	..	..	..	..	..	..	..	..	..	..
Great Indian Peninsula	..	..	..	..	..	..	..	..	..	..	..	..	..
Madras and Southern Mahratta	..	..	..	..	..	..	..	..	..	..	..	..	..
Rohilkund and Kumaon	..	..	..	..	..	..	..	..	..	..	..	..	..
South Indian	..	..	..	..	..	..	..	..	..	..	..	..	..

Statement giving separately for each State-owned Railway the number of Locomotives purchased since 1924-25 up to 31st March, 1937.
(NOTE.—The number of locomotives shown include locomotives placed on the line either by purchase, inter-railway transfers or built in Railway workshops.)

Railway.	Years.												Remarks.
	1924-25.	1925-26.	1926-27.	1927-28.	1928-29.	1929-30.	1930-31.	1931-32.	1932-33.	1933-34.	1934-35.	1935-36.	
Bengal Nagpur	30	47	36	2	6	12	22	10	..	..	..	..	..
Bombay, Baroda and Central India	14	..	..	5	24	38	14	8	..	..	..	..	..
Eastern Bengal	10	46	12	5	22	24	30	24	..	..	..	..	..
East Indian	34	62	28	6	36	36	29	25	..	..	..	..	..
Great Indian Peninsula	..	..	..	6	18	28	21	10	..	..	..	..	..
Madras and Southern Mahratta	4	9	5	14	3	11	14	6	..	..	..	..	..
North Western	38	1	..	3	21	19	54	37	36	26	3	44	2
South Indian	..	..	..	..	..	..	..	..	..	..	..	..	..
Assam Bengal	..	..	..	..	..	..	..	..	..	..	..	..	..
Bengal and North Western	..	..	..	17	2	14	4	23	2	..	3	..	11
Bombay, Baroda and Central India	12	17	13	4	5	18	24	13	15	13	10	8	4
Eastern Bengal	..	..	..	2	21	25	25	11	..	..	..	7	6
Madras and Southern Mahratta	..	14	9	3	22	23	5	11	19	6	..	..	..
Rohilkund and Kumaon	..	..	..	1	1	2	2	3	1	..	..	4	4
South Indian	..	2	4	16	29	5	20	6	..	..	..	5	..
I.—Broad Gauge.													
II.—Metre Gauge.													
III.—Narrow Gauge.													
Bengal Nagpur	..	..	..	..	..	..	..	..	..	..	..	..	..
Bombay, Baroda and Central India	4	..	..	1	5	..	4	1	3	1	..	2	..
Eastern Bengal	..	..	..	1	..	..	..	3	..	..	..	..	..
Great Indian Peninsula	..	..	..	..	..	..	..	..	..	..	..	..	..
North Western	8	..	..	..	..	..	13	7	..	2	..	5	..

RULES AND REGULATIONS REGULATING THE GRANT OF ALLOWANCES TO LITERATE FIREMEN EMPLOYED ON STATE-MANAGED RAILWAYS.

THE HONOURABLE SIR GUTHRIE RUSSELL (Chief Commissioner for Railways): Sir, I lay on the table the information promised in reply to question No. 267 asked by the Honourable Rai Bahadur Lala Ram Saran Das on the 5th October, 1937.

Extract from Rules regulating the grant of allowances to firemen on the E. I. R. (Applicable to staff appointed on or after the 13th September, 1930).

9. *Mileage Allowance.*—An allowance of one day's pay will be made to all drivers and their firemen for each 100 miles run and to shunters and their firemen for eight hours' duty. This is over and above the substantive monthly pay, and covers all detentions under rests, etc., and night and day allowances.

9. (a) Drivers and firemen and others acting as running staff will be paid one-eighth of a day's pay for every extra hour they may be on duty with their engines after they have been continuously on duty for eight hours provided the delay to their engines is not due to any fault of the engine crews.

10. *Allowances for doing shed.*—Four hours or 50 miles are allowed for doing shed when engine crews perform this duty themselves. The allowance is payable to the whole of engine crews. But engine crews must only wash-out their engines when a special wash-out gang is not available.

11. *Duty in shed other than washing out.*—When an engine is laid up for repairs or from other reasons a man is "spare", he will be paid 50 miles in addition to his substantive pay, always provided he is booked to and attends at the shed daily for eight hours, so as to be available for any duty that may be required of him. When not required to attend the shed he shall receive only his substantive pay. It should be shewn in engine tickets whether crews booked spare, attended shed or not.

12. *Making over and taking over engines.*—Engine crews booked for shed to make over or to take over engines will be paid 50 miles overtime, provided they are on duty for not less than four hours.

13. *Attending joint enquiries, A. F. I. parades, A. F. I. camps, ambulance classes or law courts.*—When attending joint enquiries, except those held in connection with accidents for which they themselves are responsible, A. F. I. parades, A. F. I. camps, ambulance classes or law courts on railway business, drivers, shunters and firemen shall, for each day on which they may attend such duties, draw, in addition to their substantive pay, either the actual mileage, if any, which they would otherwise have earned or the average mileage of the link on which they were employed during the previous 30 days whichever is greater.

14. *Light or attached engines.*—Drivers and firemen of light or attached engines will be paid as if working trains.

15. *Travelling as passenger.*—When travelling as passenger on transfer except at their own request or on duties other than those enumerated in clause 12 above, drivers, shunters and firemen shall receive their substantive pay and an allowance of half the mileage travelled.

17. *Work on branch lines or short run.*—Drivers and firemen working continuously for three days or over on branch lines or on short runs will be granted an allowance of 100 miles per diem plus actual mileage run, but the total of the miles run and the allowance must not exceed 120 miles per diem.

This rule does not apply when the actual mileage worked exceeds 120 miles per diem.

18. *Royal and Viceregal special trains.*—Drivers and firemen working Royal and Viceregal special trains or running as pilots in advance, will be allowed one day's pay extra.

23. *Drivers, shunters or firemen working as shed assistants.*—Drivers, shunters or firemen deputed to work in sheds for a period of eight hours or over will earn a day's pay as overtime.

Note.—Firemen when put to work as night assistant will be paid the minimum pay of a shunter, grade I or II as the case may be plus overtime as mentioned above.

24. *Ballast, relief or other engineering trains.*—The allowance for drivers and firemen working ballast or relief trains will be eight miles per hour from start to finish. Cleaners and lighters up will receive a daily allowance of Rs. 0-6-0 in addition to their substantive pay.

The above allowance will be paid only for days on which the train actually works for the Engineering Department. In regard to the above allowance, it will be open to the Divisional Superintendent to withhold them, either in whole or in part in the event of the staff referred to being reported for unsatisfactory working.

25. *Temporary transfer.*—Twenty per cent. increase of pay will be allowed to drivers, shunters and firemen when away from their homes on temporary transfer to other stations and this temporary increase will count for the calculation of mileage allowance.

Extract from Rules regulating the grant of allowances to literate firemen on the G. I. P. R.

Overtime allowance.—When working on specified short trips, on ballast trains, and as engine turners, etc., firemen are paid for overtime worked on an hourly basis. Eight hours is treated as a working day, and all time worked in excess of eight hours per day is added together for the month, the overtime hours being converted into equivalent days and paid for at the substantive rate of pay per day calculated on their monthly rates of pay.

Mileage allowance.—This is paid on the actual miles worked in a month less the "exaction" miles as explained below. To cover substantive pay, a fixed number of miles per working day are deducted from the total actual miles worked in a month. The deduction is known as "exaction" and varies from 110 miles per working day to 25 miles per working day, with the further restriction that, in the case of firemen of mail and passenger trains, the "exaction" miles are reckoned only for 24 working days, and, in the case of goods train firemen for 26 working days in a month. The mileage is paid at rates varying from 7-3 pies per mile to 3-9 pies per mile according to the substantive pay of the fireman concerned. When a fireman's services are utilised on shunting duty, the hours worked are converted into miles at the rate of 8 miles per hour and paid for without deducting "exaction."

When detailed for duty not falling under the head "running duty", firemen are paid mileage allowance (in addition to their substantive pay) based on the average rate of mileage earned in a month by all running staff of their grades who are fixed on a particular link. A link comprises a regular number of running staff deputed to work particular services from one depot to another, such as a mail link, mail and passenger link, mixed train link, goods link, etc.

Bhatta allowance.—Firemen, when temporarily stationed to work at a depot away from their headquarters, are paid bhatta for the period they are retained at the outstation. Bhatta is paid at rates varying from six annas to 12 annas according to pay, and is in addition to overtime and mileage allowances. Bhatta is paid under the G. I. P. R. company's Rules for each night spent on duty away from home station, and under the State Railway Rules for absence (on duty) from home station for each period exceeding eight hours per day.

Special daily allowance.—In addition to overtime, mileage and bhatta allowances firemen are paid a special daily allowance at rates varying from 12 annas to Rs. 2 per day according to pay. This allowance is paid only when the men are sent away from their headquarters to work for over three days at other stations in case of emergency.

Extract from rules Regulating the grant of allowances to literate firemen on the N. W. R.

Literate firemen on this Railway are in the normal course of duties granted, like all other members of the Loco. running staff, an allowance of one day's pay for each 100 miles run or eight hours duty shunting over and above their substantive pay, and, in addition, draw special overtime allowances applicable to certain localities as detailed below:—

Delhi Division.—When working on the K. S. R.—

Sixty-five per cent. increase of mileage actually run in the case of staff working passenger trains.

Seventy per cent. increase of mileage actually run in the case of staff working goods trains.

Quetta Division.—One-third increase in the mileage actually run.

Rawalpindi Division.—(a) Staff working on the Khyber Railway draw four times the normal mileage run beyond Jamrud, in addition to the actual mileage run.

(b) Staff headquartered at Rawalpindi working trains to and from Peshawar and Kohat Cantonment, draw 50 per cent. over and above the mileage actually run on Trans-Indus sections.

Lahore Division.—Staff working between Baijnath-Paprola and Joginder Nagar and between Baijnath-Paprola and Pathankote draw a 75 per cent. and 25 per cent. increase respectively on the actual mileage run.

Extract from Rules regulating the grant of allowance to firemen appointed on or after 21st December, 1934, on the E. B. R.

15. *Overtime.*—An allowance of one day's pay will be made to drivers and firemen for each 100 miles run with traffic trains, light engines or when acting as pilot to another driver or working on attached engines, but not with ballast engines. This allowance is in addition to substantive pay and covers all detentions, shunting at road-side stations and running time up to a total of 12 hours. For any time on duty over 12 hours 12½ miles will be allowed for every hour worked. This allowance will be in addition to the mileage run, but will not be paid when time is lost due to negligence on the part of the engine crew. Rest taken on the road should be deducted from the hours on duty.

18. *Mileage for shunters and firemen.*—The mileage for shunters and their firemen will be calculated at 12½ miles for each hour's work. This applies to all shunting and includes workshop pilots.

19. *Drivers and firemen working local trains.*—Drivers and firemen appointed before 21st December 1934, while working local trains other than trains on southern section, also drivers and firemen appointed after 21st December, 1934, while working all local trains as well as goods trains on the southern section only, will be given a mileage of 30 miles per day in addition to the actual mileage run. The Chief Mechanical Engineer will decide which trains are to be classed as locals for the purpose of this rule.

21. (a) *Ballast train working.*—The overtime allowance for stone ballast and material trains or light engines in connection with these will be calculated at the rate of ten miles for each hour's work covered by ballasting orders or in the case of light engines, for each hour's absence from the time of departure from shed to arrival at scene of work and *vice versa*. One hundred miles so earned will be reckoned as equal to one day's work, and this will be paid for as overtime in addition to substantive pay.

(b) *Lighting up.*—An overtime allowance of 12½ miles will be granted to drivers and firemen of ballast trains for lighting and banking fires when no steam-man is provided. In calculating time on duty as per rule 21 (a) the lighting up time should be excluded.

Firemen in class I booked to accompany ballast trains to light up and drop fire, etc., will be paid 75 miles overtime every day they are required to work as such.

Note.—Those men should, however, be booked for this work only in very exceptional circumstances and a remark explaining the necessity for such a booking should be made on the journal.

The engine crew of a ballast train will be paid for such work as per rule 21 (b).

Engine crews working stone trains on which two sets of crews are provided to work the trains by turn, one set of crews which remain spare on the train will be paid overtime at the rate of 50 miles for every eight hours as per rule 26.

22. *Continuous duty between trips.*—The time occupied in making two or more trips is counted as continuous duty for the purpose of calculating overtime as per rule 15 provided the fire is not dropped and the engine crew remain on duty during the interval between trips. Any shunting done during these intervals will not be paid for but must be covered by a shunting order.

23. *Shunting.*—The Traffic Department can claim the use of train engines 15 minutes before departure time and 15 minutes after arrival of trains, and drivers must be at the stations if required during these periods. For shunting done, an allowance of 12½ miles will be given for each hour or portion of an hour calculated as follows :—

Over 15 and under 30 minutes for 15 minutes,

Over 30 and under 45 minutes for 30 minutes,

Over 45 and under 60 minutes for 45 minutes, and so on.

Payment will be made only on the authority of a shunting order granted by the Traffic Department.

This allowance is not granted for shunting at way-side stations, this being covered by the mileage allowance as per rule 15. But shunting orders must be obtained in all such cases to allow of credit being given for the fuel consumption for any extra mileage.

For detentions in traffic goods yards, e.g., Sealdah, Naihati, etc., "Detention Memos" and not "Shunting Orders" should be issued.

24. *Coming on and off duty.*—Engine crews must come on duty 45 minutes before their engines are due to leave shed and must not book off duty till 15 minutes after arrival in shed. These periods are covered by their substantive pay.

26. *Drivers, spare.*—When drivers or firemen are spare and booked for shed duty due to their engines being under repairs or to any other cause they will be paid overtime at the rate of 50 miles for every eight hours they are booked to attend shed, provided they actually attend and are available for any duty required of them. When not so booked, they will be paid their substantive pay only.

28. (a) *Short branch or shuttle trains and trial engines.*—Engine crews working trial engines and relief trains and short branch or shuttle trains having a run of 60 miles or under but not local trains, will be paid at the rate of 12½ miles for each hour on duty while the engine is in steam under their charge or the actual mileage run, whichever is greater. The Locomotive, Carriage, and Wagon Superintendent will decide which trains are to be classed as short branch or shuttle trains for the purpose of this rule.

(b) Engine crews taking light engines from sheds to neighbouring stations for shunting purposes, or for working branch trains, shuttle trains, etc., should be paid as per rules 18 and 28 (a) according to the work on which they are employed.

30. *Trains working on two sections.*—When a train is worked from one section to another, overtime will be granted in accordance with the rules applying to the section on which the longer journey is made.

31. *Cancellation of trains.*—When a train is ordered and subsequently cancelled, after the engine crew have come on duty, three hours' overtime at the rate of 12½ miles per hour will be granted to the crew.

32. (a) *Detention to engines.*—In the event of a late start of over 15 minutes due to a load not being ready or to any other cause not attributable to neglect of duty on the part of the engine crews, the hours on duty will count for the purposes of calculating continuous duty towards overtime as from 15 minutes after the time the engine is booked to leave the shed. The detention must be covered by a detention memo granted by the Traffic Department.

(b) When an engine leaves with a different train to that for which it was originally booked the crew's hours of duty for the purposes of reckoning continuous duty for overtime shall be calculated as laid down in rule 32 (a) above.

33. *Turning and marshalling engines.*—Drivers, shunters, or firemen employed in locomotive yards turning and marshalling engines, shall be paid at the rate of 12½ miles per hour. Foremen should see that such duties are changed weekly or monthly.

34. (a) *Payment of Court attendance, etc.*—When attending joint enquiries, Law Courts on railway business, Auxiliary Force duty or military duty, etc., the running staff will be paid either actual mileage earned, if any, or average daily mileage earned calculated on the mileage of the previous month, whichever is greater, for each day they attend.

(b) *Attendance at ambulance classes.*—When attending ambulance lectures, the running staff will be allowed mileage for 50 miles in addition to the actual mileage earned, or average daily mileage calculated on the mileage of the previous month, whichever is greater, up to a maximum of five lectures in each course. In the event of any man being unfavourably reported on by the lecturer, he will forfeit his right to these allowances.

(c) *Attendance when travelling on duty as passenger.*—When travelling as a passenger to attend joint enquiries, Law Courts, etc., *vide* rule 34 (a) and (b), or on transfer, the running staff will be paid mileage as for the half mileage travelled, provided the mileage allowance mentioned in rule 34 (a) is not drawn for the same day.

35. *Royal, Viceregal, Governor of Provinces and Agent's Inspection Specials.*—Engine crews working such trains will be allowed 100 miles extra for each day in addition to the mileage earned as also the extra allowance admissible for working on Sundays or on a holiday.

36. *Allowance to engine crews lent to other departments.*—Ballast train mileage at ten miles per hour will be allowed to engine crews when their services are lent to other departments.

44. *Temporary transfer.*—Twenty per cent. increase of pay will be allowed to drivers, shunters and firemen when away from their home stations on temporary transfer to any other station and they will receive overtime on the 20 per cent. increase of pay. Temporary transfer allowance will not be given for periods of transfer in excess of three months. Men whose transfer is made permanent within three months may draw this allowance up to the date their transfer is made permanent. Those who remain on temporary transfer for more than three months will draw the allowance for three months only.

Note.—Drivers, shunters and firemen sent to outstations to work a short branch and shuttle trains in the ordinary turn of duty will not be entitled to his allowance.

MESSAGES FROM HIS EXCELLENCY THE GOVERNOR GENERAL.

THE HONOURABLE THE PRESIDENT: Honourable Members, I have four Messages to deliver to you from His Excellency the Governor General. They are as follows:

RAILWAY BUDGET.

"For the purposes of sub-section (1) of section 67A of the Government of India Act as set out in the Ninth Schedule to the Government of India Act, 1935, and in pursuance of rule 43 of the Indian Legislative Rules and of Standing Order 70 of the Council of State Standing Orders, I, Victor Alexander John, Marquess of Linlithgow, hereby appoint Monday, the 14th February, 1938, for the presentation to the Council of State, and Friday, the 18th February, 1938, for the General Discussion in the Council of State, of the statement of the estimated annual expenditure and revenue of the Governor General in Council in respect of Railways.

(Sd.) LINLITHGOW,

Viceroy and Governor General".

New Delhi;

The 26th January, 1938.

GENERAL BUDGET.

"For the purposes of sub-section (1) of section 67A of the Government of India Act, as set out in the Ninth Schedule to the Government of India Act, 1935, and in pursuance of rule 43 of the Indian Legislative Rules and of Standing Order 70 of the Council of State Standing Orders, I, Victor Alexander John, Marquess of Linlithgow, hereby appoint Saturday, the 26th February, 1938, at 5-30 p.m., for the presentation to the Council of State, and Friday, the 4th March, 1938, for the General Discussion in the Council of State, of the statement of the estimated annual expenditure and revenue of the Governor General in Council in respect of subjects other than Railways.

(Sd.) LINLITHGOW,

Viceroy and Governor General".

New Delhi;

The 26th January, 1938.

"In pursuance of the provisions of sub-section (3) of section 67A of the Government of India Act, as set out in the Ninth Schedule to the Government of India Act, 1935, I hereby direct that the heads of expenditure specified in that sub-section, other than those specified in clause (v) thereof, shall be open to discussion by the Council of State when the budget for the year 1938-39 is under consideration.

(Sd.) LINLITHGOW,

Viceroy and Governor General".

New Delhi;

The 2nd February, 1938.

PANEL OF CHAIRMEN.

"In pursuance of the provisions of sub-section (2) of section 63A of the Government of India Act, as set out in the Ninth Schedule to the Government of India Act, 1935, I, Victor Alexander John, Marquess of Linlithgow, hereby nominate the following Members of the Council of State to be on the Panel of Chairmen of the said Council of State:

In the first place, the Honourable Sir Phiroze Sethna; in the second place, the Honourable Sir David Devadoss; in the third place, the Honourable Sir Ramunni Menon; and lastly, the Honourable Mr. Hossain Imam.

(Sd.) LINLITHGOW,

Viceroy and Governor General".

New Delhi;

The 11th February, 1938.

(The Messages were received by the Council, standing.)

COMMITTEE ON PETITIONS.

THE HONOURABLE THE PRESIDENT: Under Standing Order 76 of the Council of State Standing Orders, I am required at the commencement of each session to constitute a Committee on Petitions consisting of a Chairman and four members. The following Members have at my request kindly consented to preside over and serve on the Committee. I accordingly have much pleasure in nominating as Chairman of the Committee the Honourable Raja Charanjit Singh and as members, the Honourable Sir A. P. Patro, the Honourable Sir Ramunni Menon, the Honourable Mr. P. N. Saprú and the Honourable Mr. R. H. Parker.

CONGRATULATIONS TO RECIPIENTS OF HONOURS.

THE HONOURABLE THE PRESIDENT: It is now my pleasant privilege to offer congratulations of the Council and my own congratulations to Honourable Members of the Council of State who have been the recipients of Honours in the last New Year's Day Gazette. I have much pleasure in congratulating on your behalf our esteemed friend the Honourable Mr. J. A. Thorne who after many years of active and illustrious service in the Madras Presidency came to the Government of India and has risen by sheer hard work to a very high position in the Government of India. In the Council of State we have had the honour and privilege of having many non-official Members of very high attainments for several years and I may also remark that during the last few years we find also officials who have done distinguished service in the Madras Presidency translated to this Council. I think it is a great honour to this Council to have so many distinguished members from Madras coming up here, officials and non-officials.

The next case is the conferment of C.S.I. on our old friend Mr. A. J. Raisman. Mr. Raisman is not in this Council at present but we all know the excellent work he has done here several times. He has been a Member of this Council on more than one occasion and he acted at one time also as Secretary in the Finance Department and we all realise his merit and ability and we are all extremely pleased on the conferment of this high Honour on him.

[Mr. President.]

The next gentleman is Mr. M. W. Yeatts who also hails from the Madras Presidency and who is honoured with the distinguished title of C.I.E. He is also one of the hard-working civilians of the Madras Presidency and he has a great future before him.

As regards non-officials, we find the Honourable Sardar Buta Singh has been awarded the C.B.E., which he richly deserves. He has been for some time in this Council and has done his work very quietly and unostentatiously, yet he has done good work. I am also glad that the Honourable Nawabzada Khurshid Ali Khan, perhaps the youngest Member of this Council, has been awarded the distinction of M.B.E. His father was for many years a distinguished Member of the old Imperial Council as well as the first Council of State and I hope he will follow in the footsteps of his late worthy father.

THE HONOURABLE SARDAR BUTA SINGH: I am very grateful to you, Sir, and to the Members of the House for the very kind reference you have made about me.

THE HONOURABLE NAWABZADA KHURSHID ALI KHAN: Sir, I am extremely grateful to you for the very kind remarks you have made about me, which I most heartily reciprocate.

GOVERNOR GENERAL'S ASSENT TO BILLS.

SECRETARY OF THE COUNCIL: Sir, information has been received that His Excellency the Governor General has been pleased to grant his assent to the following Bills which were passed by the two Chambers of the Indian Legislature during the last session, namely:

- The Petroleum (Berar Extension) Act, 1937.
- The Rules and Regulations Continuance Act, 1937.
- The Federal Court Act, 1937.
- The Muslim Personal Law (Shariat) Application Act, 1937.
- The Indian Tariff (Second Amendment) Act, 1937.
- The Indian Securities (Amendment) Act, 1937.
- The Indian Mines (Amendment) Act, 1937.

BILLS PASSED BY THE LEGISLATIVE ASSEMBLY LAID ON THE TABLE.

SECRETARY OF THE COUNCIL: Sir, in pursuance of rule 25 of the Indian Legislative Rules, I lay on the table copies of the following Bills which were passed by the Legislative Assembly at its meetings held on the 31st January, 1st, 3rd and the 7th February, 1938, namely:—

- A Bill to repeal certain enactments.
- A Bill further to amend the Indian Companies Act, 1913, for certain purposes.
- A Bill to provide facilities for military manoeuvres and for field firing and artillery practice.

PRESENTATION OF THE RAILWAY BUDGET FOR 1938-39.

- A Bill to amend the Child Marriage Restraint Act, 1929.
- A Bill to amend the Durgah Khawaja Saheb Act, 1936.
- A Bill further to amend the Destructive Insects and Pests Act, 1914, for certain purposes.
- A Bill further to amend the Dangerous Drugs Act, 1930, for a certain purpose.

MESSAGE FROM THE LEGISLATIVE ASSEMBLY.

SECRETARY OF THE COUNCIL: Sir, a message has been received from the Legislative Assembly. The message runs as follows:

"In accordance with the provisions of rule 36 (3) of the Indian Legislative Rules, I am directed to inform you that the amendments made by the Council of State in the Bill to consolidate and amend the law relating to the business of insurance were taken into consideration and agreed to by the Legislative Assembly at its meeting held on Tuesday, the 8th February, 1938, subject to further amendments as shown in the enclosed statement. A copy of the Bill as further amended by the Legislative Assembly is also enclosed herewith."

DEATH OF SHEIKH MUSHIR HOSAIN KIDWAI.

THE HONOURABLE THE PRESIDENT: Honourable Members, it is with much sorrow that I inform the Council of the loss the Council has sustained by the death of one of their Honourable Members since we last met in Delhi. The Member who has now passed away is the Honourable Sheikh Mushir Hosain Kidwai, who was for many years a Member of this Council. He first joined the Council in 1931 and since then he has been on this Council for several years till he died on the 23rd December, 1937. Unfortunately, he could not attend the meetings of this Council as he was suffering from heart disease, and therefore we did not see much of him or much of his work in the Council. All the same we all regret his loss.

PRESENTATION OF THE RAILWAY BUDGET FOR 1938-39.

THE HONOURABLE SIR GUTHRIE RUSSELL (Chief Commissioner for Railways): Sir, I have the honour to present the statement of revenue and expenditure of the Governor General in Council in respect of Railways for the coming financial year. This is the ninth statement I have had the honour of presenting to this House and during this period of nine years Railways have met with varying fortunes. I am afraid that many of these statements have made depressing reading. This year, however, I think the Council, from the figures which I shall shortly place before them, will agree with me that we have more grounds for restrained optimism than we have had since the depression which started in the year 1930-31. Last year I estimated we would finish the year 1936-37 with a surplus of Rs. 15 lakhs. This turned out to be an underestimate and the final result was a surplus of Rs. 121 lakhs, which under the Convention then in force went towards the repayment of part of our debt to the Depreciation Fund. A pleasing feature of this surplus was that, while our gross earnings increased by 4½ crores, our working expenses actually fell by Rs. ½ crore, which I think Honourable Members will agree was a very creditable performance on the part of Railway Administrations.

[Sir Guthrie Russell.]

2. For the year 1937-38 I again budgeted for a surplus of Rs. 15 lakhs. We now anticipate that our surplus will be Rs. 283 lakhs, this after paying increased working expenses mainly due to the increase in the cost of coal and other stores, our full contribution to the Depreciation Fund and full interest charges. At one time there appeared to be prospects of a still greater surplus, but during the past two months our earnings have fallen considerably short of those of the previous year. These have, however, been consistently ahead of those of the previous year. Honourable Members will expect me to give some details of how this estimated surplus of Rs. 283 lakhs has been arrived at. If our anticipations are fulfilled, our traffic receipts will be Rs. 94.25 crores, about Rs. 2½ crores better than for the year 1936-37 and Rs. 3½ crores better than our original budget estimate. Naturally, with an increase in traffic our working expenses have gone up both against the actuals for last year and also against our budget estimate. The increase against the former figure is estimated at Rs. 1.38 crores and against the latter at Rs. 79 lakhs. The result is that after meeting working expenses our net receipts are expected to be Rs. 1.08 crores better than last year. Our miscellaneous transactions should show a betterment of Rs. 15 lakhs with the result that we place our total net revenues for all State-owned Railways at Rs. 32.07 crores during the current year. Our interest charges will be Rs. 29.24 crores, 15 lakhs less than last year, leaving, as I have stated before, an anticipated surplus of Rs. 2.83 crores. This surplus will be credited to general revenues, as with the approval of the Legislature it has been decided that railway revenues should not be called upon to meet their liabilities as regards repayments to the Depreciation Fund or their arrears of contribution to general revenues for a period of 3 years. One noticeable feature of this year's working has been the steady increase in passenger earnings. During the first seven months of the year passenger miles increased by 10 per cent., thus fulfilling the prophecy that we made last year that the rise in goods earnings would be followed by a rise in passenger earnings. So far as goods traffic is concerned, for the first seven months there has been an increase of 9 per cent. in tonnage carried and 14 per cent. in ton miles.

3. The net expenditure on renewals and replacements chargeable to the Depreciation Fund is now expected to be Rs. 8.20 crores against a contribution to the Fund of Rs. 12.57 crores. This should make the actual balance at the end of the year Rs. 18.91 crores. The balance in the Depreciation Fund has been reduced to the extent of Rs. 1.48 crores which represents the balance in the Depreciation Reserve in respect of the Burma Railways, which was credited to the Burma Government on 1st April, 1937. It may be noted that at the end of 1937-38 the liabilities of railways to be met in subsequent years will amount to about Rs. 62½ crores of which about half represents the amount borrowed from the Depreciation Fund to meet deficits, and about half represents the contribution due to general revenues but unpaid from 1931-32 to 1937-38.

4. We now come to our budget estimate for the year 1938-39. As I think I have said on a previous occasion, this is the most difficult part of our task. It is extremely difficult to form an accurate estimate of what is going to happen this year which has under two months to run. It can, therefore, be imagined that it is still more difficult to make an estimate of what our earnings and working expenses are likely to be more than a year ahead. Though we do not take a pessimistic view of the future, we do not think we are justified in being too optimistic. To one who reads the daily newspapers it must be quite self-evident that some international complication, with which India has no connection whatsoever, may entirely upset any estimates we can make. In these

circumstances we have decided that it is not safe to place our budget at more than Rs. 94½ crores, our revised estimate for the current year. We anticipate that, owing to the increased price of stores, and more especially coal, our working expenses will increase to the extent of about Rs. ½ crore. Interest charges should be practically the same as in the current year. Our estimate, therefore, is that the net result of the year's working will be a surplus of Rs. 2.56 crores against a surplus of Rs. 2.83 crores in the current year. This surplus will be again paid to Central revenues as a contribution under the existing Convention. The appropriation to the Depreciation Fund during 1938-39 will be Rs. 12.57 crores and the withdrawals should be about Rs. 6.65 crores. The net accretion to the Fund during the year should, therefore, be about Rs. 6 crores and the balance at the end of the year over Rs. 24½ crores, a much more satisfactory position than during the years of deficit.

5. In previous years I have given figures to the House showing what dividends Railways would have paid on the assumption that they had been a private company. For the year 1932-33 the dividend payable would have been 2.8 per cent. This dividend has risen by progressive stages and for the year 1937-38 we estimate that we should have been in a position to declare a dividend of 4.3 per cent. and for the year 1938-39 we shall be in a position to declare a dividend of 4.2 per cent. This improved position is undoubtedly mainly due to the increased prosperity of the country. But the contribution of the railways by a reduction of working expenses should not be lost sight of. The operating ratio including the contribution to the depreciation fund, operating ratio being the percentage of working expenses to gross receipts, will fall from 74.1 per cent. in 1932-33 to 65.9 per cent. in 1937-38, if our estimates prove correct. The figures for the operating ratio excluding depreciation will fall from 57.8 per cent. in 1932-33 to 52.6 per cent. estimated for 1937-38. It may be true that comparisons are odious, but they are very useful at times, and a comparison of these figures with similar figures for other railways throughout the world will show that Indian Railways have no need to be ashamed of themselves. This was actually acknowledged by the recent Railway Enquiry Committee.

6. I think this would be an appropriate moment at which to make some reference to the Report of the Railway Enquiry Committee, and from the interest which was taken in the debates during the Simla Session on this Report, both in this House and in the lower House, I feel sure that Honourable Members would desire me to say something about what action Government and the Railways have taken on the recommendations of the Report. There are some 100 important recommendations in the Report which deal with matters ranging from fencing of railway lines to the re-organization of the Commercial Department on Railways and matters which involve large financial issues. The Council will not, therefore, expect me to deal with each of these recommendations in detail: if I did, I am afraid we would be committed to an all-night sitting. I therefore propose to deal with the Report in general terms. But in doing this I wish to assure the Council that I have no desire to burke the issue. The Railway Board have prepared a statement showing the action which has been taken on the majority of the recommendations of the Committee and a copy of this will be placed in the Library of the House. This statement will be supplemented from time to time with further statements dealing with the results of our investigations and the action taken on the remaining recommendations with which, so far, it has not been possible to deal fully.

[Sir Guthrie Russell.]

7. Without implying any disrespect to the Committee, I would like to make it clear that action had already been taken on many of the recommendations of the Report, either as the result of the efforts of railway administrations themselves, or as a result of the recommendations of the Pope Committee. In fact, the Railway Enquiry Committee Report reinforces in many instances action already taken by Railways on their own initiative or on the recommendations of the Pope Committee. It may be of interest to Honourable Members to know that our certified savings due to the work done by "job analysis" on Railways are up to the end of 1936-37 Rs. 1½ crores and the cost of the machinery involved Rs. 11½ lakhs. One of the main recommendations of the Railway Enquiry Committee is that we should expand our job analysis machinery brought into operation as a result of the Pope Committee recommendations. This is necessary as it is quite clear that a very large number of the recommendations under consideration involve prior examination before a final decision can be arrived at as to their feasibility.

8. I think a fair summing up of the recommendations would be that the main theme of the Report, at least so far as the purely railway parts are concerned, is better service to the public. Sir Ralph Wedgwood and his colleagues quite readily admit that better service is going to cost money and they claim that the money will be money well spent if it is spent properly, and will make our railways more popular and increase our earnings, and, finally, enable us to run railway transport in a more economical way. It is because of the financial implications involved that we feel we have to move slowly. While admitting that better service may be necessary, we have to count the costs. In making their recommendations, I think, it is quite clear that the Committee recognised that the conditions in India were entirely different from those in Great Britain. Take one of the recommendations which is of great importance to the public, namely, that of speeding up of goods transport. In a highly industrialized country like Great Britain, this is a much simpler problem than in India. There can be few, if any, industrial centres in India between which full train loads can be run daily, and if we are going to give equal service, it may mean a drastic cutting of our train loads and increasing our train mileage. But, although we may not be able to go all the way, as in Great Britain, I think we can go part of the way, and, possibly, a goodly part. But it has to be borne in mind that an increase in train mileage may not be the only disadvantage. In India there are very long lengths of single line which have a limited spare capacity. Increasing the number of trains on these sections may entail the provision of a large number of additional crossing stations, if not actually doubling the line. It will also entail the provision of additional locomotive stock: the cost of these and other facilities may be prohibitive. Against these disadvantages, it has to be noted that the speeding up of transport does improve the turn-round of wagons, thus reducing the wagon stock required to handle a given volume of traffic. I think, therefore, it will be agreed that, before we depart from our existing policy of running heavy loads for the longest possible distance—the most economical method of operation—all the advantages and disadvantages of adopting the proposed new policy must be investigated. This is being done.

9. The Report devotes a considerable amount of attention to the question of the incivility of the staff and corruption. I know that all railways have tried experiments and are doing their utmost to root out these two evils. But to root them out entirely requires the co-operation of the general public. I can assure the Council that any cases of incivility or corruption which are

brought to the notice of Railway Administrations, with adequate proof, will be seriously dealt with, but we cannot deal with cases on mere hearsay—this would be unjust to our staff. The Railways of India will welcome any suggestions put forward by any members of the public or public bodies towards the removal of these two evils. I trust what I have said will assure the Council that a genuine attempt is being made by Railways to carry out the recommendations of the Railway Enquiry Committee wherever possible. I hope that, when Railway Budget day comes round next year, it will be possible to give some more details of the results of our investigation and the effect of adopting various recommendations of the Report.

10. Some time ago we set up, as part of our organisation in the Railway Board, a Central Standards Office. The main function of this organisation is to standardise Railway equipment and to investigate various problems connected with the use of materials and equipment on Railways. Financial considerations have prevented us from developing this branch of our organisation as rapidly as we should have liked, but nevertheless it has accomplished much valuable work since it was brought into existence. The Railway Enquiry Committee examined the work done by our Standards organisation in detail and testified to the ability of the staff and value of the work done. A large number of standard specifications have been framed, and many items of our equipment such as wagons, points and crossings, plate girders, permanent way materials, vacuum brake gear, and signalling equipment, etc., have been standardised.

11. Apart from the advantages the Railways obtain from standardisation in the form of reduction in first cost and maintenance charges, the industrial development of the country has been greatly assisted, and we are now able to obtain a large part of our requirements from manufacturers in India instead of having to import them from abroad. Since its inception, our Standards Office has worked in close collaboration with the Indian Stores Department, and on the recommendations of the Railway Enquiry Committee we are now actively considering in consultation with that Department, what further steps can be taken to extend our research organisation, as we believe that considerable advantage can be obtained from a properly designed scheme of co-ordinated research into the use and application of materials and methods under railway working conditions.

12. One of our great difficulties during the past year has been a shortage of coal supplies from the market largely due to the shortage of labour especially in the Raneegeunge and Jheria coal-fields. The actual shortage at the end of December 1937 amounted to about 5½ lakh tons for State-managed railways only. The Council will understand how grave the situation was when I say that at one time certain railways were down to a week's supply of coal. The situation was only saved by railways, which were better off, diverting their normal supplies to railways whose stocks were depleted, and by an increase in the raisings from State-owned railway collieries. But for this, traffic would undoubtedly have had to be seriously restricted with its repercussions on trade and industry. The output from State-owned railway collieries for 1937-38 is estimated at about 38 lakh tons against about 28½ lakh tons for the year 1936-37. To attain these figures it has been necessary to collect a larger labour force and to spend a certain amount of additional capital. This being so, I am sure the Council will agree that it is our duty during 1938-39 to maintain the raisings from State-owned railway collieries at considerably above the level of 1936-37, apart altogether from the necessity of ensuring that our coal supplies will be ample to deal with all the traffic offering without restriction.

[Sir Guthrie Russell.]

13. One other matter of interest which I would like to mention is the setting up of additional machinery for the prevention of disputes on railways. The question had been under consideration for some time and has been examined in the light of the observations and recommendations made by the Royal Commission on Labour and the views expressed by the All India Railwaymen's Federation. A Conciliation Officer has been appointed with headquarters at Calcutta, as an experimental measure for a period of one year in the first instance. His duties will be to establish contact with the administrations of the East Indian and Eastern Bengal Railways and the Company-managed Railways having their headquarters at Calcutta, who have been invited to avail themselves of his services, with the trade unions catering for employees of these railways and with Area Committees, Workshop Staff Committees, Welfare Committees, Railway Councils and any other bodies directly concerned in relations between the administrations and their employees. The Conciliation Officer will be responsible, in connection with any actual or threatened trade disputes, for endeavouring to bring the parties to a settlement and will, at other times, use his good offices to maintain harmonious relations. When the Conciliation Officer has organised his work, the Government of India propose to set up an Industrial Advisory Board which will consist of a Chairman and two members who will be selected by the Chairman as occasion requires from panels appointed by the Government of India. The Industrial Advisory Board will deal with any disputes referred to it by the Conciliation Officer. Their decision would normally take the form of a report to the Railway Board or the Agent of the railway concerned, with recommendations where necessary, copies of the findings being supplied to both parties. Sir Zahid Suhrawardy has agreed to serve as Chairman of the Board and Lt.-Col. H. W. Wagstaff, M. C., R.E., until recently Supervisor of Railway Labour, has been selected and appointed as Conciliation Officer. Lt.-Col. Wagstaff took over charge of his duties as Conciliation Officer from 6th December, 1937.

14. I shall now turn to our expenditure under Capital and from the Depreciation Fund. During 1937-38 we expect to spend Rs. 8.40 crores, of which Rs. 20 lakhs will be chargeable to Capital and the balance to the Depreciation Fund. From these figures it will be clear to Honourable Members that we have concentrated on the renewal of wasting assets and the keeping of our property in order. No new works of any magnitude have been started, though I would mention the opening on 6th December, 1937 of King George VI Bridge across the Meghna River on the Assam Bengal Railway. The completion of this bridge does away with the annoying delays caused by a passenger and wagon ferry and will speed up communications between the various parts of Eastern Bengal and Assam. I believe I am correct in saying that this is the largest bridge opened in the Empire during the Coronation year. It was built almost entirely from Indian material with Indian labour and it is a proof that India with her vast resources is rapidly becoming self-supporting so far as works of this description are concerned. During the year we have also sanctioned the survey and preparation of an estimate for a bridge across the Brahmaputra River between Pandu and Amingaon on the metre-gauge system of the Eastern Bengal Railway. If this bridge is built it will do away with another passenger and wagon ferry and generally speed up communications. In fact, with the completion of this link there will be a continuous metre-gauge connection between Northern Assam and as far west as Hyderabad. Sind Ahmedabad and the Kathiawar States. Our new works programme for 1938-39 provides for a total expenditure of Rs. 12½ crores of which Rs. ½ crore will

be met from stores in stock and the balance of Rs. 12 crores will be further reduced to Rs. 11 crores by a credit for material returned from works. Though our estimated expenditure is Rs. 11 crores, we are, following the precedent of past years and, on the advice of the Public Accounts Committee, only budgeting for an expenditure of Rs. 9.40 crores, as we have found that normally there are unforeseen delays in the completion of works with a consequent reduction in expenditure. Of this expenditure of Rs. 9.40 crores, Rs. 2.75 crores will be a debit to Capital and Rs. 6.65 crores to the Depreciation Fund.

15. Our programme this year includes Rs. 55 lakhs for the construction of three new lines in Sind. These are the Sind Right Bank Feeders from Larkana to Jacobabad involving the purchase and conversion to broad-gauge of the existing narrow gauge line from Larkana to Dodapur. The total cost of this line, including the purchase of the narrow gauge, is estimated at Rs. 86 lakhs, of which Rs. 45 lakhs will probably be required in 1938-39. The other two lines referred to are the Khadro-Nawabshah and Pithoro-Thandu-Mithakhan Railways. All these railways are required for the transport of the produce expected from the development of the Lloyd Barrage project.

16. As will, I think, be clear from the division of expenditure between Capital and the Depreciation Fund, we are again concentrating on the rehabilitation of our assets and the keeping of our property in order. A considerable sum, about Rs. ¼ of a crore, is being spent on the renewal of bridges, an essential item of expenditure if we are to meet the needs of traffic. We also propose to spend Rs. 91 lakhs on the improvement of traffic facilities, such as remodeling of stations. These are, again, essential works if we are to improve and speed up our services. They are in practically all cases a necessary corollary to the acceptance of certain of the recommendations of the Railway Enquiry Committee. There are four works of special interest. I refer to the remodeling of the Jhansi and Dhond locomotive sheds on the Great Indian Peninsula Railway and similar works at Bitragunta and Rajahmundry on the Madras Railway and Southern Mahratta Railway. All these works are being included with the definite object of improving our locomotive utilisation. Some years ago the Bhusaval locomotive shed on the Great Indian Peninsula Railway was modernized with the result that on the Bhusaval passenger and mail link the train mileage of locomotives has been increased from about 6,500 miles to 8,500 miles per mensem. To show what pooling of locomotives will do, the Great Indian Peninsula Railway has been able to reduce its locomotive stock by 462 locomotives within 14 years, or 47 per cent. of the total stock. The two works I have referred to on the Great Indian Peninsula Railway will enable us to effect a further reduction of 28 locomotives.

17. We have also not lost sight of the necessity of providing additional amenities for passengers, mostly our third class passengers, and on this we are spending about Rs. 21 lakhs.

18. A considerable number of locomotives are approaching the end of their useful lives; so, in order that we may be in a position to purchase the types of locomotives most suitable to our requirements, when the time comes, we have ordered a certain number of experimental types. These will be fully tried out before any extensive purchases are made. On our coaching stock we are spending Rs. 152 lakhs, of which sum about Rs. 58 lakhs will go towards the renewal of inter and third class carriages. The actual figures are 197 broad-gauge units and 109 metre-gauge units. These new coaches will incorporate many of the features of the model third class coach approved of by the Central Advisory Council two or three years ago. On goods stock we are spending

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about Rs. 1½ crores, of which Rs. 1¼ crores is for the renewal of general service wagons.

19. Put shortly, our Capital and Depreciation Fund programme may be divided roughly into the following main heads :—

	Rs.
Track renewals	4 crores.
Bridge works	¾ crore.
Other structural works (including Rs. 23 lakhs for reconstruction works at Quetta)	3 crores.
Rolling Stock	4½ crores.

20. Before I sit down, I would like to bring to the notice of the Council the services which have been rendered to India by the Agents, officers and the staff on the railways. Though, as I have already said, the present better position of railways is undoubtedly mainly due to greater prosperity throughout the country, the railways themselves have played no mean part and spared no pains to reduce expenditure. Had it not been for the great efforts made during the years of depression, I question very much if we would have been in a position to estimate for a surplus this year and budget for a surplus next year. It has to be remembered that every rupee saved means a rupee added to the net earnings or to our surplus. (Applause.)

STANDING COMMITTEE FOR THE DEPARTMENT OF EDUCATION, HEALTH AND LANDS.

THE HONOURABLE KUNWAR SIR JAGDISH PRASAD (Education, Health and Lands Member) : Sir, I move :

“That this Council do proceed to elect, in such manner as the Honourable the President may direct, two non-official Members to serve on the Standing Committee to advise on subjects, other than ‘Indians Overseas—Emigration’ and ‘Haj Pilgrimage’, dealt with in the Department of Education, Health and Lands.”

The Motion was adopted.

STANDING COMMITTEE FOR THE DEPARTMENT OF COMMERCE.

THE HONOURABLE SIR MUHAMMAD YAKUB (Commerce and Labour Member) : Sir, I move :

“That this Council do proceed to elect, in such manner as the Honourable the President may direct, two non-official Members to serve on the Standing Committee to advise on subjects in the Department of Commerce.”

Sir, this Committee is constituted annually and consists of two non-official Members from this House and three from the Legislative Assembly. The life of the existing Committee will expire on the 1st March, 1938, but I have brought this Motion now with a view to avoid the interregnum between the existing and the new Committee. I may add that the new Committee will function from the 2nd March this year.

The Motion was adopted.

THE HONOURABLE THE PRESIDENT : With reference to the two Motions which have just been adopted by the Council, I have to announce that nominations to each of the two Committees will be received by the Secretary up to 11 A.M. on Thursday, the 17th February, 1938 and the dates of election, if necessary, will be announced later.

STATEMENT OF BUSINESS.

THE HONOURABLE KUNWAR SIR JAGDISH PRASAD (Leader of the House) : Sir, with your permission I propose that on Thursday, the 17th instant, the following business may be taken up :

(1) Consideration of the further amendments made by the Legislative Assembly in the Insurance Bill.

(2) Motions for the consideration and passing of the following Bills :

The Repealing Bill,

The Indian Companies (Amendment) Bill, and

The Dangerous Drugs (Amendment) Bill.

The Council then adjourned till Eleven of the Clock on Thursday, the 17th February, 1938.

COUNCIL OF STATE.

Thursday, 17th February, 1938.

The Council met in the Council Chamber of the Council House at Eleven of the Clock, the Honourable the President in the Chair.

MEMBER SWORN :

The Honourable Mr. E. Conran Smith (Government of India : Nominated Official).

QUESTIONS AND ANSWERS.

RAILWAY POLICE EXPENDITURE COMMITTEE.

81. THE HONOURABLE RAJA YUVERAJ DATTA SINGH : Will Government state whether the Railway Police Expenditure Enquiry Committee, which was appointed by the Railway Board, has completed its enquiry? If so, what are its main conclusions?

THE HONOURABLE SIR GUTHRIE RUSSELL : The Railway Police Expenditure Committee has not yet completed its enquiry.

RETURN TO INDIA OF LALA HARDAYAL.

82. THE HONOURABLE RAJA YUVERAJ DATTA SINGH : Will Government state whether they have received any application from Lala Hardayal asking to be allowed to return to India? Do Government propose to lift the ban imposed on him?

THE HONOURABLE MR. E. CONRAN SMITH : No such application has been received by the Government of India. The case of Hardayal is at present under consideration, but I am not in a position to make any statement on the subject.

THREATENED STRIKE ON THE B. AND N.-W. R.

83. THE HONOURABLE RAJA YUVERAJ DATTA SINGH : Has the B. and N.-W. Railwaymen's Association, Gorakhpur, threatened a general strike very soon, if certain of their demands are not complied with? What steps do Government propose to take to cope with the situation?

THE HONOURABLE SIR GUTHRIE RUSSELL : Government understand that the Agent, B. and N.-W.R., has received a representation from the B. and N.-W. Railwaymen's Association, Gorakhpur, an unrecognized Union of employees, putting forward certain grievances and stating if these are not rectified it might be necessary to call a strike. On the information before them Government do not consider that there is any need for their intervention.

NUMBER OF PRISONERS IN THE ANDAMANS.

84. THE HONOURABLE RAJA YUVERAJ DATTA SINGH: Will Government state the number of prisoners, if any, now left in the Andamans, and the provinces to which they belong, together with the number of prisoners repatriated to the different provinces?

THE HONOURABLE MR. E. CONRAN SMITH: There are now no terrorist prisoners in the Andamans. They were all removed by the 18th January, 1938. 245 were re-transferred to Bengal, two to Madras, ten to the Punjab, two to the United Provinces, six to Assam, 16 to Bihar and one each to Delhi and Ajmer-Merwara.

There are over 6,000 volunteer convicts in the Andamans, but I have no exact information as to the provinces from which they came.

MR. FAWCETT.

85. THE HONOURABLE RAJA YUVERAJ DATTA SINGH: Has a foreign expert who was a chemist in the service of the London Midland and Scottish Railway been brought into India sometime back to conduct an investigation into the possibilities of effecting an improvement and economy in the painting of railway carriages in India? If so, what is his name, and what are his qualifications? What was his pay in England, and what is he getting in India? Was no capable Indian available for this work?

THE HONOURABLE SIR GUTHRIE RUSSELL: Yes, Mr. Fawcett is a Fellow of the Institute of Chemists, Associate Member of the Institute of Chemical Engineers, Chief Paint Technologist to the London Midland and Scottish Railway. Government has no information regarding Mr. Fawcett's pay in England. He was paid at the rate of Rs. 1,500 a month for the period he was absent from England. The reply to the last part is in the negative.

THE HONOURABLE MR. G. S. MOTILAL: Will Government enquire what he was getting in England and then inform this House?

THE HONOURABLE SIR GUTHRIE RUSSELL: We got Mr. Fawcett on the lowest possible pay we could get him for.

DELAY IN THE DELIVERY OF MAILS IN CAWNPORE.

86. THE HONOURABLE RAJA YUVERAJ DATTA SINGH: Has the attention of Government been drawn to the complaint of a number of businessmen in Cawnpore (*vide* the *Leader*, dated the 28th January, 1938) relating to the recent Post Office arrangement, as a result of which ordinary and registered letters and packets are now delivered to the public too late to be dealt with the same day? Do Government propose to take any steps in the matter?

THE HONOURABLE MR. S. N. ROY: Government have seen the complaint to which the Honourable Member refers. The complaint appears to be based on a misapprehension, for the revised delivery arrangements in Cawnpore have been made with the object of accelerating the delivery of mails, and particularly of the important registered mail, received from Calcutta in the afternoon which is now delivered on the forenoon of the day of receipt instead of on the following morning, as was the case formerly. The Postmaster-General, United Provinces, has already taken action to explain the

situation to the signatories of the complaint and to set right any deficiencies which may be revealed. Government see no reason therefore to intervene in this matter.

ORDER-IN-COUNCIL ABOUT KENYA HIGHLANDS.

87. THE HONOURABLE RAJA YUVERAJ DATTA SINGH: Have the highlands in Kenya been reserved for Europeans only to the entire exclusion of Indians? Has the Kenya draft Order-in-Council been published and, if so, how does it affect the general status of the Indians? What steps have been taken by Government in the matter of the exclusion of the Indians from the Highlands of Kenya?

THE HONOURABLE KUNWAR SIR JAGDISH PRASAD: So far as the Government of India are aware, no Order-in-Council reserving the Highlands in Kenya for Europeans only has either been issued or is contemplated. The Government of India's attitude regarding the recommendations of the Carter Commission in this matter was stated in this House by Mr. Ram Chandra on 20th September, 1935.

THE HONOURABLE PANDIT HIRDAY NATH KUNZRU: Have Government received any representations on this subject from the Deputation that has come from Kenya?

THE HONOURABLE KUNWAR SIR JAGDISH PRASAD: Sir, I have received no written representation but I have had an opportunity of listening to the views of the Deputation orally.

CONSTRUCTION OF AN AEROPLANE BY THE CADETS OF THE AERONAUTICAL TRAINING CENTRE OF INDIA, LTD.

88. THE HONOURABLE RAJA YUVERAJ DATTA SINGH: Will Government state whether the staff and cadets of the Aeronautical Training Centre of India have built the first aeroplane in this country and, if so, what is the measure of success attained by them?

THE HONOURABLE MR. S. N. ROY: I presume the Honourable Member refers to the Miles type machine which underwent preliminary trials at the Delhi Aerodrome on the 28th January, 1938. The machine was not, strictly speaking, constructed in India, but was assembled by the staff and students of the Aeronautical Training Centre of India, Ltd., from major components imported from the manufacturers in England. The pilot had unofficially stated that the performance of the aircraft was well up to the requirements of this type of machine, but no official report has yet been received.

TRAINING OF AERODROME OFFICERS.

89. THE HONOURABLE RAJA YUVERAJ DATTA SINGH: Will Government state what are their plans for training aerodrome officers in future? Is it contemplated to send such officers for training to Karachi instead of England?

THE HONOURABLE MR. S. N. ROY: Aerodrome Officers are recruited by promotion from the rank of Assistant Aerodrome Officers. The latter are recruited through the Public Service Commission and a scheme for giving them training in India is being prepared by the Director, Civil Aviation.

EMPIRE FLYING BOAT SERVICE.

90. THE HONOURABLE RAJA YUVERAJ DATTA SINGH: Will Government state from what date the Empire Flying Boat Mail Service is expected to operate; and what are the seaplane bases and landing sites in India?

THE HONOURABLE MR. S. N. ROY: The Empire flying boat service between England and India and the East is expected to begin on the 23rd of this month. The landing stations on the seaplane route through India will be Karachi, Raj Samand in Udaipur State, Madho-Sagar in Gwalior State, Allahabad and Calcutta.

TRANSFER OF CERTAIN VILLAGES IN AJMER-MERWARA TO UDAIPUR AND JODHPUR.

91. THE HONOURABLE RAJA YUVERAJ DATTA SINGH: Is it a fact that there is a proposal to transfer about 115 villages situated in the Merwara sub-division of Ajmer-Merwara Province, and administered by the British Government for over a century, to some Indian States? If so, to whom does the area in question belong, how and when was it transferred to British India, and why is it going to be transferred? Have the inhabitants concerned been consulted in the matter?

THE HONOURABLE KUNWAR SIR JAGDISH PRASAD: The Honourable Member is presumably referring to certain villages belonging to Udaipur (94 in number) and Jodhpur (24 in number). If so, I would refer the Honourable Member to the Press Communiqué, dated the 2nd February, 1938, a copy of which has been placed in the Library of the House.

I would add that as the inhabitants of the villages in question are mostly State subjects the question of consulting them in the matter did not arise.

DISABILITIES OF INDIANS IN AFGHANISTAN.

92. THE HONOURABLE MR. KUMARSANKAR RAY CHAUDHURY: Will Government state whether the Afghanistan Government has been putting various restraints upon Indians trading with that country? If so, what are they and what steps do Government propose to take in the matter?

THE HONOURABLE SIR MUHAMMAD YAKUB: No restrictions have been imposed by the Afghan Government specifically against Indians trading with Afghanistan. The latter part of the question does not therefore arise.

DEPUTATION THAT WAITED ON SIR AUBREY METCALFE IN CONNECTION WITH THE INDO-AFGHAN TRADE.

93. THE HONOURABLE RAJA YUVERAJ DATTA SINGH: Did a deputation of the Frontier Chamber of Commerce wait on Sir Aubrey Metcalfe, Foreign Secretary to Government, in Peshawar recently, and put before him the grievances of Indian traders regarding the Afghan Government's trade policy? Will Government state what these grievances are and what steps are being taken to remedy them?

THE HONOURABLE SIR MUHAMMAD YAKUB: The reply to the first part of the question is in the affirmative. As regards the latter part, the deputation complained of *Hundis* and Afghan Promissory Notes being

dishonoured by the Peshawar Branch of the Afghan National Bank and of the likelihood of the "advances" made by Indian merchants to traders in Afghanistan being lost as a result of the recent creation of a Fruit Monopoly Company in Afghanistan. The matter is receiving the consideration of the Government of India.

ADVERTISEMENT FOR ASSISTANT AIRCRAFT INSPECTORS.

94. THE HONOURABLE RAJA YUVERAJ DATTA SINGH: (a) Has the attention of Government been drawn to an advertisement published in the press (*vide the Pioneer*, dated the 23rd January, 1938) over the signature of the Secretary, Federal Public Service Commission, Delhi, inviting applications "from British subjects, or subjects of an Indian State, for two permanent non-pensionable posts of Assistant Aircraft Inspector (grade I) in the Civil Aviation Directorate"?

(b) Does the expression "British subjects" include British Indian subjects? If so, why in many other advertisements issued from the Office of the Federal Public Service Commission "British Indian subjects" are definitely stated?

(c) What are the rules relating to the appointment of subjects of Indian States in public services in British India?

THE HONOURABLE MR. S. N. ROY: (a) Yes.

(b) Yes. When the recruiting authority desires to restrict candidature to British subjects of Indian domicile, the Federal Public Service Commission use the term "British subjects of Indian domicile" in their advertisements. Otherwise the term "British subjects" is used.

(c) Subjects of Indian States are not eligible to hold any office under the Crown in India unless a declaration of eligibility has been issued in their favour under section 262 of the Government of India Act, 1935.

IMPORTS OF DRY FRUITS FROM AFGHANISTAN.

95. THE HONOURABLE MR. RAMADAS PANTULU (on behalf of the Honourable Mr. B. N. Biyani): Will Government please state:

(a) The quantity of dry fruits imported into India every year from Afghanistan from the year 1930 to 1937?

(b) The import duty levied on Afghan dry fruit per maund?

THE HONOURABLE SIR MUHAMMAD YAKUB: (a) Statistics of trade between India and Afghanistan are being recorded separately only with effect from the 1st February, 1937. Imports of dry fruits from Afghanistan into India during the period 1st February to 31st October, 1937 for which statistics are available were valued at about Rs. 33½ lakhs.

(b) No duty is levied on dry fruits imported into India from Afghanistan.

IMPORTS OF CULTURE PEARLS.

96. THE HONOURABLE MR. RAMADAS PANTULU (on behalf of the Honourable Mr. B. N. Biyani): Will Government please state:

(a) (i) The names of countries from which culture pearls are imported into India and (ii) the value of imports from each country?

(b) Do Government propose to restrict the import of culture pearls into India?

THE HONOURABLE SIR MUHAMMAD YAKUB: (a) The information is being collected and will be laid on the table, as far as available, in due course.

(b) No, Sir.

DEATH OF SIR PRABHASHANKAR PATTANI.

THE HONOURABLE THE PRESIDENT: Honourable Members, I have to communicate to you with much grief the sad death of one of our colleagues the late Honourable Sir Prabhashankar Pattani. He died in Bhavnagar yesterday morning. He was a Member of this Council since 1936 when the Fourth Council of State was formed. But he was previously for many years in the late Imperial Council where he did good work. He died in the ripeness of age and in the zenith of his popularity. Unfortunately we did not see much of his work during the one and a half years he was here on account of his failing health. His loss will be felt not only in Bhavnagar but also in the Council of State, in the Bombay Presidency, and all over India. In Bombay, as Member of the Executive Council for the long term of five years, he did excellent work and he made himself very popular. The State of Bhavnagar owes its prosperity to his indefatigable exertions and industry and it is also indebted to him for his upholding the rights of Indian States as well. We are very sorry to lose him from this Council. I shall communicate to his sons the sorrow the Council feels in losing such a valuable Member.

INFORMATION PROMISED IN REPLY TO QUESTIONS LAID ON THE TABLE.

LEVY OF MINIMUM CHARGES FOR ELECTRICITY BY THE NEW DELHI MUNICIPAL COMMITTEE.

THE HONOURABLE KUNWAR SIR JAGDISH PRASAD (Education, Health and Lands Member): Sir, I beg to lay on the table the information promised in reply to questions Nos. 277—279 asked by the Honourable Mr. Kumarsankar Ray Chaudhury on the 5th October, 1937.

The Government understand that the New Delhi Municipal Committee sent a circular to consumers regarding the levy of certain minimum charges for electrical energy. As a result of objections received from consumers, the whole matter will now be reconsidered and the revised minimum charges will not be levied until this reconsideration is complete. In the circumstances the Government do not think it necessary to give the detailed information asked for.

GAZETTED OFFICERS IN THE GOVERNMENT OF INDIA SECRETARIAT AND ITS ATTACHED OFFICES WHO HAVE BEEN GRANTED EXTENSIONS OF SERVICE.

THE HONOURABLE MR. E. CONRAN SMITH (Government of India: Nominated Official): Sir, I lay on the table the information promised in reply to question No. 287 asked by the Honourable Mr. Hossain Imam on the 15th November, 1937.

Statement showing the number, etc., of gazetted officers in the Government of India Secretariat and Attached Offices granted extensions of service during the calendar years 1933 to 1937.

Name of office or department.	No. of officers to whom extensions of service were granted during the years 1933 to 1937.	Officers to whom extensions have been given and who were in service on 1st January, 1938.		Remarks.
		No.	Age.	
			Y. M. D.	
<i>Secretariat.</i>				
Finance	1	1	55 5 14	On leave preparatory to retirement for 4 months from 13th November, 1937.
Legislative	1	1*	57 11 11	*Retired with effect from 20th January, 1938.
Labour	1	..	55 5 8	
E., H. and L.	3	2	54 10 15	†Attains the age of 55 on 17th February, 1938 and has been granted a year's extension from that date.
I. C. A. R. (including the Office of the A. M. A.)	2	1	56 8 0	
Railway	1	..	..	
<i>Attached Offices.</i>				
D. I. B.	2	..	..	
F. P. S. C.	1	..	..	
M. A. G.	1	..	..	
Indian Stores	3‡	1	55 1 21	‡One officer was refused leave under F. R. 86 (a) and an extension of service was given for this reason.
Printing and Stationery P. and T.	1 6§	.. 2	55 5 27 55 6 3	§Two officers were refused leave under F. R. 86 (a) and extensions of service were given for this reason.
Total	23	8	..	

STANDING COMMITTEE FOR THE DEPARTMENT OF LABOUR.

THE HONOURABLE SIR MUHAMMAD YAKUB (Commerce and Labour Member): Sir, I beg to move:

"That this Council do proceed to elect, in such manner as the Honourable the President may direct, two non-official Members to serve on the Standing Committee to advise on subjects with which the Labour Department is concerned."

The Motion was adopted.

THE HONOURABLE THE PRESIDENT: With reference to the Motion which has just been adopted by the Council, I have to announce that nominations to the Committee will be received by the Secretary up to 11 A.M. on the 21st February, 1938, and the date of election, if necessary, will be announced later.

REPEALING BILL.

THE HONOURABLE MR. A. DEC. WILLIAMS (Government of India: Nominated Official): Sir, I move:

"That the Bill to repeal certain enactments, as passed by the Legislative Assembly, be taken into consideration."

As Honourable Members are doubtless aware, the Indian Statute-book has recently undergone very considerable revision by the Government of India (Adaptation of Indian Laws) Order, 1937. For the convenience of the general public, a new edition of the General Acts is now under preparation and the opportunity is now being taken of repealing a very considerable number of amending Acts. I may say that we do not propose to repeal any Acts passed after 1935. The object is to repeal only those amending Acts the effect of which is by now well appreciated. Act XIX of 1936 inserted in the General Clauses Act a new section, section 6A, which places it beyond all doubt that the repeal of an amending Act in no way affects the amendments effected by the Act repealed. This Bill, therefore, amounts to nothing more than a very drastic curtailment of the volume of the Statute-book which really is in the interests of everyone.

The only two clauses I would mention are clause 3, which saves from the effects of this repeal certain saving clauses which are contained in some of the amending Acts which are being repealed, and clause 4 which makes it quite clear that these repeals do not affect amendments made in Provincial Acts by repealed Central Acts, because this new section 6A in the General Clauses Act only refers to Central Acts which amend Central Acts and not to Central Acts which amend Provincial Acts. Therefore, clause 4 has been put in to make that clear.

Sir, I move.

The Motion was adopted.

The Schedule was added to the Bill.

Clauses 2, 3 and 4 were added to the Bill.

Clause 1 was added to the Bill.

The Title and Preamble were added to the Bill.

THE HONOURABLE MR. A. DEC. WILLIAMS: Sir, I move:

"That the Bill, as passed by the Legislative Assembly, be passed."

The Motion was adopted.

DANGEROUS DRUGS (AMENDMENT) BILL.

THE HONOURABLE MR. J. C. NIXON (Finance Secretary): Sir, I move:

"That the Bill further to amend the Dangerous Drugs Act, 1930, for a certain purpose as passed by the Legislative Assembly, be taken into consideration."

Sir, I do not think I need take much of the time of the Council in commending this small Bill to amend the Dangerous Drugs Act, 1930, for their favourable consideration. The main statute, the Dangerous Drugs Act, 1930, was put on the Statute-book as a consequence of an international agreement come to at Geneva in 1925, intended to implement the Hague Opium Convention of 1912. The Act of 1930 has worked well to date and has served its purpose, except that a recent incident, or rather the threat of a recent incident, indicated that there was a slight flaw in its machinery. If a vessel comes into Bombay harbour carrying some dangerous drugs concealed amongst its cargo the Customs people have the power to deal with the smuggled drug. But if on the other hand they come into Bombay harbour intending not to land anything but have a thousand chests of opium openly displayed on the decks of the vessel and with the thousand chests properly entered in the ship's books, apparently as the Act stands the Customs people are powerless to deal with it. So we wish by this measure slightly to amend the definition of import into British India so that we may deal with a case of that sort if it arises, and, as I say, a recent incident has indicated that that sort of situation may arise.

The Motion was adopted.

Clause 2 was added to the Bill.

Clause 1 was added to the Bill.

The Title and Preamble were added to the Bill.

THE HONOURABLE MR. J. C. NIXON: Sir, I move:

"That the Bill further to amend the Dangerous Drugs Act, 1930, for a certain purpose as passed by the Legislative Assembly, be passed."

The Motion was adopted.

INSURANCE BILL.

THE HONOURABLE MR. A. DEC. WILLIAMS (Government of India: Nominated Official): Sir, I move:

"That the further amendments made by the Legislative Assembly in the Bill to consolidate and amend the law relating to the business of insurance be taken into consideration."

The Legislative Assembly has accepted the very considerable improvements effected in this Bill by the Council with very few modifications, which I may say at the outset Government accept. They are only six in number and I will refer to them as briefly as possible.

No. 1. The Council will remember that the application of clause 3 (2) (f) was restricted by the Council to life insurance business, largely on the ground that the clause requires a certificate by an actuary which would not be appropriate in the case of business other than life insurance business. In the Assembly it was noticed that clause 41 of the Bill which deals with rebates requires some of this information to be given at the time of applying for registration in respect of insurance business other than life insurance business. It was therefore felt that clause 41 would not be readily workable unless there was restored to this class the reference to insurance business other than life insurance business, and that has been done with a proviso which somewhat mitigates the effect of that except in the case of workmen's compensation and motor car insurance business.

[Mr. A. DEC. Williams.]

As to No. 2, this Council added a sentence to the substantive part of clause 15 (1), with the result that the words "said period" in the proviso became somewhat ambiguous, and this amendment has been made to make it clear that the words "said period" refer to the period of six months referred to earlier in the sub-clause.

As regards No. 3, the Council will remember that they removed the retrospective effect of clause 45. It was felt in the Assembly that some retrospective effect should be given, and that has been restored but in a less drastic form, because there is still a period of two years after the Bill becomes law left for settling disputes and ambiguities.

No. 4. Clause 60 at the outset refers to the insolvency of "any other insurer" as well as to the winding up of a company. So it is necessary later on in the clause on three occasions to insert these words "or other insurer".

Amendment No. 5 has been made in clause 114 because the Assembly desired to make it clear that rules made under this Act should lie before each Chamber of the Legislature for one month during a session. This seems reasonable.

Amendment No. 6 is purely formal, because throughout the Act we have substituted "policy-holders" for "policy owners", and therefore it is desirable to do so in the Fourth Schedule also.

Sir, I move.

THE HONOURABLE THE PRESIDENT: I may remind the Council that this is the first time since the inception of the Council of State in 1920 that a Bill passed by the Council of State has come back after amendment in the other House to this Council.

THE HONOURABLE MR. HOSSAIN IMAM (Bihar and Orissa : Muhammadan) : Mr. President, it is very rare to find a Bill sent back to the revising Chamber after its first trip to this House. We had hoped that the Assembly would make up for the defects which had crept into the Bill through the Government majority here.

THE HONOURABLE THE PRESIDENT: No defects; improvements.

THE HONOURABLE MR. HOSSAIN IMAM: The inadequate improvements, I may put it, Sir. But I find that in the crucial test the other place has failed and not done its duty. I refer to amendment No. 5. The original proposition passed by the Assembly was, that the rules would not have any effect until the Legislature agreed to them. Government rightly objected that they could not frame rules tentatively and give effect to them until and unless the Assembly and the Council of State agreed to them. If they wanted to have a rule in an emergency they would have been debarred from giving effect to it, unless and until the Assembly and the Council of State had sat over it for a month. That was a perfectly valid argument on behalf of the Treasury Benches, but the difference between us and the wording of the amendment was that the Government have so worded this amendment that it is the agreement of the two Houses which will over-ride the Government's decision, and we know the standing majority of the Government in this House and therefore it is idle to hope that anything done by the Government will have anything but endorsement from this House. The Assembly ought to have been awake to this reality and they should have made it compulsory on

the Government that the future effect of the rules would be dependent on the agreement of the two Houses and failure of the agreement of the two Houses would make the rules null and void. That would have been an inducement to the Government to modify and to bring round this House to agree with the Assembly. But the wording of the amendments as it is now makes it perfectly impossible for any rules made by the Executive to be inoperative. The two Houses will never agree and until they agree you cannot effect any change in the rules. It is only on this one issue that I feel strongly and people did not realise the real meaning of the amendment which the Honourable the Law Member has introduced. All the other amendments are merely verbal and some of them merely fill in the gaps which had been left out.

Sir, I have nothing more to add.

THE HONOURABLE MR. R. H. PARKER (Bombay Chamber of Commerce) : Sir, I am afraid that I do not agree with my Honourable friend Mr. Hossain Imam when he says that all the other amendments are merely verbal. I would like to refer to section 45. Now, when this section was under consideration last November it was apparently agreed on all sides in this House after very careful consideration that the section ought only to apply to policies after life insurance effected after the Act came into force. Now, a great change has been made in that respect and after two years have passed all policies will be affected by the clause. This point was very carefully explained to the House by the Honourable Mr. Pantulu on the last occasion, but I think I am right in saying that he expressed the view that it was quite improper that policies already in force should be affected. Then, a practical difficulty has been brought to my notice by one of my constituents, the Oriental Government Security Life Assurance Company. They tell me that they have some Rs. 3½ lakhs of policies and they think therefore that it will be quite impracticable to go through them all and examine all the papers relating to them in the space of two years. I would very much rather see the Bill as it was when it left this House last November. But if that is not practicable I would ask Government in future to consider within the next two years whether it is necessary or desirable that that period should be extended and to introduce an amending Bill accordingly if they think so.

THE HONOURABLE MR. RAMADAS PANTULU (Madras : Non-Muhammadan) : Sir, it is a matter for gratification that the Assembly has accepted almost all the important amendments made by the Council and the Bill has come back to us in very much the same form as it emerged from this House. I am inclined to agree with the Honourable Mr. Parker in thinking that the amendment made to clause 45 by the Assembly was not very helpful. It is very inconvenient for old companies which have thousands of policies, perhaps hundreds of thousands of policies, already in their books to make a search to find out cases where the policies can be questioned under clause 45. The present practice is for the companies to raise their objections when the claims arise. I quite agree that it is not a very satisfactory position and that section 45 makes a very important change in the law to safeguard the interests of the policy-holders. I at once concede that should be the rule in future. But so far as policies in existence are concerned, in many cases they are so numerous that it will be a huge task, a task involving much labour and expense, to find out in what cases objections can be raised. Probably in many cases no objections can be raised, because policies have been in force for a long time. Even taking the two or three years period before the commencement of the Act the number of policies will be far too many to permit the companies to undertake

[Mr. Ramadas Pantulu.]

this task of examining them in detail. No great hardship could have been caused by leaving the amendment of section 45 as made in this House intact. It would have conduced to the convenience of all concerned. However, this is not the stage at which we can ask the Government again to amend the Bill but I trust the appeal made by the Honourable Mr. Parker to the Government to consider the advisability of giving a little more time if cases arise will be considered by the Government.

In regard to amendment No. 5 I am not inclined to agree with the criticism of my Honourable friend Mr. Hossain Imam. I think the present amendment of the Assembly is a great improvement over the original clause as well as the clause as amended by the Council of State. Now the responsibility of modifying or abrogating any rule is definitely laid down upon both Houses. It is for them to make up their minds whether they will modify a rule or abrogate it, but to hold up the operation of a rule till both Houses agree to a certain course will be not convenient. Many of the beneficial provisions of the Act may be delayed by a very restrictive rule-making power like that. I hope still both Chambers can agree and the Council of State will consider the advisability of agreeing with the Assembly and following the lead of the Assembly. There is nothing in the clause to minimise the responsibility of the House in regard to taking a progressive view and falling into line with the Assembly's action. I think the present amendment is more helpful than the one which was originally adopted in the Assembly, or the one which this House has made. I have therefore great pleasure in supporting this Motion, Sir.

THE HONOURABLE PANDIT HIRDAY NATH KUNZRU (United Provinces Northern : Non-Muhammadan) : Mr. President, the observations of my Honourable friend Mr. Ramadas Pantulu incline me to give strong support to what fell from my Honourable friend Mr. Hossain Imam with regard to the amendment made to section 114 of the Bill before us by the Assembly. My Honourable friend Mr. Ramadas Pantulu welcomes the amendment made by the Legislative Assembly and regards it as being an important one. I confess I fail to see where its importance lies. What would have happened had no such amendment been made? Members of both the Houses could either have discussed the rules formulated by Government or put questions regarding them in order to show where they were dissatisfied with them and if Government had been pleased in their generosity to accept the view put forward by the non-official Members I have no doubt that the changes asked for would have been made in the rules. Now is the position any better because of this amendment? My Honourable friend says "Yes". Well, in what respect is the position better? If any modification is to be made in a rule or its operation is to be prevented both the Houses must agree. Now, in this House, as my Honourable friend Mr. Hossain Imam has pointed out, Government have a standing majority; at any rate the habitual supporters of Government are in a permanent majority. It is obvious therefore that there never can be any agreement between this House and the Assembly unless it is favoured by Government. (*An Honourable Member* : "What was the position before this amendment?") The position was precisely as it is now. Let me develop my point. This House can agree with the other House only if Government are inclined to support the view taken in the other House.

THE HONOURABLE MR. KUMARSANKAR RAY CHAUDHURY (East Bengal : Non-Muhammadan) : That is applicable for all laws.

THE HONOURABLE PANDIT HIRDAY NATH KUNZRU : I do not know what the Honourable Member means by "all laws". We are discussing only one particular Bill. He ought to understand that. It seems to me therefore, Sir, that this amendment has not improved the position in any respect. Government formerly had the power of modifying rules in accordance with any representations made to them. They have the same power still. Their power has not been reduced to the slightest extent, and that of this House has not been raised by an iota. If this amendment has served any purpose it is this—it has deceived even the non-official Members on this side of the House into thinking that Government have really made any concession. The Assembly, therefore, by introducing this amendment has actually done a disservice to us. Sir, in view of the opinion I have expressed I feel disposed to vote against the amendment made by the Assembly in clause 114 for as it appears it is not only of no practical value but has been a means of throwing dust into the eyes of Members whom we have hitherto regarded as vigilant guardians of the public interest.

THE HONOURABLE SIR A. P. PATRO (Madras : Nominated Non-Official) : Sir, for once I am inclined to agree with the views of the Honourable Mr. Ramadas Pantulu. I have listened to the remarks of the Honourable Pandit Kunzru with respect but I have not heard any reason from him or any grounds on which he could criticise the amendment now before the House. Nor has the Honourable Mr. Hossain Imam been able to convince the House that there is any lacuna or any difficulty in carrying out its provisions.

THE HONOURABLE THE PRESIDENT : Has he ever convinced?

THE HONOURABLE SIR A. P. PATRO : I cannot make any personal reflection, Sir, but I can only say that he has not given any convincing reason for the proposition which he laid down. This amendment is in consonance with public opinion as expressed in the Lower House. It has been said that this House is overweighted with a Government majority, as if the Members of this House had no independent judgment of their own nor could they come to independent conclusions in regard to propositions and measures laid before them. It is a sad reflection on the discretion and judgment of the Members of this House that the Government may have a majority and yet at the same time the Honourable Members are equally entitled to express their views and independent judgment in any matter. Therefore, Sir, it seems to me quite irrelevant that any such reflection should be made on the judgment of this House when even the Government has got a majority. I suppose the Honourable Members are more influenced by the majorities working elsewhere in the views they have expressed today with regard to the majority in this House. But all that I say is that there is absolutely no reason alleged in order to criticise the amendment before the House. This amendment is the result of agitation made in the other House and by the public that the Executive want to carry out legislative measures on their own responsibility. If, for instance, power is given to the Government independently of the Legislatures then they will be making practically legislation without the Legislatures. It is to avoid such inconsistency that this amendment was proposed in the other House and accepted by this House and the amendment in the amended form is made with a view to being in conformity with public opinion and public demand.

THE HONOURABLE SIR NRIPENDRA SIRCAR (Law Member) : Sir, the points in controversy are very few and I shall deal with them briefly. My

[Sir Nripendra Sircar.]

Honourable friends Mr. Hossain Imam and Pandit Kunzru have dealt with section 114. If I may venture to say so with due respect to them, they have entirely missed the point of the amendment. When this Bill left this House, what was the position of affairs, Sir, with regard to section 114? In the first place, there could be no change of the rules unless both Houses were in agreement. That is still there: that has not been changed. Secondly, the two Houses got a month for changing the rules made by Government. That has not been changed: that is still there. Thirdly, the rules were to come into operation at once without waiting for the approval of the House; and that remains there. Therefore, so far as these three main points are concerned, they are in exactly the same condition as they were when this Bill passed this House. Now, what is the change? The change is this. The language which was used in the amendment moved in this House which we accepted did not make it compulsory on the Government to lay the rules on the table for a month: nothing of the kind. Whereas the Houses were given a month for changing the rules, there was no express obligation on the Government that these rules should be laid on the table here and on the table in the other House for another month. That is the only change that has been made. It may not be a vast improvement but where is the point in saying that it amounts to throwing dust in the eyes of people and that this thing has deteriorated, and so on? Sir, that is enough for section 114.

Then my Honourable friend Mr. Parker says the Oriental Life is a constituent of his and they have now discovered that they have Rs. 3½ lakhs of policies and by giving retrospective effect there will be a great hardship on the Oriental. Sir, when this amendment was moved and unanimously passed in the other place, we had a strong representative of the Oriental in the House.—Sir Cowasji Jehangir,—but he did not open his lips. Then, Sir, at that time, as my friend is certainly aware, the Actuary of the Oriental was in Delhi. He gave very useful help to me and to others. But though Sir Cowasji Jehangir was in the House and the Actuary watched him from the public gallery, no voice was raised against this amendment. Now, Sir, it is said that they have Rs. 3½ lakhs of policies. Well, Sir, he has done a little bit of propaganda for the Oriental though they hardly require it and for that I congratulate him. But, surely, Sir, am I to understand that they were up to this moment taking no steps whatsoever to find out about the condition of their insurances? Is it only because this Bill has been passed now that the Directors of the Oriental will wake up? Is that the position?

THE HONOURABLE MR. R. H. PARKER: I believe so.

THE HONOURABLE SIR NRIPENDRA SIRCAR: You believe so. Then, Sir, no harm has been done.

Then, Sir, my friend says: "What happens nowadays? After a man dies, then we enquire as to whether we can challenge the policy". That is exactly what is intended to be changed. It is only when a man dies that the Insurance Company discovers that the assured had concealed the fact that his grand-mother was suffering from asthma 50 years ago and therefore the policy was bad. But looking at the matter from a practical point of view, how long would any insurance company, whether oriental or occidental, take to reject a claim, if I put forward a claim? I am bound to get the rejection if any in a month or possibly two months or at the latest three months, saying your policy is bad because the assured had this or had that. If they can now do it within

two months or a month, why cannot they do it within the time they are getting, which is two years *plus* the time of one month they now get to go into them. There is little or no substance in that. But if my Honourable friend wants me to say that when the amended Bill is taken up this point will be attended to, I can say categorically that nothing of the kind will be done. When this Bill comes to be worked, I have no doubt defects will be discovered, but we shall have to remove them by making amendments as we think best and as conditions require, but there is little hope of Mr. Parker's point being met. But surely, having regard to the arguments which have been put up by my Honourable friend Mr. Parker, the representative in the Lower House being silent, there is no occasion whatsoever for the Government changing its mind and allowing the Oriental to get out of this clause. There will be no sort of hardship at all. They have got two years and six months. Then, Sir, about this astronomical Rs. 3½ lakhs, do I understand that in every case they enquire about concealment of facts by the assurer, or is it not the fact that this is only rarely—few and far between? Divide the Rs. 3½ lakhs by about 10,000 and we shall come nearer the mark.

THE HONOURABLE MR. R. H. PARKER: They have got to go through them all, Sir.

THE HONOURABLE SIR NRIPENDRA SIRCAR: I am sure in your case they will not go through it.

I think, Sir, these were the two points raised. I do not want to detain the House any longer.

THE HONOURABLE THE PRESIDENT: The Question is:

"That the further amendments made by the Legislative Assembly in the Bill to consolidate and amend the law relating to the business of insurance be taken into consideration."

The Motion was adopted.

THE HONOURABLE THE PRESIDENT: Legislative Assembly amendment No. 1. The Question is:

"That the Council do agree to this amendment."

The Motion was adopted.

THE HONOURABLE THE PRESIDENT: Legislative Assembly amendment No. 2. The Question is:

"That the Council do agree to this amendment."

The Motion was adopted.

THE HONOURABLE THE PRESIDENT: Legislative Assembly amendment No. 3. The Question is:

"That the Council do agree to this amendment."

The Motion was adopted.

THE HONOURABLE THE PRESIDENT: Legislative Assembly amendment No. 4. The Question is:

"That the Council do agree to this amendment."

The Motion was adopted.

THE HONOURABLE THE PRESIDENT: Legislative Assembly amendment No. 5. The Question is:

"That the Council do agree to this amendment."

THE HONOURABLE MR. R. H. PARKER: Sir, there are only one or two comments which I wish to make on what the Honourable the Law Member has said. One is that I do not think the fact that any point was overlooked in the Lower House is a good reason why we should overlook it here—

THE HONOURABLE SIR NRIPENDRA SIRCAR: We are dealing with amendment No. 5 now.

THE HONOURABLE MR. R. H. PARKER: I am sorry.

THE HONOURABLE MR. HOSSAIN IMAM: Sir, the Honourable the Law Member has clarified the situation and cleared the air. Those who thought that there have been vast improvements made in the new amendment have been disillusioned and they have found that they have been backing the wrong horse. The only improvement is that the Government has been compelled to lay those rules on the table of the House. We thought that was implied in our original amendment. The language has simply clarified it. Even otherwise, if I understand correctly the attitude of the Government, at that time was implied in the amendment which was moved in this House. The Honourable Mr. Kumarsankar Ray Chaudhury had said that it happens always that the two House have to agree. Therefore, there is nothing new in this provision that the changes will be done by the agreement of the two Houses. But he has missed one basic point, that there, agreement is necessary to bring it into force, while here, it is unnecessary. That is the crucial difference. If the rules were to come into effect only in case of agreement of the two Houses, that would have satisfied us. That is exactly what we have been demanding. Here, the position is this. If the Assembly makes an amendment in a Government Bill, the Council of State has to agree in order to get that legislation passed. If the Council of State does not agree to the Assembly amendments, what happens? There is a disagreement and the Bill is sent back.

THE HONOURABLE THE PRESIDENT: No, there will be a Joint Session.

THE HONOURABLE MR. HOSSAIN IMAM: There will be a Joint Session, but in all these 18 years of the Montford Scheme, there has never been a Joint Session.

THE HONOURABLE THE PRESIDENT: That is no argument.

THE HONOURABLE MR. HOSSAIN IMAM: Government has thought discretion to be the better part of valour. (*An Honourable Member*: "Do you want a Joint Session now?") If Government had made that provision that these rules will be passed in a Joint Session, we would have been satisfied, because then the public voice would have been in a majority. I find that some Honourable Members, particularly my Honourable friend Sir A. P. Patro, took exception to the remark that the Government had a standing majority in this House. There is nothing to be ashamed of, because, at the present moment, all democracy is worked on this basic principle, that individuals have to give way to collective forces. In the Provincial Legislatures where we had popular Ministries, individual members had to sink their

differences and individual opinions, and members had to work according to the Whip which the Government or Party in power gave. There is nothing to be ashamed of in this. We ourselves on the Opposition Benches have differences of opinion, but when we get a party Whip, we follow it, and therefore, for the nominated Members to feel that they have been insulted by our statement that Government has a standing majority in this House is being rather thin skinned.

THE HONOURABLE SIR A. P. PATRO: Why should you make that reference unnecessarily?

THE HONOURABLE MR. HOSSAIN IMAM: Because facts cannot be denied, and facts are facts and they exist. At the present moment, the Government has a standing majority in this House which cannot be denied, and which has been proved to the hilt times out of number.

THE HONOURABLE THE PRESIDENT: But that is according to the Constitution.

THE HONOURABLE MR. HOSSAIN IMAM: That is what I say. My submission is, that there is no inducement to the Government to agree with the Assembly. That is exactly what I have been pointing out, that in the case of legislation there is compulsion.

THE HONOURABLE THE PRESIDENT: This is all irrelevant. One remark was made by one Member and you have replied to it. Now, you come to the Bill before the House, please.

THE HONOURABLE MR. HOSSAIN IMAM: I am not going to labour that point. I simply wish to stress that I was not comparing the amendment made in this House in clause 114 and the substitute sent by the Assembly. I was comparing the original proposition enunciated by the Assembly first with this one. There is a marked difference between the Bill as it originally came to the Council of State and the Bill as it has come after this second revision, because, in the first, the rules would not have been operative without the agreement of the two Houses—

THE HONOURABLE SIR DAVID DEVADOSS (Nominated: Indian Christians): Why did the Assembly change its mind?

THE HONOURABLE MR. HOSSAIN IMAM: I am not condemning the Government. If you see the report, you will find that I started by accusing the Assembly of neglect of duty. That point has been further emphasised by the Honourable Pandit Kunzru that the Government has succeeded in throwing dust in the eyes of the Nationalists.

THE HONOURABLE SIR DAVID DEVADOSS: They must be very weak Nationalists to be cheated in this way!

THE HONOURABLE MR. HOSSAIN IMAM: Our complaint is that for this once, they appear to have seen more eye to eye with the Government than could ever have been expected from those convinced opponents of Government. Perhaps the Provincial Ministries had some serious influence on the change of this vision.

Sir, I do not see my way to agree to this amendment.

THE HONOURABLE MR. RAMADAS PANTULU: Sir, I wish to say a word by way of explanation. It was not I that was under any misapprehension as to the nature of the change made in the Assembly. It was my friends on the other side that were labouring under the misapprehension. There were three alternatives. One was to lay down that the rules shall not become operative until both Houses have agreed to them. That means the Government would be helpless to frame any rules and bring them into operation before obtaining previous concurrence of both Houses. The original position was that. The amendment made in this House was that the Government could bring the rules into force and make them operative even before they were laid before both Houses during the session and the two Chambers were merely given an opportunity to modify or amend them. That was the position under the clause as it left this House. The third position arrived at is that it is obligatory on the Government to lay the rules on the table of both Houses for a month and give both Houses an opportunity to amend or abrogate them if they so please. That is the third position and I claim that the change now made is really a vital change. Of course the Honourable the Law Member will not concede it, because it will involve his confessing to having yielded too much to the Assembly for he opposed a similar amendment in this House. But I think a substantial change has been made by the Assembly in the clause as it emerged from the Council. Therefore I claim that the present change is a vital change. I like the change and I claim it to be an improvement on the clause as it was originally framed by the Assembly, under which no rule could be brought into operation until both Houses gave their previous agreement. Therefore I adhere to what I have said that the change now made is a very material change and is an improvement on the clause as it emerged from this Council.

THE HONOURABLE PANDIT HIRDAY NATH KUNZRU: Sir, my Honourable friend Mr. Ramadas Pantulu's speech has shown how easily a man can convince himself of the soundness of a thing if he only desires it. My Honourable friend regards the present amendment as a great improvement on the position as it was when the Bill left this House. Now, my Honourable friend the Law Member has made it plain that the Assembly has made no vital change at all. If really my Honourable friend thinks that it is better that Government should in the first instance have the power of enforcing rules and that the Central Legislature should only have the power of making amendments in them, then that change was made before the Bill left this House. That is not a change that has been introduced for the first time by the Legislative Assembly. The only change, as my Honourable friend the Law Member pointed out, which has been made by the Assembly is that the rules will be laid on the table of both the Houses. That is all. (*An Honourable Member*: "For one month".) Yes, for a month. (*Another Honourable Member*: "And it is obligatory".) Yes, it is obligatory, but all the other changes were made in this House.

Now, my Honourable friend contemplated three alternatives only. I suggest to him another alternative. If Government only wanted that they should in the first instance have the power of enforcing the rules framed by them, they could have been given that power but at the same time the power might have been limited to a particular period. Government might have been allowed to keep the rules made by them in operation, say, for six months, and it might have been laid down that the rules would thereafter lapse unless both the Houses agreed to them. In this way the practical difficulty pointed out by the Law Member would have been overcome and the power which the

Legislative Assembly originally desired the Central Legislature to possess would have been given to it. This is a fourth alternative which I would ask my Honourable friend Mr. Ramadas Pantulu to consider carefully before he expresses again the opinion that the change made by the Assembly is a very valuable one and that the position now is better than what it was when the Bill came before this House.

THE HONOURABLE THE PRESIDENT: Legislative Assembly amendment No. 5. The Question is:

"That the Council do agree to this amendment."

The Motion was adopted.

THE HONOURABLE THE PRESIDENT: Legislative Assembly amendment No. 6. The Question is:

"That the Council do agree to this amendment."

The Motion was adopted.

THE HONOURABLE MR. KUMARSANKAR RAY CHAUDHURY: On a point of information, Sir. Is it not necessary that the whole Bill should be taken up for being passed by this House?

THE HONOURABLE THE PRESIDENT: Only the amendments have come forward and the amendments have been put and passed by this House. It is not necessary to put the whole Bill again because the rest of the Bill has been passed by the Council and accepted by the Assembly.

INDIAN COMPANIES (AMENDMENT) BILL.

THE HONOURABLE MR. A. DEC. WILLIAMS (Government of India: Nominated Official): Sir; I move:

"That the Bill further to amend the Indian Companies Act, 1913, for certain purposes, as passed by the Legislative Assembly be taken into consideration."

This Bill, Sir, as explained in the Statement of Objects and Reasons, was intended simply to remove certain inaccuracies and correct certain errors which have been detected in the Indian Companies Act, 1913, as amended by the amending Act of 1936. The Bill as introduced had 8 clauses. It was referred to a Select Committee of the Legislative Assembly who incorporated in the Bill certain further provisions also designed only to correct mistakes and remove inaccuracies, and as re-drafted by that Committee the Bill comprised 19 clauses, none of which contained any controversial matter. In its passage through the Legislative Assembly the Bill underwent further minor changes and it now runs to 21 clauses.

I will very briefly explain the main provisions of the Bill and I do not propose to deal with the clauses as they come up unless any Honourable Member at that time desires any further explanation.

Clauses 2 and 7 supply certain obvious omissions. Clauses 3, 4, 10, 19 (b), 20 and 21 merely correct obvious mistakes. There is another class of amendments designed to remove inconsistencies from the Act. Thus clauses 5 and 6 are designed to bring sections 86D and 87D into line with section 86F of the Act. Section 86F employs the expression "member or director". It is therefore necessary to insert the words "member or" in sections 86D and 87D. The first part of clause 9 brings section 134 into line with section 131. Section

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131 contemplates the laying before a general meeting of an income and expenditure account in the case of companies not trading for profit, so that it has been found desirable to insert in section 134 a reference to the income and expenditure account. Clause 15 has introduced into section 277F an exception in order to make it clear in section 277F (what is already as a matter of fact quite clear from section 277H) that a banking company may be the managing agent of another banking company. The first part of clause 17 removes an inconsistency between sections 277M and 277F(1). Section 277F(1) permits a banking company to hold shares, whereas section 277M as it is now worded (though its object is merely to limit the formation of subsidiary companies to subsidiary companies for banking purposes) appears to prohibit the holding of shares in such companies; this has now been remedied. Sub-clauses (a), (c), (d) and (e) of clause 19 remove certain inconsistencies in the First Schedule. Sub-clause (a) brings regulation 56 into line with section 79 (1) (c). Sub-clause (c) brings regulation 106 into line with section 131. Sub-clause (d) brings regulation 109 into line with section 131 (3) (a), and sub-clause (e) brings regulation 116 into line with section 145(4).

Certain clauses require some separate explanation. Clause 8 is designed to enable companies with branch offices to keep their books at their branch offices, merely sending summarised returns thereof to the registered office. The Act as it stands has occasioned some difficulty by requiring the accounts of branch offices to be maintained at the registered office. The latter part of clauses 9 and 12 and clause 16 provide for the sending of three copies of the relevant returns to the Registrar. This will entail very little extra trouble on the companies, but it will save the Registrar's office the task of preparing copies. I would draw the attention of the Council to the Insurance Bill which in somewhat similar circumstances requires returns to be made in quadruplicate. Clause 11 makes the obligation to give all reasonable assistance in proceedings instituted under the section applicable to all proceedings under the section. As the section stood, this obligation attached only to proceedings instituted under sub-section (6) and that was never the intention. Clauses 12, 13 and 14 are designed to render workable the application of sections 109 to 125 to companies registered outside British India. These sections have hitherto been unworkable in relation to such companies, because these companies have no "registered office" in British India and no "Registrar" in British India and the amendments provide a remedy for this difficulty. Sub-clause (2) of clause 13 protects companies registered outside British India against being penalised for not having in the past complied with impossible provisions of law, but there is a proviso that this defect must be remedied within four weeks of the time when it becomes possible to do so. Clause 18 remedies the omission in the amending Act of 1936 to provide for the winding up of companies which was actually in progress at the time when the amending Act came into force.

Sir, I move.

THE HONOURABLE RAI BAHADUR LALA RAM SARAN DAS (Punjab Non-Muhammadan): Sir, before we proceed with the debate on the Bill, I want to put a question to the Honourable Mr. Williams as regards the result of clause 4 on the Notes on Clauses. It is said :

"It was not intended that retrospective effect should be given to the change whereby that period of limitation was increased, but the manner in which the amendment was made makes it possible that in some cases such an effect might actually be produced. Clause 3 rectifies this oversight."

Sir, I cannot follow what the actual result has been from the Bill and whether this time has been extended or not? I want the Honourable Mr. Williams to make that point clear before we begin the debate.

THE HONOURABLE MR. A. DEC. WILLIAMS: I am afraid I cannot understand the Honourable Member's point, Sir.

THE HONOURABLE MR. HOSSAIN IMAM (Bihar and Orissa: Muhammadan): Will you refer to clause 4 in the Notes on Clauses. The amendment of section 235 was perhaps not made?

THE HONOURABLE MR. A. DEC. WILLIAMS: Clause 4 was omitted from the Bill by the Select Committee.

THE HONOURABLE RAI BAHADUR LALA RAM SARAN DAS: That means that no extension will be made.

THE HONOURABLE THE PRESIDENT: Will you please address the Chair?

THE HONOURABLE RAI BAHADUR LALA RAM SARAN DAS: I am asking for information whether or not the time has been extended, whether the limitation period has been increased or not?

THE HONOURABLE MR. A. DEC. WILLIAMS: No, Sir. Clause 4 as it was in the original Bill has completely disappeared.

THE HONOURABLE MR. R. H. PARKER (Bombay Chamber of Commerce): Sir, the amending Bill which we are now considering omits to deal with a number of important points which the commercial community think need changing, but I do not think there is any useful purpose to be served by going over these. I can only hope that Government when they receive representations from responsible quarters, as I am sure they have done and will, will consider the points and bring in another amending Bill if necessary.

Turning to the Bill now before us, there do seem to be one or two points which are not quite clear and which it may be desirable to clarify at a later opportunity. The first of these is that the new proviso to section 277E reads "provided that references in the said section to the registrar etc.", while section 277E refers not to one section but to three sections, namely, 118, 119 and 130, from which it would appear that the word "section" has been used erroneously and that it should read "sections".

The second point is perhaps of more substance. The difficulty of giving a meaning to the words "registrar" and "registered office of the Company" has been straightened out, as the Honourable Mr. Williams has told us, but some difficulty may arise in connection with charges created by means of a series of debentures by reason of the fact that in the proviso to sub-section (2) of section 277D no reference is made to section 110. As section 277D now stands it seems to me that the application of section 110 will not affect non-Indian Companies until after the commencement of the Indian Companies (Amendment) Act, 1938, while under the proviso a charge created between that date and the 15th January, 1937, has to be and can be registered according to the provisions of section 109 within four weeks of the commencement of the Indian Companies (Amendment) Act, 1938. If, however, the charge is in the nature of a debenture trust deed it seems the charge will have to be registered within four weeks in the manner prescribed in section 109, but that

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advantage cannot be taken of section 110 as the 21 days after the execution of the deed will have elapsed and the section itself will not operate in respect of non-Indian companies until the commencement of the Amendment Act, 1938. These are two points which, I think, will require attention at a later date, as well as others.

THE HONOURABLE THE PRESIDENT: The Question is:

"That the Bill further to amend the Indian Companies Act, 1913, for certain purposes, as passed by the Legislative Assembly, be taken into consideration."

The Motion was adopted.

Clauses 2 to 10 were added to the Bill.

Clauses 11 to 18 were added to the Bill.

Clauses 19, 20 and 21 were added to the Bill.

Clause 1 was added to the Bill.

The Title and Preamble were added to the Bill.

THE HONOURABLE MR. A. DEO WILLIAMS: Sir, I move:

"That the Bill, as passed by the Legislative Assembly, be passed."

The Motion was adopted.

STANDING COMMITTEE FOR THE DEPARTMENT OF EDUCATION, HEALTH AND LANDS.

THE HONOURABLE THE PRESIDENT: With reference to the announcement made by me on the 14th February, regarding nominations to the two Committees, I have to announce that the following Honourable Members have been nominated for election to the Standing Committee to advise on subjects other than "Indians Overseas—Emigration" and "Haj Pilgrimage," dealt with in the Department of Education, Health and Lands:

The Honourable Mr. V. V. Kalikar and

The Honourable Sir David Devadoss.

There are two candidates for two seats and I declare them duly elected.

STANDING COMMITTEE FOR THE DEPARTMENT OF COMMERCE.

THE HONOURABLE THE PRESIDENT: The following Honourable Members have been nominated for election to the Standing Committee to advise on subjects in the Department of Commerce:

The Honourable Sir A. P. Patro and

The Honourable Mr. G. S. Motilal.

There are two candidates for two seats and I declare them duly elected.

The Council then adjourned till Eleven of the Clock on Friday, the 18th February, 1938.

COUNCIL OF STATE.

Friday, 18th February, 1938.

The Council met in the Council Chamber of the Council House at Eleven of the Clock, the Honourable the President in the Chair.

QUESTIONS AND ANSWERS.

AMOUNT DUE FROM BURMA ON ACCOUNT OF DEBT AND OTHER MISCELLANEOUS LIABILITIES.

97. THE HONOURABLE RAJA YUVERAJ DATTA SINGH: Will Government state what approximately is the total amount which Burma should pay to India on account of debt, other liabilities, and liability for pensions, and for what period?

THE HONOURABLE MR. J. C. NIXON: The amount payable by the Government of Burma is:

(a) Rs. 225 lakhs (provisional figure) per annum for 45 years from 1937-38 for repayment of the debt and other miscellaneous liabilities; and

(b) 7½ per cent. of the actual expenditure each year in respect of the Central pensions in issue on the 31st March, 1937. This is payable till this class of pensions is extinguished. The amount payable in 1937-38 will be about Rs. 80 lakhs.

RECRUITMENT OF PERSONS DOMICILED IN BURMA TO THE CENTRAL SERVICES.

98. THE HONOURABLE RAJA YUVERAJ DATTA SINGH: Will Government state whether as a result of the separation of Burma from India, any change has been made, or is contemplated to be made in the method of recruitment for Central Services in India to which formerly the Burmese were equally eligible along with the Indians? How has the administrative separation of Burma affected the status of Burmese for such services and *vice versa*?

THE HONOURABLE MR. E. CONRAN SMITH: I would refer the Honourable Member to the Home Department Press Communiqué, dated the 10th January, 1938, a copy of which I lay on the table, from which he will see that after 1st April, 1939, British subjects of Burmese domicile will not be eligible to sit for competitive examination for admission to certain Indian Services. I am not aware whether the Government of Burma propose to take reciprocal action under section 44 of the Government of Burma Act, 1935, in regard to the admission of British subjects of Indian domicile to Burmese Services.

PRESS COMMUNIQUÉ.

Before the separation of Burma from India, rules for admission to competitive examinations held for certain Central Services provided that candidates must be British of Indian domicile. Under this provision British subjects domiciled in Burma were eligible. Since the separation of Burma from India persons domiciled in Burma

are no longer persons of Indian domicile and the Government of India have decided that justification no longer exists for allowing persons domiciled in Burma to sit for these examinations. Since, however, some persons, domiciled in Burma may have undergone training for these examinations in the expectation of being admitted to them, British subjects of European or Indian descent domiciled in Burma will be eligible to sit for competitive examinations held in India for admission to the undermentioned services up to the 1st April, 1939, after which date only persons of Indian domicile will be eligible to appear. The services affected by this decision are as follows :

1. Indian Audit and Accounts Service.
2. Imperial Customs Service.
3. Indian Railway Accounts Service.
4. Military Accounts.
5. Central Engineering Service (Class I).
6. Postal Superintendents (Class II).
7. Superior Telegraph Engineering and Wireless Branches of the Indian Posts and Telegraphs Department.
8. Indian Railway Service of Engineers.
9. Transportation (Traffic) and Commercial Departments of the Superior Revenue Establishment, State Railways.
10. Survey of India (Class II).
11. Special Class Apprentices for appointment to the Mechanical Engineering and Transportation (Power) Departments of the Superior Revenue Establishment of State Railways and Ordnance and Clothing Factories in India.
12. Ministerial Service of the Government of India Secretariat and its Attached Offices (I and II Divisions and Typist and Routine Grades).

HOME DEPARTMENT,

NEW DELHI,

The 10th January, 1938.

GENERAL DISCUSSION OF THE RAILWAY BUDGET FOR 1938-39.

THE HONOURABLE THE PRESIDENT: Honourable Members, the debate will now proceed on the Railway Budget. I will not fix any time-limit but I shall leave that matter to the good sense of Honourable Members. I do not see many Honourable Members present here this morning. If the debate does not last long, I shall at an earlier stage call upon the Honourable the Railway Member to reply. In any case, if the debate is prolonged, I shall call upon the Honourable the Railway Member at 4-30 in the afternoon to reply to the debate.

THE HONOURABLE MR. RAMADAS PANTULU (Madras: Non-Muhammadan): Sir, the Chief Commissioner for Railways deserves to be congratulated on the skilful manner in which he presented the Railway Budget for the coming financial year. The ninth statement of the Revenues and Expenditure of the Governor General in Council regarding Railways which he presented unfolds a tale very different from his previous eight statements and contains many welcome features. For one thing, the anticipated surplus of Rs. 15 lakhs has now gone up to the substantial sum of Rs. 2½ crores, and on a conservative estimate based on restrained optimism he has promised us almost a similar surplus for the coming year. These are certainly welcome features.

But that does not mean that the country is satisfied with the improvement effected. Up to the middle of December we expected that our surplus at the end of this financial year will be somewhere in the neighbourhood of Rs. 4 or Rs. 5 crores. But the sudden set-back in the last two months has brought down this surplus to about a half of the anticipated surplus. In the seven years that preceded 1931-32, on the average, the Railways contributed a sum of Rs. 5½ crores to the general revenues of the Government of India, and we are hoping that that period will again come. I may also remark that in the period of boom, when the Railways contributed about Rs. 5½ crores on the average during the seven-year period I have referred to, the operative charges were unduly high. The operative charges have been brought down since then. In spite of the high operative charges, the Railways had contributed the very substantial sum of about Rs. 5½ crores a year on the average. We expect a return to those prosperous days as soon as possible. We expect that with the partial revival of trade, the economies effected by the Railway Administrations and the promised improved amenities to the travelling public, the earnings of the Railways would improve very quickly. The interest in the railway surpluses has become considerably greater now on account of the expectation of the provinces to sharing a portion of those surpluses. Under the new constitution, the provinces are promised a contribution from those surpluses. Therefore, while the question of the surplus is always of general interest, the peculiar interest now attaching to it is due mainly to the fact that provinces are watching very carefully the operations of the Railways at the Centre. Therefore, the Provincial Governments and the Provincial Legislatures will have an increasing say in the matter, and I hope and trust that the Government of India and the Railway Administrations will do their best to improve the earnings of the Railways as quickly as possible.

The Budget speeches delivered in both Houses were very brief. They are good as far as they go, but I should have expected the Budget speeches to contain some enunciation of the policy of the Railway Administrations in regard to the general trading and commercial interests of the country. They are totally silent on those matters. I know that the Railway Member, in the other House, has repudiated the charge levelled against the Railway Administrations that their policy was not national, that they favoured foreign interests more than Indian interests and in fact that there was no national policy about the Indian Railways. In order to disprove that charge, it would not do for the Member in charge of Railways merely to make that statement in reply to a general debate. We expect some enunciation of policy, backed up by a statement of facts, in the Budget speeches. That does not mean that the Railway Member and the Chief Commissioner for Railways should answer in the Budget speeches all the criticisms levelled against the Railway Administration by the commercial, trading and industrial interests of this country. The Federation of Indian Chambers and the various other Chambers have from time to time put forward their point of view and have urged upon the Government of India the necessity for a reform in the railway policy in this country. Therefore, it would have been well for the railway Member to have noticed those public criticisms and given his answer to them and to the charges relating to policies. If in any particular case the criticism was not well-founded, and if all that could be done by the Railway authorities had been done and nothing further could be done, it is well to say so because that will go a long way to enable us to judge the merits of the Budget from a national standpoint. I hope that in future a departure will be made in presenting the Railway Budget with regard to the enunciation of policies and the extent to which they have been carried out. I am not today prepared to detail

[Mr. Ramadas Pantulu.]

any of the accusations made by the commercial interests in regard to the discriminatory policy pursued by the Railways. The materials are before the Railway authorities already. I hear complaints very frequently. In my own province, I have heard that a European concern, the Harvey Textile Mills of Madura, get discriminatory treatment as compared with the Indian Textile Mills in Coimbatore. I have heard it often, but I cannot vouch for the accuracy of that statement; I hope the Railway Member will kindly enquire into that allegation.

Then, Sir, with regard to encouraging the transport of agricultural produce and helping the agriculturist to get a better price, suggestions have been made not only by commercial bodies but also by authoritative committees of enquiry like the Royal Commission on Agriculture and the Central Banking Enquiry Committee in regard to the disparity between railway freights and steamer charges. For instance, it is said that it is much cheaper to import wheat from Australia to Calcutta than to transport it from the Punjab to the flour mills of Calcutta. The actual figures were quoted by the Banking Enquiry Committee. I do not know what investigation has been made into these allegations and what steps have been taken to help the Indian agriculturist to transport his produce cheaply to the nearest market or industrial centre.

Sir, I feel gratified to find in both the speeches of the Railway Budget a desire to understand the needs of the public and to improve the amenities of the travelling public and to improve trade. There is a general appreciation of the public view-point and also a general desire to concede those demands as far as possible. But when I come actually to the performance I find the speeches are very disappointing, both in regard to the enunciation of policy as well as in actual details. For instance, the Chief Commissioner has told us that many improvements have been effected and many of the recommendations of the Wedgwood Committee have been anticipated, as a result partly of the Pope Committee's recommendations and partly on the initiative of the Railway Administrations themselves. Well, I am not disputing that statement, but when he came to the recommendations of the Wedgwood Committee, what he says amounts to this, that many of them are no doubt good, but they cost a mint of money and we are not sure whether the outlay of the additional expenditure on those improvements will be a business proposition or not, and therefore he turns down many of the recommendations with regard to what he describes as the keynote of the Wedgwood Committee's Report, namely, better service to the public. I would appeal to the Railway Member and the Chief Commissioner to investigate the long-range effects of these improvements and not merely the immediate effects. It may be in the immediate future the expenditure incurred may not yield the necessary return, but I think in a matter like this they ought to take note of the long-range effects of many of these improvements. The Chief Commissioner says "while admitting that better services may be necessary, we have to count the cost". Of course we have to count the cost. But I read something very significant into the word "may" in that sentence. It is not so innocent as it appears. To my mind it discloses a very serious doubt in the mind of the Chief Commissioner as to the soundness of the recommendations made by the Wedgwood Committee. He says better services "may" be necessary. They are necessary. Why "may"? But if he really thought that many of the recommendations relating to better services to the public were not really sound he should have taken this House into his confidence and explained in a little more detail as to why he thought so. In the absence of any convincing reasons adduced

by the Railway Member or the Chief Commissioner the public are more inclined to agree with the view of the Wedgwood Committee which is quoted by the Chief Commissioner himself:

"The money will be well spent and if it is spent properly will make our railways more popular and increase railway earnings and finally enable us to run our transport in a more economical way".

I think that expresses the position more correctly than his somewhat halting statement that "while admitting that better services may be necessary, we have to count the cost". Speaking for myself, therefore, I am more inclined to agree with the view of the Wedgwood Committee than of the Chief Commissioner. The same note is struck by the Honourable the Railway Member. He no doubt laid right emphasis on the need for a greater and more direct appeal to third class passengers, who are the chief customers of the Railways so far as passenger traffic is concerned. But when he came to manifesting his sympathy in practice I find very little evidence of anything substantial in the Budget. The sum allotted for improvement of third class coaching traffic or for improvement of stations or for amenities of the passengers is very little, almost insignificant, in comparison with the needs of the third class passengers. It is a paltry sum of Rs. 21 lakhs. I cannot go into details of proposed improvements because I must not take up much time, but I will give one illustration. With regard to third class coaches he admits that there is need for introducing improved coaches and he also refers to the model inspected by the Central Advisory Committee for Railways. But the programme he gives us is extremely disappointing. His main reason is that the normal life of a third class coach is 30 years and therefore it would not do to cast away many of them and introduce newer types because the cost will be prohibitive. I am afraid we cannot altogether agree with that way of looking at things. Without disputing his position that the return must be commensurate with the expenditure, which I concede as a business proposition, I think he has looked at the matter from a somewhat wrong standpoint. If that proposition was accepted by the general travelling public and by the motor transport licensing authorities, we should have on our roads today many old motor buses which are still useful as vehicles but which are very bad from the point of view of the comfort of the traveller. But we do not have any of the old type buses on our roads. They have been driven out completely because the public want increasing and progressive comfort and newer types of carriages and the licensing authorities have themselves set up the standards which are necessary to ensure comfortable travelling. If the Railway Member's criterion had been accepted we should have had our roads still filled with serviceable buses which are very much out-moded. I do not think that it is the sole criterion to be applied. It is not merely the usefulness of a vehicle which is the test. It is the earning capacity of a vehicle as well. Usefulness and earning capacity do not go together always. Sometimes a very useful vehicle does not earn because it is so uncomfortable and people will not use it. A man who takes a taxi on the road takes one which is comfortable, not merely useful. I do not consider whether it is serviceable or not; I simply do not take it if it does not look comfortable. Therefore I think his usefulness test is overdone and he ought to lay some emphasis on the earning capacities of the vehicles. If his test is accepted and all the old type third class coaches are to run their allotted span of life of one score and ten years, I think third class passengers will have to wait till Doomsday to get what they want. That illustration is enough to show that the performance is very far from the promise. His sympathy for third class passengers is thus to be found more in his speech than in his Budget.

[Mr. Ramadas Pantulu.]

Speaking about motor transport, I may as well refer in this connection to a statement made by the Railway Member in the other House in regard to the relations between the Railway and the motor transport. In paragraph 11 of his speech, referring to what he calls a fairly widespread popular error he says :

“There is a considerable section of the public which regards our Railways as the relentless enemies of the development of other forms of transport and which condemns their claim for the establishment of equality of competitive conditions as merely blind and stubborn opposition to natural economic progress”.

Put in that way it is not correct. I do not think that the public regard the Railways as relentless enemies of motor transport but they do regard the Railway Member and his colleagues in the Government of India as relentless enemies of that transport. If he had substituted “the Railway Member and the Members of the Government of India” for “Railways” I think it would be right. There is undoubtedly a widespread belief in the provinces that the Railway authorities and the Central Government are relentless enemies of motor transport and other forms of transport which compete with Railways. I can give two reasons for this view though I cannot give all the reasons in the short time at my disposal. The constitution of your Transport Advisory Board is one which gives a handle to the public. The Transport Advisory Board is a misnomer. No other transport interest except the railway interest is represented and demands for representation of other interests have been turned down by the Government. So unless and until you make your Transport Advisory Board representative not only of railway but other interests, people will be justified in concluding that the railway transport interests command a predominant voice in the councils of the Government and other interests are not cared for. I may also refer to another reason. In the provinces we look at the policy underlying the Government's Resolution on Roads as one inimical to motor transport. On this matter we had a discussion last year in this House and I said what I had to say then and I do not wish to repeat it, but we feel that the road policy of the Government and the treatment given to the Road Fund so far as it is derived solely from motor transport is anything but equitable. That is what we feel; therefore until the Government of India makes its Transport Advisory Board more representative of all transport interests and until it changes its Road Fund policy and metes out more equitable treatment to the motor transport interests so far at least as the revenue derived from motor transport solely is concerned, we will not place any reliance upon the statement that the Government of India is anxious to deal fairly and squarely with motor transport and that what is wanted is co-operation. Why should the Railway Member think that the public are not alive to the importance of Railways as a national asset on which Rs. 750 or Rs. 800 crores have been spent? We look forward to increasing returns from Railways in the national interests. Why should he again presume that the general public do not appreciate the need for economic co-operation between Railways and other modes of transport? They do appreciate it. But what we feel, to be frank, is that what the Railway authorities and the Government of India are aiming at is not co-operation but coerced co-ordination. We call it coerced co-ordination. They want to coerce us and then want co-ordination on their terms and not in the true interests of the other modes of transport and we must say it and it is for the Government and the Railway Member to disprove our allegations and to dispel our apprehensions. Till the Transport Advisory Board is made really representative and a revision of the policy underlying the road resolution of the Government of India effected, the complaint that the Government of India and the Railway Member are inimical to the interests of motor transport will

persist. It is a very extraordinary assertion to make that we are indifferent to the interests of the country in regard to the earnings of the Railways or that we do not appreciate co-operation leading to elimination of wasteful competition. On both these points I wish to join issue with the Honourable the Railway Member. I must say that motor transport is a very important economic factor in our rural development. There is a very vast field for opening up of rural India for internal trade and commerce. I know not merely from theory but as one conversant with rural conditions that the difficulty of transporting our agricultural products to nearest markets and industrial places is one of the chief difficulties in organising our markets. I am connected with co-operative marketing organisations. The chief difficulty I have found is in the matter of facilities for transporting agricultural produce at remunerative rates either to the nearest markets or to the nearest industrial centres where they have got to be processed. Therefore, there is any amount of scope for development without competition with the Railways. But if the spirit of the Government is inimical to motor transport then the enterprise will be killed and even in fields where the motor transport does not come into conflict with the Railways the enthusiasm of the people to invest money and develop motor transport will be chilled. Therefore, I beg humbly to bring to the notice of the Railway Member that the apprehensions of the public are very grave indeed in this matter and though he may call them widespread popular errors, they are really based on certain facts and it is for the Government to disprove them.

Sir, I do not wish to take up more time of this House in discussing general policy. I will refer to one or two specific grievances and I hope the Railway Member would give some attention to them. He was for speeding up passenger trains. We appreciate his promise. But coming from Madras as I do the train by which I travel takes 48 hours to cover 1,360 miles and the average speed is 28 miles. I should think that in his programme he ought to put the speeding up of the Grand Trunk Express in the forefront. We from the south are the worst sufferers and I feel that there is scope for speeding up. Forty-eight hours is an unconscionably long period to cover 1,300 miles and it leads to grave inconvenience. Now the Grand Trunk Express arrives at Madras at 5-30 P.M. Letters from Delhi the seat of the Central Government can be delivered to us only the next day and not on that day. The train ought to arrive in Madras at least three or four hours earlier so as to get the post that day. That is one matter in which he can take some interest. With regard to the scheme of travel as you please tickets to which reference has been made, it is true that the public have greatly appreciated it and it has become more and more popular. But I would suggest that there ought to be a combined system of travel as you please in contiguous Railways. The M. and S.M.R. and the S.I.R. have this year introduced a system and it has proved beneficial. Instead of 15 days it is available for 20 days and instead of Rs. 12-8-0 they charge Rs. 22-8-0 for the combined ticket. Though only five days more are given and Rs. 10 more are charged people have availed themselves of the concession. Therefore, I hope other Railways like the B.N.R. and the Nizam's which are contiguous with the M. and S.M.R. will introduce a similar system. It is a matter for investigation. If it is beneficial, I hope they will introduce it. With regard to commercial coupons, I find that the banking and insurance concerns have been excluded from the concession. Banks and insurance companies do not get the concession. They are important commercial concerns and have very large organisations in this country and when every tuppenny ha'penny concern gets the concession there seems no reason why they should not get it.

[Mr. Ramadas Pantulu.]

There is only one more grievance to which I would refer and that is the catering at railway stations. We heard a great deal about it in the last session from our colleague from Orissa, but I see my friend Mr. Mahapatra is not here today. I find the public are taking a great deal of interest in this question, and pamphlets have been circulated to the Members of this House, containing extracts from the English and vernacular press in regard to the matter. They show that the mode of licensing of vendors and putting to auction the right to vend things at the station is an indirect tax upon the consumers, while the foodstuffs have deteriorated their value has gone up, and that the passengers are worse off than under the old system. I find no indication in the speech of either the Honourable the Railway Member or the Honourable the Chief Commissioner for Railways of a desire to protect the interests of the public. On the other hand, they seem to say a word in favour of the present bad system. The evils of the system have been publicly commented upon and the attention of this House has been drawn to them. I hope and trust that something will be done to redress this grievance.

Sir, while I congratulate the Chief Commissioner on his good fortune in being able to present a surplus Budget and also on being able to promise us a surplus Budget for the following year, I desire to emphasise that we expect the Railways not only to make larger and larger contributions to the Central revenues of the Government of India but also to give greater facilities to the travelling public and also to help our trade and industries by a sound policy in India's interest. There is a reference in the speech of the Chief Commissioner to a railway bridge having been built entirely of Indian steel. That is a welcome departure; but I wish that the speech gave some indication as to the total quantities of purchases made for railway requirements from abroad and in India. Such information it may be possible to get by wading through a number of books, but they are not readily available and I think brief statistical statements made in the Railway Budget speeches as to the quantity of railway requirements supplied by Indian concerns and the extent of purchases made abroad may be a very useful addition to the Budget speeches. It will enable us to know how far you are patronising Indian concerns. While I find that there is an indication that railway carriages and wagons are being made in India, I have found no reference to the construction of locomotives. It is one of the reforms that the public have been demanding and there seems to be scope for constructing locomotives in India. India wants to see that her railway requirements are supplied by India herself, and unless it is absolutely necessary the Railway authorities ought not to go outside India to satisfy their requirements.

THE HONOURABLE SIR A. P. PATRO (Madras : Nominated Non-Official) : Sir, I do not propose to travel at some length from the extreme south to the extreme north and make any desultory remarks on the Budget that is before us. It will be a difficult task for anyone in my position to make a general or financial survey of the railway administration during the current year or the budget year. The important fact with regard to the Budget is that we have a surplus proposed, provided conditions, commercial and industrial, remain stable and unchanged during the year and the years to come. It is indeed due largely to the very efficient administration the increase of revenue with regard to goods traffic and an increase in passenger traffic. But for a layman to scrutinise the details and the applications of the rates and fares is, I should say, very difficult. There is no doubt that the Government of India Act introduced a new financial

relationship between the Central Government and the Provinces through the Railway Budget. It will be gratifying to the provinces that there is a surplus and it has to continue for five years before they could expect much relief to their provincial revenues. But while this is a fact that it will go to the advantage of the provincial budgets, the consideration of the financial position of the Railways is of great consequence and therefore in the recommendations of Sir Otto Niemeyer he has suggested two policies to be adopted by the Government, namely, the early establishment of effective co-ordination and co-operation between the various modes of transport, and the thorough revision of railway expenditure. In the light of these two recommendations made by Sir Otto Niemeyer we have to examine the Budget to see how far they have been satisfied in the present year and can be satisfied in the future. It seems to me, Sir, in the first place that, as regards effective co-ordination and co-operation between the Railways and other various modes of transport, there has not been any serious attempt except on one or two railways. It is necessary that the Government should lay down a policy or state in broad terms what the means and steps are that should be adopted to effect this kind of co-ordination between the Railways and other modes of transport. The Honourable Member who spoke first has referred to the kind of competition that there is between the Railways and the road. The motor traffic has come to stay. It is no use denying or minimising the growing popularity of road traffic. The buses have made a considerable change on the country side. They afford more amenities and facilities for the travelling public. They carry goods and passengers straight to their very homes and villages or very near them. The Railways are not able to meet the requirements of the public in this respect and therefore it is necessary, with a view to effecting co-ordination between the Railways and other means of transport, to arrive at some understanding with them. It is possible that, buses being now a provincial subject, the Railways should place themselves in correspondence with the Provincial Governments to see how far a proportion of the traffic could be shared between the motor vehicles and the Railways. It is also possible that the Railways could use motor buses and motor conveyances with a view to carrying both goods and passenger traffic. In this way the revenue for the Railways could be increased. The loss that is at present sustained by the Railway Administration could be made up by this kind of co-ordination and co-operation between the road and the rail. No doubt, one or two railways have adopted what they call rail motors and coaches, but these stop at stations far from the villages and the passengers and goods are taken from the railway stations to the villages and this distance has to be minimised and the rates have to be reduced by means of an understanding between the road traffic and the Railways. The M. and S.M.R. has adopted a system of these motor vehicles but it has not been a success. It is only in one branch line, I understand, that it is remunerative but in the other line it is not at all a success. It is necessary, therefore, in order to avoid any cut-throat competition between these two agencies, that there should be committees appointed of representatives of the road as well as of the railway so that an understanding may be arrived at. Therefore, the absence of any policy in this matter is to be regretted. A statement of policy is absolutely necessary—

THE HONOURABLE THE PRESIDENT : Circumstances are so varied at times; they are not definite. How is it possible for Government to formulate a policy?

THE HONOURABLE SIR A. P. PATRO : There are many ways in which it is possible for the Government to do that. If I were in the place of the Government, then I would have stated it. It is not for me to state it for them.

[Sir A. P. Patro.]

It is a function of the Government. It is they who have to work out their policies, and see how the revenues of the Railways can be improved. It is not my job, Sir.

Then, as regards retrenchment,—the thorough revision of railway expenditure, the other aspect which was recommended by Sir Otto Niemeyer—it seems to me, from the review of the Railway Committee's Report, that the Railway Board has been considering everything which the Committee has recommended. Some of them they have already begun, others they are going to begin. Therefore, it seems to me that all the eloquent support given to the Wedgwood Committee's Report in both the Houses was wasted, because the Pope Committee Report has already given enough material for the Railway Board to adopt what they have already begun to work on these lines. On the Wedgwood Committee's recommendations they say: "We have already commenced this; we have already been thinking about this, and so on". Therefore, why has this expense been incurred on this Committee and why was that support given to this Report at the time when criticisms were levelled against it? It seems to me that the Railway Board has not seriously considered many of the points. I find from the memorandum on the action taken with regard to the various recommendations that the notes are not very illuminating. It is necessary that greater details should be given of the steps that have been taken. I am not at all satisfied with the remarks that have been made. They are just like marginal notes. "We are doing; we are going to do". This kind of thing does not have any very enlightening effect.

It has been said that there might be a surplus this year of Rs. 280 lakhs. A surplus has been very cautiously provided for next year also. It is a matter of congratulation to the new Member in charge of this portfolio that during his regime, we have this gratifying budget surplus for the first time since 1930. The depression began in 1930 and now we have a hope, though there are many disturbing factors and we do not know whether we will continue to have this surplus in spite of the internal and international circumstances—it depends much also on the capital expenditure of the Railways. Therefore, there is danger that at any time the balance may be upset owing to internal and international conditions. Our hope, therefore, lies in the measures that ought to be taken for the various improvements of transport, and for retrenchment of expenditure without affecting efficiency. In the current year, for instance, there has been an increase of about Rs. 1½ crores in expenditure, due, no doubt, as has been explained, to the increased cost of coal and renewal and repairs of rolling stock. It is true that there has been a difficulty with regard to coal. But that difficulty has now passed away. It is said in the speech of the Honourable the Chief Commissioner for Railways that the position is now improving, that the market supply has been growing and that the crisis that was reached last year is now gradually passing away. I am one of those who think that there should not be any competition between Government monopoly and private supply. Government should not take up work of private people. Government should not increase their output in these coalfields and thus compete with private people. There should be no competition between Government and private people in the matter of industries. Government should not compete with private industries. In this case, the coal industry would undoubtedly suffer if Government coalfields are developed more and more. It has been necessary in this case because the market coal could

not be supplied owing to disturbance of labour or want of labour in Raniganj and Jharia mines. At that juncture, all the stocks had been spent and the Railway Administration had to increase the output of the railway coal mines. Otherwise, I say that this procedure has to be adopted with great caution. The Railway should not be a competing agency.

Much has been said with regard to road and railway transport, that this unhealthy competition should be removed. As I said, a policy of co-ordination of transport facilities to the ultimate economic advantage of the country is absolutely needed. There is a prevailing opinion that the Railways are inimical or hostile to other forms of transport agencies. I do not think so. The popular impression, if there is any, is not based on facts. My Honourable friend has referred to Railways as an enemy to motor transport. It cannot be so, because motor transport has got its own place and its own function to perform, and the railway has got its own place and its own function. All that could be done is that the two can be combined together and they can work in co-ordination with each other. That is all that is needed. It is wrong to say that the intention of the Railways is to destroy and eliminate other modes of transport. It is not so. What is now needed is for the Railways to improve all amenities of travel for the lower class passenger. It has been repeatedly referred to in the Budget speeches. The Honourable the Chief Commissioner for Railways and the Honourable the Railway Member have referred to it. The railway sheds and platforms in some places are in a very, very bad condition. The carriages that we see on some of the M. and S.M.R. lines and in the old S.I.R. lines are miserable for third class passengers. Want of latrines, want of water-supply—in fact, everything is bad in these old type of carriages. It is no doubt very hopeful to notice that about 6,000 new wagons or bogie carriages for the broad gauge and about 2,000 for the metre gauge are going to be constructed. But this will take a very long time and in the meanwhile the railway would lose all the revenue which they would get from the third class passenger. The buses are providing greater amenities, and so people would have recourse to travelling by motor buses instead of going to the railway. That should be considered and corresponding improvements should be made. No doubt, a sum of Rs. 21 lakhs has been provided in the Budget. But that Rs. 21 lakhs is intended also for the improvement of stations like Hardwar and other stations where pilgrims gather in large numbers at the time of festivals. A large slice of it would go in that way, and only about Rs. 10,000 would remain for the purpose of improving the water-supply at stations and platforms and other amenities for third class passengers. That is a very small sum out of the budget of the Railways. Therefore, it is necessary that amenities for the third class passengers should be improved and without such improvement there is no use complaining against the competition of motor traffic.

While appealing for the provision of better amenities for third class passengers I would refer to the agricultural classes, to which I belong. I ask, what has the Railway Administration done to help the economic condition of the agricultural classes. It is absolutely necessary that provision should be made for the modification of rates on the transport of agricultural produce. The agriculturist finds it very difficult to obtain a proper price at the proper time for his produce. Government and the public alike always profess very much sympathy with the agriculturist and in regard to the improvement of his economic condition. But the position known to all is that the ryot is not able to get a proper price in the local markets and if he wants to transport his produce to other markets the railway rates are prohibitive. I have personal

[Sir A. P. Patro.]

experience of the Northern Sircars and of the difficulty and expense of transporting paddy from one station to another. There is a schedule of rates which cannot be varied unless the proper administrative instructions are issued. Therefore, I say that facilities should be provided and the agriculturist should be helped to transport his produce at economic rates. Without that it is no use talking of the large sums being spent on rural uplift. Where does the money go? It does not reach the peasant. For him it is necessary to get an adequate price for his produce. Ryots' Associations are now being started all over the Sircars and in other parts, and if these associations are certified to be *bona fide* organisations and are helped in the matter of the transport of the ryots' produce, it will be more helpful to them in improving their economic condition than the giving of a lump sum by the Central to the Provincial Governments for rural uplift.

Another point I would refer to is the development of the Commercial Departments of the Railways and closer contact with the people. One or two Railway Administrations have started commercial departments but they have not been very much developed, even on the M. and S.M.R. It is necessary that a proper selection should be made of the persons who are to get in touch with the merchant and trading classes and the agriculturists, to ensure that traffic does not go to the motor on the road but come back to the railway. It is necessary to popularise the Railways. At present it seems to me there is hardly any contact between the Railway authorities and the people. For instance, as suggested by the Wedgwood Committee, it is necessary that one of the Members of the Railway Board should be constantly travelling interviewing Agents and making contact with the various centres of commercial activity, so that the Board may know how things are going on and be in a position to advise the Railways. Then the commercial departments must put themselves in touch with the rural areas. In that way the Railways can be made more popular and earnings can be largely increased. The beginning that has been made in this direction is very small.

In the time that is allowed I can only make a few general observations. It is difficult to make a general or financial survey of the Indian railway administration for this year or the future. It seems to me that the fair signs indicated in the speeches of the Honourable Member in the other House and of the Chief Commissioner in this House promise a prosperous future. They have done their best to place before the public all matters concerning railway administration and it is a matter for congratulation that there is a surplus this year, and I hope that every effort will be made to see that the surpluses continue. I am sure they will be able to evolve a policy which will produce prosperous budgets in the years to come.

THE HONOURABLE RAI BAHADUR LALA RAM SARAN DAS (Punjab : Non-Muhammadan) : Sir, I congratulate the Honourable the Railway Member on his having presented us with a surplus Budget showing an anticipated profit of about Rs. 2½ crores. I find that it has become rather a habit of the Railway Board to under-estimate the income and over-estimate the expenditure. This is not the first year in which we find such a thing happening. For several years past we have always found that the revised estimate is very different from the budget estimate. For 1937-38 we find that the income was estimated at Rs. 92 crores, and in the revised estimate it is Rs. 95½ crores; expenditure was Rs. 62½ crores and in the revised estimate it is Rs. 63½ crores. Sir, the difference in estimate of Rs. 2½ crores cannot be called a pure accident,

The Government is always proclaiming that Railways are run on commercial lines, but when we see their budgets we find they are not based on commercial lines. They are the result of what we call political jugglery. The Honourable Sir Muhammad Zafrullah Khan was not so fortunate as Sir Thomas Stewart in giving us such a big surplus, although in his period a surplus of over Rs. 2½ crores was found in the revised estimates. When the Railways are run on commercial lines I wish their budget was also based on commercial practices and that no political considerations prevailed.

I congratulate the Honourable the Chief Commissioner for Railways for plainly saying in his speech that the Wedgwood Enquiry Committee was, as was believed in certain quarters, a *jo hukum* committee. What does Sir Guthrie Russell say? He says :

"Without implying any disrespect to the Committee I would like to make it clear that action had already been taken on many of the recommendations of the Report, either as a result of the efforts of Railway Administrations themselves or as a result of the recommendations of the Pope Committee".

The Honourable Sir Thomas Stewart has also endorsed it in brief terms.

12 NOON. He said yesterday in the other House that the Wedgwood Committee have reaffirmed the majority of the recommendations of the Pope Committee. Sir Guthrie Russell goes on to say at the end of the concluding paragraph :

"This is necessary as it is quite clear that a very large number of the recommendations under consideration involve prior examination before a final decision can be arrived at as to their feasibility".

Now, Sir, the Railway Board have examined that Report and have issued a Blue Book a copy of which is before me giving what action the Railway Board has taken on it. Such a Report was expected from the personnel of a Committee like the Wedgwood Committee none of whose members had any practical experience of working of Indian Railways. Sir, I will pick a few items. This Committee have practically endorsed the decisions of the Railway Board which were arrived at before they came in. I find that in para. 31 they want to retrench the gatemen—a penny-wise and pound-foolish action. In the Punjab alone there have been many cases of death of people due to the absence of gatemen and because of the gates being kept open. This retrenchment of a few rupees per month is, I consider, very imprudent and is not at all in the public interest, but all the same the Wedgwood Committee recommends it—how very greatly unsafe. Then, Sir, what do the Committee say about recruitment and training and supervision of superior subordinate gazetted services of the mechanical engineering department? I should like to read the actual para. from the Report to revive the memory of the Honourable Members. In para. 50 of the Wedgwood Committee Report at page 29 you will find that they recommend more recruitment of the European element to supervise the new machinery which has been recently imported by the Railways for workshops. Sir, I think it is not creditable for the Railways of India that during the past 85 years they have not been able to produce competent foremen. The Wedgwood Committee say that this new machinery requires European foremen who know how to work. I know something of mechanical engineering though I do not pose myself as an expert, but I can say that machine tools are much simpler to work than textile and other complicated machinery. In case the training is given in mechanical engineering colleges, like the MacLagan College at Lahore, the Poona College, the Sibpur College and the Guindy College, on such machines you will find suitable men in the qualified youths of these colleges to work as foremen in workshops. The Wedgwood Committee at the same time holds

[Rai Bahadur Lala Ram Saran Das.]

that their salaries are too poor. It is a pity to find that on the N.W.R. previously when the products of the Lahore Maclagan Engineering College were employed after practical training as journeymen in the railway workshops they were given a start of Rs. 100 a month, but unfortunately when the scales of salaries were being revised, this salary was reduced to Rs. 65 per month, which means that the Railways themselves are discouraging the recruitment of such Indian element which has done so well. In this connection, Sir, I might also say that the recruitment from these colleges to the Railways have been very meagre. My information is—and if I am wrong I hope the Honourable the Chief Commissioner will put me right—that out of the qualified A class students of the Lahore Maclagan College there has been no recruitment at all after 1932-53. Not a single successful student from that College has been taken on by the Railways. As far as B class students are concerned, in 1931-32, 13 were taken, in 1932-33, 14, in 1933-34, 15, in 1934-35, 13, in 1935-36, 23 and 8 in 1936-37. This shows that the policy of the Government as regards employment of qualified educated Indians in the mechanical line has received a set-back. Sir, the rumour is that all those artisans who are Indians and who are now officiating as chargemen or as foremen are not to be confirmed and are to be replaced by recruits from England. If I am wrong I want the Honourable the Chief Commissioner to correct me. A great deal is said about the covenanted imported artisans. Last year there was a cylinder explosion in the Moghalpura Workshops. Several people died as a consequence of that explosion and the covenanted welding foreman in charge quietly slipped away and no fine or punishment of any sort was imposed on him. This looks very strange. He was not dismissed. When he was nearing the term of his covenant he was simply allowed to go. Then, Sir, as far as the officers are concerned, I understand some time back an embezzlement amounting to over Rs. 6 lakhs was made by the chief of the Electrical Department of the N.W.R. I brought that to the notice of the then Agent who made enquiries and the result was that officer instead of being punished was quietly allowed to retire. Recently, Sir, two or three years back there has been again an embezzlement in the Electrical Department of the N.W.R. and only a junior officer was dismissed and everything else was presumably hushed up. So far about imported talent. Now, Sir, as regards mechanical training. How are the literate firemen being treated? Railways in order to attract educated Indians to the drivers' introduced opened new scales of salaries and allowances for literate firemen and as a result of that a number of literate firemen continued to be recruited. They have been now working for several years and although I understand they are due for promotion having done well, they have been superseded by Anglo-Indians, thus injuring the future prospects of many. Such things are very discouraging and denote that an anti-Indianisation policy has also set in on the Railways.

Then, Sir, I come to the question of the acceleration of goods services. The Honourable Sir Guthrie Russell, while speaking on the subject the other day, told us that this question required consideration and that for various reasons it was not a good proposition. At least that is what I understood him to say. I know, Sir,—my Calcutta friends tell me,—that the express goods train which the B.N.R. and E.I.R. are running has proved a success and is attracting larger traffic. When, Sir, such is happening on those two Railways and speeding up of goods train have succeeded why should the Honourable Sir Guthrie Russell be suspicious of directing the other Railways to follow their example. A great cry is made about the shortage of coal. My own impression is that as certain contractors failed to supply their quantities of tonnage

of coal for Railways there was a sudden demand from the Railways and to meet their own demand and to replenish their exhausted stock there was abnormally increased demand for wagons. We find, Sir, from the reports before us that the traffic which the Railways lost after the war has not come back to that extent, taking into view the annual normal increase in the traffic and the increase in the traffic due to more mileage being opened. Sir, in case goods trains are speeded up, you will throw hundreds and thousands of wagons surplus which will do for meeting the present trade demand. If, Sir, goods trains run at fast speed—I have not calculated it myself because I have no data but the Honourable Sir Guthrie Russell will tell us what will be the saving in the demand for new wagons—my own opinion is that in case goods trains are accelerated, a number of wagons now needed will no longer be required and there will be no need for new wagons to be purchased and thus Rs. 4½ crores will be saved.

Then, Sir, I come to the reduction of scales of wages and salaries. There have been three big collisions in this year, one near Bihta, one at Bamraoli on the E.I.R. and the third near Rohri on the N.W.R. Of course, it has been said—I do not know how far it is correct—that the collision on the N.W.R. was the result of the driver being drunk did not notice that the signal was against him. Sir, my own impression is, and I think Honourable Members will agree with me, that there is discontent among the junior subordinate staff of the Railways owing to the fact that their salaries have been so reduced, which are economically below their cost of living. Sir, the Honourable the Chief Commissioner was kind enough to send me certain papers from which I see that the class I, grade 1, of the subordinate staff, starts from Rs. 30 and goes up to Rs. 60. Sir, in case we take a family of four at least, on an average, Rs. 30 is not a living wage, to pay subordinates who are responsible for the signalling work, or a station master who is responsible for looking after the safety of the passengers; you cannot expect a man who cannot feed his family well to put his heart into his work. I am told that when railway posts are advertised, several thousand people apply, and as each form of application costs Rs. 2, the Railways earn unjustly several thousand rupees in that way. The economic condition of these people is so bad that they will accept any salary. I find that M. As. and LL. Bs. in the Punjab are recruiting themselves as ordinary constables on Rs. 25 a month. That does not show, Sir, that their efficiency is not up to the mark. It is only their economic weakness that forces them to accept any salary whatsoever. Therefore, Sir, I think that it is wrong economy to start clerks on Rs. 30 a month and publish in various papers that dishonesty on the part of the clerks should be reported. You are yourselves forcing them to be dishonest because you are not paying them a proper salary, a salary on which they can maintain themselves and their families.

Sir, all the other amenities of this poor junior staff are being gradually reduced. Even their free passes have been reduced. Is it fair that men who work day and night on these uneconomical salaries should be gradually deprived of all the privileges and concessions to which they have hitherto been entitled? It is this that is responsible for these accidents, and the general discontent.

Another point, Sir, with regard to these collisions that I should like to make is that the Senior Government Inspector ought to be placed in the grade of Chief Engineer. At present their grade is that of a Superintending Engineer, when every Senior Government Inspector aspires to be a Chief Engineer. As a result of that aspiration—for, after all, everybody is human—he tries to please certain Agents and whenever there is any accident he has not the courage to fully report matters.

THE HONOURABLE SIR GUTHRIE RUSSELL (Chief Commissioner for Railways): Sir, I would like to disabuse the Honourable Member's mind. That is not the case.

THE HONOURABLE RAI BAHADUR LALA RAM SARAN DAS: Sir, may I know from the Chief Commissioner whether all Senior Government Inspectors are graded as Chief Engineers?

THE HONOURABLE SIR GUTHRIE RUSSELL: A Senior Government Inspector may be or may become a Chief Engineer, but I have never seen a report from a Senior Government Inspector in which he has camouflaged the truth in the hope of promotion.

THE HONOURABLE RAI BAHADUR LALA RAM SARAN DAS: Sir, with due deference to the Inspector I must say that the judicial enquiry by the Honourable Sir John Thom on the Bihta disaster has exposed many shortcomings, even indifference of the Agent.

THE HONOURABLE THE PRESIDENT: I do not think you ought to mention anything about that enquiry because the matter is *sub judice*.

THE HONOURABLE RAI BAHADUR LALA RAM SARAN DAS: Well, Sir, what I am saying is that, unless an Inspector is independent, unless his grade is that of a Chief Engineer, and if he has any aspiration to be a Chief Engineer, and to work under a certain Agent it is quite human that he will not show that much liberty and courage to say everything which he ought to say. I am not casting any reflection upon these Senior Government Inspectors. I have respect for them. But after all that is a great factor, Sir, in the working of the human mind.

Sir, the leave rules and the promotion of subordinates are not on the same scale as is the case of many other Imperial and Provincial services. I mean joins a railway. Whether he is a ticket collector or a goods clerk, an assistant station master or any other subordinate official, he cannot get any increase of salary until there is a vacancy in the next higher grade. In the I.C.S. and other provincial gazetted services, Government have realized the necessity and have introduced a time-scale. If you want to satisfy your subordinate officials in the Railways, on whose care and diligence the safety of the public depends, you must treat them in a better way. Why should there be difference in the treatment you give them and the treatment you give to others? The time has now come when a time-scale should be introduced for the subordinate railway staff.

Coming now to the amenities for third class passengers, although you have given a sum of Rs. 21 lakhs, what do we actually find? Leaving aside Rs. 9 lakhs and odd, on the E.I.R., which I presume is in connection with amenities at the new Hardwar station, I find that as regards raised platforms, on the N.W.R., which I presume has a length of over 6,000 miles, you have not given a single pice. The same is the case with the B. & N.-W. R., the B. N. R., and so on. The sum for amenities given is simply eye-wash. If you want to capture traffic from private lorries and buses, you must give more facilities. I am glad that after all a monopoly concern has to face competitors in the field. I am glad that now the Government has realized that the bus traffic has established itself and is to stay. That is a good omen. The railway must compete with private buses according to economic business principles. Railways must reduce the salary of the superior officers as well and in case they are unable to do so, some other method should be found to reduce their

scales of salaries and allowances. Then, the salaries of the drivers and guards were fixed in the good old days, before the 70's or 80's, when there was a great dearth of mechanically trained men in India. Some of the drivers, on an average, I think, make over Rs. 600 to Rs. 800 a month including allowances. That is preposterous. I know as an industrialist that you can get good, qualified mechanical engineers on Rs. 300 to Rs. 500 a month. To pay drivers Rs. 800 or so in these days when you can get plenty of men possessing those qualifications is not right. Most of the work is done by the Indian drivers, who still get a very poor salary. Senior drivers are purely practical men. Very few of them have theoretical training. To pay Rs. 600 to Rs. 800 to a driver who has no theoretical qualifications and only practical training is too much in these days.

Then, as regards amenities to the passengers, the cost of the five air-conditioned carriages, which have been made and which I presume carry 14 passengers each, is Rs. 2 lakhs. That means Rs. 2,857 per passenger. I am not one of those who say that these carriages ought not to have been air-conditioned. I say they should have been air-conditioned earlier. I advocated them in the Advisory Committee of the N.W.R. many years ago. Then, of course, the reply given to me was that my proposal was impracticable. I am glad that after so many years, the Railways have found from experience that it is practicable. I am glad that it has been adopted and is remunerative, because the people who would travel in them would pay the overcharge. I only cite that as an example. For the sake of 70 passengers you have spent Rs. 2 lakhs, but for nearly 50 crores of third class passengers, to be exact 49,38,35,000, in 1936-37, you are spending only Rs. 21 lakhs which works out to below seven annas per passenger. This is amazingly ridiculous. The time has now come when Railways are losing such traffic which is being diverted to the lorries, and they must look more after their third class passengers. To allot a paltry sum for the increase of improved third class carriages is practically nothing. It is an eye-wash, just like a crore of rupees for rural development in India. There are 800 to 1,000 villages in a district, and if it be distributed all over India, it was a mere drop in the ocean. So, Government, instead of spending Rs. 4½ crores on railway goods wagons should spend a substantial sum on amenities to capture the lost third class traffic. If you speed up your trains, particularly the goods trains, you will not have to buy more wagons.

THE HONOURABLE THE PRESIDENT: You have already exceeded half an hour.

THE HONOURABLE RAI BAHADUR LALA RAM SARAN DAS: I will finish soon, Sir.

I now come to surcharges. Nothing has been said by the Chief Commissioner or by the Railway Member on this point. Although we are in prosperous times, when there is a surplus of several crores, the surcharge on coal is not being withdrawn. This clearly indicates that the Railways are bent upon discouraging industries. The industries need coal, which is the basic raw material. I am amazed to find that the Wedgwood Committee do not understand the conditions of India. They have recommended an increase from 12½ per cent. to 15 per cent. That shows that the public was quite right in condemning the personnel of that Committee. I request the Railway authorities to do away with the surcharge on coal, particularly at a time when their surplus amounts to over Rs. 2 crores.

Sir, I find that the pooling of locomotive engines has, if my information is correct, practically doubled the consumption of coal, in addition to the engines being unnecessarily worn by want of time and attention. When a pooled

[Rai Bahadur Lala Ram Saran Das.]

engine arrives at an engine changing station the engine does not change but only the staff changes, and in the few minutes at their disposal they are not able to give and take proper charge of the engine. If I am wrong, the Honourable the Chief Commissioner will correct me when I say that now the coal consumption of the pooled engines has run to as much as double the tonnage of coal for a trip.

As regard second class accommodation, I find that the second class compartments are generally packed to the full and very much over-crowded. We find from the Red Book that on certain Railways the difference is very great. For instance, on the S.I.R. the average number of first class passengers in 1935-36 was 8.6, and in 1936-37 it was 9.5, against 110.3 and 99.9 second class passengers. Then on the E.I.R. for the same years it was 65.4 and 68.1 against 402.9 and 405.5 second class, respectively. So, on every fast train there ought to be as much more second class accommodation as there is a difference between the number of first and second class passengers carried.

As regards amenities, on the N.W.R. some of the amenities which now exist are being taken away. For instance, goods sheds which had covered sheds are being deprived of their covering which are being removed from one station to another. In that way the amenities which those stations were long allowed are being withdrawn. I asked the reason for the removal and was told that the inward traffic was not enough to justify it. But I can say that the outward traffic of one station is so much that it is desirable that the amenities which at present exist should not be withdrawn.

Again, workshop labour with service extending to 18 years or more is being treated as temporary, and as such is not counted in the allotment of communal proportions. I suggest that all employees whose service exceeds two or three years ought to be treated as permanent.

Before I finish I want to say a word about the contracts of the food vendors. It is known to the Railway authorities that certain traditional presents are said to have been made by the vendors to various members of the railway staff. Last year I represented that the contract for the supply of luggage porters ought to be auctioned. I wish Government would consider that point, because from that source they can get a good income. For the information of the Honourable Sir Thomas Stewart I might say that on the Delhi railway station some time back the wife of the Station Superintendent used to supply all the luggage coolies, and she used to go every morning to the station and take four annas as her tax from each cooly with the result that she was taking away from Rs. 100 to Rs. 150 a day. As a public man I reported that to the authorities concerned, the Agent of the Railway and the Chief Commercial Manager, and action was taken on that report. The Chief Commercial Manager visited Delhi, made enquiries and reduced that four annas tax to two annas. So there is a great deal of income in auctioning these luggage porter contracts. No inconvenience can be felt by passengers in this regard, because passengers usually pay the coolies much more than is indicated on their badge. But the taxing of these food vendors is another thing. It is said they have to pay so much to the station master, so much to certain traffic inspectors, and so on and so forth. They have to pay that in addition to the auction price or for rental or lease or whatever it may be; and all that certainly results in inferior food being supplied to passengers. I travel a lot on the railway and I remember the old days when these food contracts were not sold the quality of the food was much better. That system worked better than the present one will, and should reverted to.

I do not want to take any more time. I hope the Government will give due consideration to the observations I have made.

THE HONOURABLE PANDIT HIRDAY NATH KUNZRU (United Provinces Northern : Non-Muhammadan) : Mr. President, we are as glad as the Honourable the Railway Member and the Chief Commissioner of Railways at their good luck in presenting a surplus Budget to us. It is, as the Chief Commissioner for Railways told us the other day, after a succession of bad years that railway finances have been able to look up. It is at the same time even a greater source of satisfaction to us that the Railway authorities are realising the need for economy, trying to bring down the operating expenses and, in order to improve traffic, taking into account the needs of third class passengers. It is a real pleasure to me to find that in their speeches both the Honourable the Railway Member and the Honourable the Chief Commissioner for Railways stress the importance of both these points. But, while I give credit to the Railway Department for the efforts that they have already made, I am unable to follow my Honourable friend the Chief Commissioner for Railways in the comparison that he has instituted in the matter of operating expenses between the year 1932-33 and the year 1937-38. Now, the year 1932-33 was the worst from the point of view of railway revenues. It is quite plain therefore that the operating expenses however low must have borne a fairly high percentage to the gross revenue. If I were to take a year in which railway revenues were extraordinarily high, say the year 1924-25, or 1927-28, or 1929-30, the comparison would not be as favourable as the comparison with the year 1932-33. If we were for instance to take the year 1929-30 which was the last year in which we had a surplus, I think it will appear that the ratio of operating expenses to the total revenue was about 51.3. Now, surely if we were to compare the years 1929-30 with the year 1937-38, my Honourable friend the Chief Commissioner would regard the comparison as extremely unfair. Yet by choosing a particularly unfavourable year from the point of view of revenue he has tried to make out that the operating expenses have fallen heavily.

THE HONOURABLE SIR GUTHRIE RUSSELL : I am quite prepared to take the year 1929-30 and compare it.

THE HONOURABLE PANDIT HIRDAY NATH KUNZRU : I have given a wrong reference, I was speaking of the year 1927-28 and not 1929-30. It is in 1927-28 that the ratio of working expenses to gross traffic receipts excluding depreciation charges was only 51.3. Again, Sir, when my Honourable friend claimed credit for bringing down the operating expenses he ought to have explained to us how exactly the economies in connection with job analysis were effected. We should like to know to what extent the economy is due to the better utilisation of materials and to what extent it is due to retrenchment of staff, both lower and higher. It is only then that a fair comparison can be instituted. I do not by any means wish to detract from the value of the efforts made by the Railway authorities to keep down expenditure. But I am anxious that we should know the exact state of things. Unless the Railway authorities give us the detailed information that I have asked for it is impossible for us to have a clear idea of the extent to which the economies are really due to the keeping down of expenditure and not to the dismissal of the subordinate personnel.

While speaking about expenditure I should like to draw attention to the purchase of wagons and the utilisation of locomotives, carriages and

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wagons, to which a brief reference was made by my Honourable friend Lala Ram Saran Das. The Wedgwood Enquiry Committee considered this question and the remarks that it has made on this subject are not at all complimentary to the Railway authorities. A statement was laid before the Public Accounts Committee which examined the figures for 1935-36 regarding the action taken on the recommendations of the Pope Committee. In that statement credit has been taken by the Railway authorities for having reduced the number of locomotives and of carriages. Now, the Wedgwood Committee takes account of the reductions so made and yet comes to the conclusion that the stock maintained is excessive. Take the locomotives first. Considering the number of locomotives awaiting repair and the maximum number available for use and the maximum number in actual use on any one day the Committee came to the conclusion that the number of locomotives was far beyond the actual needs. It had the same thing to say with regard to the stock of passenger carriages. Here we find that although traffic has gone down, the number of carriages, both broad gauge and metre gauge in 1935-36 has actually gone up since 1929-30. Again, the Committee points out that the fall in the train mileage "has little if any effect" on the cost of maintenance of either carriages or wagons. As regards the stock of wagons, there too on the whole, taking both broad and metre gauge wagons together, there is an increase in the number of wagons in 1935-36 as compared with the year 1929-30. The Committee adopted the year 1929-30 for the basis of comparison because that was the last year in which we had a surplus, although in that year the railway reserve fund was drawn upon to the extent of Rs. 2 crores. The Committee therefore recommended that the stock of locomotives was capable of reduction, and that the stock of carriages was high and should be more than equal to the requirements of increased traffic. As regards wagons, it came to the conclusion that though the stock was high it was not so to so marked an extent as that of locomotives and carriages and that in the absence of any large increase in traffic no substantial purchase of stock should be necessary for some years. Now, Sir, while this Report had been prepared, possibly when its recommendations were known in outline to Government, the Finance Committee was considering the purchase of new wagons and in June, 1937 the Financial Commissioner impressed on the Finance Committee the urgent need of entering into a contract for 6,095 wagons of which about 2,000 were to be delivered this year or next year. Now, I should like to know, Sir, why it has been necessary to purchase so many wagons so hurriedly. Was it really that the Government were totally unaware of the recommendations that the Wedgwood Committee was going to make or had failed to examine carefully the stock of wagons that they already had and to correlate them to their needs? I do not forget that during last year the traffic handled by the Railways has fortunately increased. Let us hope that it will go on increasing, but surely on the basis of the increase that had occurred by June, 1937 it seems to me that the Railway authorities were not fully justified in hustling the Finance Committee into placing an order immediately for a little over 6,000 wagons.

Another question of economy on which I should like to lay some stress is that of the state of finances of the individual Railway Administrations. Whenever we ask for any concession such as that of the adoption of a uniform lead or of permission to interchange routes where the Railways concerned are Government managed, we are told that the different Railways are independent of one another, that the effect of the concessions on their finances must be considered separately in each case and that consequently the concessions

asked for cannot be allowed. But, as my Honourable friend Mr. Hossain Imam pointed out last year, when it comes to the question of making up losses on individual Railways, all the Railways are taken together and treated as one system. For illustration, Sir, I will take the B.N.R. Now, I gather from the latest Railway Administration Report that this Railway has been a losing concern since 1924-25. Never since then, according to this Report, has it earned any profit. I should like to know from the Railway authorities what action they have taken in order to reduce expenditure on this Railway and to make it cut its coat according to its cloth? If there are special circumstances connected with the area through which it passes which place it at a disadvantage as compared with the other Railways, should not that fact be recognized in the character of the administration of that Railway, should not special efforts be made to cheapen the cost of the administration, to employ as far as possible an indigenous agency which would have to be paid less than a foreign agency and to have a less complex and costly system of administration than is prevalent in the other Railways? If the scrutiny of the expenditure of the different railway systems does not lead to some such result as this, it seems to me that there is no purpose in maintaining separate accounts for the different railway lines. If you spend money on having separate administrations, on having separate accounting systems, and so on, then it is your bounden duty to see that each railway system is treated according to its own financial circumstances and that a uniform system is not imposed on all of them, whether their revenues are capable of bearing the burden or not.

Another important point of the same character to which I would like to draw attention is that of the accommodation provided for upper class passengers. Now, Sir, the Wedgwood Committee considered this point and compared the years 1926-27 and 1935-36. It stated that in 1935-36 the number of passengers was only 47 per cent. of what it was in 1926-27 and the earnings only 73 per cent. Yet the accommodation provided for this class of passengers actually increased by 6 per cent. Now, what is the justification for this state of things? Economy as well as the urgent need for providing more accommodation for third class passengers should have made the Railway authorities more careful. Yet we find that the upper class accommodation has increased notwithstanding the decline in the number of passengers and of revenue, while complaints with regard to overcrowding in third class carriages are constantly coming in.

Just one more point with regard to this before I pass on to other considerations. Sir, the Railways have taken advantage of the difference between the current statutory rate of exchange and the rate of exchange in force at the time when liabilities yet unliquidated were undertaken by them to reduce the capital at charge by about 8½ crores. Well, I have no quarrel with the step taken so far merely as it leads to a reduction in the amount of the capital at charge. But this process, Sir, does not lead to any reduction in the amount of the rupee capital on which the Government of India have to pay interest and I find in the Report of the Public Accounts Committee on the accounts of 1935-36 that the interest on the sum has been transferred to general revenues, so that the general taxpayer has to pay the interest on this amount of Rs. 8½ crores by which the capital at charge has been reduced by the Railway authorities. Now, I should like either the Railway authorities or the representative of the Finance Department to explain to us fully the nature of this transaction and the justification for burdening the general revenues with the interest to be paid on this sum of Rs. 8½ crores. I should also like to know in connection with the Report of the Public Accounts Committee for 1935-36,

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what action Government have taken in regard to the reduction in the number of saloons which the Committee thought was excessive. I think it was stated before it in evidence that there was one saloon for every two gazetted officers. That is a high number in all conscience and when the Railway authorities claim credit for keeping down expenses we should like to know what action they have taken in this matter.

Sir, the Wedgwood Committee, to which I have referred repeatedly, referred to the unpopularity of Railways and asked the authorities to take immediate steps to rehabilitate the scheme in the eyes of the public. The Committee suggested two ways by which this very desirable, in fact necessary result might be accomplished. One was that greater attention should be paid to the needs and comforts of third class passengers and the other that the public must be assured that the Railways were not following an anti-Indian policy. Now, I shall take the first point first. Government admit the importance of taking all possible steps to attract third class traffic, but the Budget provides only Rs. 21 lakhs for the provision of special facilities for third class passengers. Now, I ask whether this sum is adequate for the purpose for which it has been set apart? There is competition between lorries and Railways. Railways must therefore be on the look-out to provide railway passengers with greater comfort than lorries can. In fact, as my Honourable friend Mr. Ramadas Pantulu pointed out, the Nizam's Guaranteed Railway have stolen a march on the Government Railways and have provided third class carriages with electric fans. Now, that is an example which the Government might well emulate. I hope it will yet be possible for them to take action to increase the sum set apart for the provision of special facilities for third class passengers. In this connection, I should like to mention specially the needs of Hardwar. That station, Sir, notwithstanding its importance both from the religious and the railway point of view, was sadly—I might

say, scandalously—neglected for a number of years. Efforts are being made now to set right that mistake. But it seems there is a fatality dogging the footsteps of the Railway authorities which prevents them from doing a good thing wholeheartedly. They have improved the Hardwar railway station in many respects, and paid attention to the needs of third class passengers. But, while they have broadened the platform, they have actually reduced the width of the shed over it. I should like to know why this has been done? Our demand all along has been that the entire width of the platform should be covered. The Railway authorities have generously responded to our demand by cutting down the width of the shed even as it was before they widened the platform. I have brought this point to the notice of my Honourable friend the Chief Commissioner for Railways, but I am sorry to say that he holds out no hope to me that action would be taken now or in the immediate future to redress the complaint that I have brought to his notice. The Railway authorities take credit for having spent a large sum of money on the Railways. A great deal of this is due to the need for handling traffic in connection with the Kumbh Mela. They ought to remember that they have to provide permanent facilities for third class passengers who go in large numbers every year to Hardwar. It is from this point of view that the covering of the platform is a matter of great importance. I hope that my Honourable friend the Railway Member will be able to give a reassuring reply on this point. If nothing can be done in the course of this year, I hope the necessary action to meet our grievances will be taken next year. I stress this point, Sir, because, the Hardwar Municipal Board, the Hardwar Improvement

Advisory Committee and the Local Government have been stressing the need for taking adequate action for handling third class traffic there since 1926-27. But the demands put forward, even when recommended by the Divisional Superintendent of Moradabad, were turned down by the Agent either on the ground that they were unnecessary or that the requisite funds were not forthcoming.

Now, Sir, I should like to refer very briefly to the second recommendation made by the Wedgwood Committee in order to enable the Railway authorities to make themselves more popular. We are aware of the opposition to the Ticketless Travellers Bill and the Motor Vehicles Bill. The opposition rests to a certain extent on economic grounds, but not wholly. It is partly due to political reasons. It is, therefore, the bounden duty of the Government to take every possible step in their power to assure the public that they are not following a policy contrary to the national interest of the people of this country. I will not refer to the higher services in this connection. I will say nothing with regard to the Railway Board on which not a single Indian is to be found at present. I will say nothing with regard to the post of Secretary to the Railway Board which with one exception has never been held by an Indian. But I should like to say one word with regard to the question of an Indian Agent. My Honourable friend Rai Bahadur Lala Ram Saran Das drew attention to it two years ago, and also last year. Sir Muhammad Zafrullah Khan, in replying on behalf of Government, said:

“The Honourable Member is no doubt aware that one Indian Agent has only lately retired. Another Indian Agent would no doubt be appointed as soon as a vacancy occurs, for which the most suitable selection will be that of an Indian officer”.

A vacancy occurred on the E.B.R., but it was given not to an Indian, but to an European.

I will now refer to the subordinate services. This is a matter on which I personally feel very strongly. The higher services can manage to have their grievances voiced in this House, but the subordinate services are always at a disadvantage in this respect, and unless we make it a point to bring their grievances to the notice of the authorities, they can never hope for a fair deal. I will take up briefly, first, the question of general discrimination between Indians on the one hand and Europeans and Anglo-Indians on the other. This is an old question. It occupied the attention of the Assembly for nearly six years, I think, from 1927 to 1932. Changes were made in the rules as discriminating against Indians at that time, but sufficient steps have not been taken to obliterate the distinctions that existed at the time. Take Indian hospitals for instance. Indian patients are entitled to the services of nurses now but in practice they are left to be attended to by ward coolies. It is very difficult to get any evidence on the point which can be placed before the Railway authorities, but we, who go about and observe things, can see for ourselves that complaints of this character which reach our ears from time to time are largely justified.

THE HONOURABLE THE PRESIDENT: You have already occupied more than half an hour.

THE HONOURABLE PANDIT HIRDAY NATH KUNZRU: I will take only five minutes more, Sir. Besides, the nurses, even in Indian hospitals, are, with very few exceptions, Anglo-Indians. Then there is no provision for the confinement of Indian maternity cases in railway hospitals. Even in

[Pandit Hirday Nath Kunzru.]

purely railway colonies, where no Government or municipal facilities exist, there is no provision even for trained *dais* or midwives. On the other hand, full provision exists for dealing with European cases. Then, Sir, take the question of equipment of running rooms and rest houses. There is a great difference between the equipment provided for Indian rest houses and those provided for Anglo-Indian rest houses. Even A class Indian guards who live in European style are not allowed to use the rest houses meant for Anglo-Indians. Take again the case of the headmasters in the Indian high schools and in the European school at Oak Grove. Not merely the headmaster but several of the assistant masters in Oak Grove are gazetted officers; but among the Indian headmasters only one is gazetted, the rest for some reason or other are still treated as subordinate officers. These are only a few of the examples in my possession which go to show to what extent general racial discrimination prevails on the Railways.

Now, Sir, I turn to particular services. Take the mechanical service at Jamalpur to which reference has been repeatedly made in this House. The percentage of Anglo-Indians in training for various subordinate services was, I understand, 58 both in 1936 and 1937. Now, if you consider the position of the various provinces, I find that the United Provinces have been able to supply only one apprentice, although the E.I.R. draws a fairly large proportion of its income from that province. It is not that candidates from the United Provinces did not offer themselves. A large number went to Jamalpur but only one was chosen. Further, discrimination is exercised against Indians in the matter of the initial educational qualifications. Anglo-Indians are required to possess only the Junior Cambridge certificate, while Indian boys are required to have passed the High School examination either in the first or the second division. Take again locomotive requirements. Apprentice drivers were recruited only once. Since then no direct recruitment of drivers has been made. It is only firemen who are now recruited and no educational qualifications have been prescribed in their case. There too preference is shown to Anglo-Indians. Then take the case of foremen and assistant foremen. There is not a single Indian foreman or assistant foreman, I understand, in any engine shed on the E.I.R. My Honourable friend the Chief Commissioner for Railways said last year that the rules with regard to the training of apprentices had been changed and that soon more Indians would be under training. Well, I hope that his statement would be borne out by facts, but I should like to know why on the immediate present this scandalous discrimination is made between Anglo-Indians on the one hand and pure Indians on the other. There are many other examples of the kind that I could give but as I have already taken more than half an hour I do not wish to trouble the House with any more illustrations.

I should only like before I sit down to make two or three suggestions to the Railway authorities. The first suggestion I have to make is with regard to the purchase of the Railways the contracts of which might be terminated in the course of the year. Three branch lines can be acquired in this way, the Darjeeling Himalayan, South Bihar and Hardwar-Dehra Dun. I am specially interested in the Hardwar-Dehra Dun Railway. I hope that Government will give notice to the company which is running this Railway and acquire it when the present contract expires in December, 1939.

Then as regards the purchase of stores, we voice the complaint here year after year that the Company-managed railways do not adequately utilise the agency of the Indian Stores Department. This question was considered by

the Wedgwood Enquiry Committee and after considering all that the Railway Administrations had to say, it came to the conclusion that the Indian Stores Department had justified itself and that its agency should be more largely used in future than it had been done in the past. Yet in the year 1936-37, while the State-managed railways bought stores of the value of nearly Rs. 3½ crores through the Indian Stores Department, the Company-managed railways bought stores only to the value of about Rs. 28 lakhs through that Department. There is a difference between the total amount of the stores required by the State-managed and Company-managed railways, but not so large a difference as is indicated by the figures that I have quoted. I once more draw the attention of the Government to this important point and press them to use all their influence and power in order to bring the Company-managed railways into line with the State-managed railways on this important point.

Sir, Government are taking steps now to extend their research organisation. I welcome this. Our future prosperity depends not merely on our efforts to make economies but on our determination to utilise to the largest extent possible the results of scientific investigations. I for one would not grudge the expenditure that Government might incur on well-planned research schemes. But I ask them in this connection to consider the example set by the Imperial Agricultural Research Council. That Council is trying to utilise all agencies engaged in carrying on research work in the subjects in which it is interested. It is taking advantage not merely of the Government Agricultural Departments but also of the work that is being done in the Universities in this connection. Now, is it not possible for Government even though they may expand their own organisation to take advantage of and to encourage research work in the engineering colleges that exist in this country. I venture to think that if those colleges are encouraged Government would find in them valuable collaborators who may be in a position to making suggestions which would enable them to save lakhs and lakhs of rupees.

There is only one suggestion more that I would make before I sit down. That relates to the constitution of the Railway Advisory Committees in the provinces. These Committees discuss a large number of points but the public feeling in regard to them is that, generally speaking, they have failed. I confess that that is my own view also. This result is by no means surprising. Railways are a central subject, consequently the members of the Provincial Councils cannot be expected to be familiar with those features of railway administration which we have to deal with here year after year. It appears to me therefore that in order to increase the efficiency of these Committees and to enable them to discharge their duties towards the public steps should be taken to provide representation from the Central Legislature on them. I have no specific scheme to put forward, but it may be possible for instance, to ask, the elected Members of each of the two Houses to elect one Member from amongst them of the province concerned to sit on the Advisory Committee of that province.

THE HONOURABLE SIR DAVID DEVADOSS: That has been done.

THE HONOURABLE PANDIT HIRDAY NATH KUNZRU: Where has it been done?

THE HONOURABLE SIR DAVID DEVADOSS: Members of the Central Advisory Committee are represented on the local Committees.

THE HONOURABLE PANDIT HIRDAY NATH KUNZRU : It may have been done in some Railways, but what I have asked for has not been done in the Railways with which I am familiar.

THE HONOURABLE RAI BAHADUR LALA RAM SARAN DAS : These Committees are likely to be abolished soon.

THE HONOURABLE PANDIT HIRDAY NATH KUNZRU : I do not know what is in store for these Committees, but I do not see any reason why they should be abolished ? On the contrary I see good reason for strengthening them so that questions that have to be brought forward in this House might be discussed with the Railway authorities immediately concerned.

THE HONOURABLE RAI BAHADUR LALA RAM SARAN DAS : They meet quarterly now instead of monthly.

THE HONOURABLE PANDIT HIRDAY NATH KUNZRU : This is another point that ought to be brought to the notice of the Railway authorities, so that the Committees may if necessary meet oftener and their usefulness and efficiency may be increased.

Sir, I have no further suggestions to make, but I would ask the Railway authorities before I sit down to consider earnestly the question of greater provision of facilities for third class passengers—

THE HONOURABLE THE PRESIDENT : That is a very big subject.

THE HONOURABLE PANDIT HIRDAY NATH KUNZRU : I have already dealt with it, Sir, and the removal of racial discrimination, the galling discrimination to which I have ventured to draw attention. My Honourable friend the Railway Member has assumed his new responsibility recently. We bring these points to his mind while his enthusiasm is fresh and we hope that when the Budget is presented next year he will be able to come forward and claim with pride that he has done all that lay in his power in order to make both the public and the railway employees feel that the Railways are meant to serve the needs of this country and will maintain the self-respect and dignity of its people.

THE HONOURABLE SARDAR BUTA SINGH (Punjab : Sikh) : We are indebted to the statement made by the Honourable Member for Communications and the Honourable the Chief Commissioner for Railways for the very clear exposition of the position of our largest national asset, representing an investment of nearly Rs. 800 crores. The disquieting fact is clearly set forth in the opening paragraph of the speech made by the Honourable the Communications Member. It shows that while our net revenue under normal conditions is Rs. 29½ crores, the interest charges range round Rs. 29½ crores. It is evident that interest absorbs almost the whole of the net revenue. I may be permitted to enquire if any examination has been conducted by financial experts with the object of reducing the interest charges ? To me it seems most desirable that interest charges should be reduced by some system of funding and by annual reduction of railway loans.

Another point which deserves the attention of the Government of India is, how quickly a rise in the price of agricultural produce contributes to an increase in railway income and, equally, a fall in prices of produce registers a

decrease ? Thus abundantly proving the need of improving and stabilising prices of agricultural produce at a high level. I do not wish to dwell on this point, as I will be speaking about it in my Resolution a few days later. I wish, however, to remark that prosperity of the Railways depends entirely on the prosperity of the people.

I read a very interesting speech by a Railway Engineer a few days ago, recommending research in modernising the whole of the rolling stock and the track. I do not pretend to have any expert knowledge, but it stands to reason that if discoveries made in connection with the motor transport are utilised in improving our rolling stock and track, they may lead to large savings in the working expenses. On the administration side the Wedgwood Committee have made very valuable recommendations and this House may require that definite reasons should be shown why these recommendations have not been implemented. I wish to repeat what has been so strongly advocated in both the Houses, that our workshops should be fully utilised in producing all the requirements for the Railways in India itself. The longer we delay the manufacture of all our requirements, the longer we prevent the growth of the heavy industry in this country. It is only by taking up the work that our workshops can become capable of manufacturing all the railway needs. The delay in the long run will prove more expensive than seeking cheap markets.

The Honourable Member for Railways mentioned the rise of price of iron and steel. He must be aware that within the last month or two the prices have dropped by at least Rs. 100 a ton. This is the time to make purchases on the one hand and on the other to help the local industry.

I am glad to find that it is proposed to make large scale experiments on the N.W.R. by introducing rail cars. For short distances no better means of transport are at present available and some of the branch lines could be made remunerative if rail cars catered for all passenger traffic requirements.

In areas served particularly by the N.W.R., where no coalfields exist, the use of electricity and power alcohol deserve careful consideration.

I am not quite sure if the experiment by the Railway of running their motor service on the Jhang-Lyallpur road will not deprive the people of the districts of taking advantage of this road. I am not prepared to consider that a State should create equality of competitive conditions, which means nothing else but taxing the travelling public, not only in the interest of the Railways but also in the interest of the motor owners.

The Council then adjourned for Lunch till a Quarter to Three of the Clock.

The Council re-assembled after Lunch at a Quarter to Three of the Clock, the Honourable the President in the Chair.

THE HONOURABLE MR. V. V. KALIKAR (Central Provinces : General) : Sir, I rise to congratulate the Honourable the Railway Member and the Honourable the Chief Commissioner for Railways on presenting us with a surplus Budget this year. This surplus, Sir, is more appreciated by the provinces as under the constitution the provinces will be able to gain something if the Railways contribute to the general revenues. I wish and I hope that the Honourable the Railway Member would be fortunate in presenting us with a surplus Budget every year in future.

[Mr. V. V. Kalikar.]

Sir, I want to say a word about the Wedgwood Committee's Report. Without meaning any disrespect to the Committee, I would call it an anti-gangmen Committee. Sir, the constitution of the Committee was vehemently opposed by public men in India and the Report was condemned by the other House last session and we also on this side of the House rejected practically all its recommendations. Sir, I feel rather in good company in rejecting the Report of this Committee as I read the words of my Honourable friend Sir Guthrie Russell, that action had already been taken by the Railways on their own initiative and on the recommendations of the Pope Committee on many points on which the Wedgwood Committee made recommendations in their Report. Then the question naturally arises, Sir, why this Committee was appointed and why so much public expenditure was incurred for the formation of this Committee? Sir, it is rather surprising that some of the recommendations which the Committee have made and which are in the interests of the Indian taxpayer have not been given effect to by the Railway Administration. I refer in this connection to the purchase of wagons and locomotives and if that recommendation had been given effect to I understand about Rs. 4 crores would have been saved. Then, Sir, the recommendation of the Committee about appointing supervising staff is to be brought into practice, as I find from the Blue Book that has been circulated to us. Now, in this connection, Sir, I submit I suspect that the feeling of anti-Indianisation is rampant in the Railway Administration. Sir, the Railway Administration have given credit to our young men as I see from the paragraph on page 2 of their statement. It is said there that—

“the scheme recommended by the Enquiry Committee for the filling of gazetted posts of the Mechanical Engineering Department is, in its essentials the same as that now in operation on the Railways. Boys who have been trained at Jamalpur Works of the E.I.R. and afterwards for two years in England have not belied our expectations and generally speaking are proving to be suitable and efficient officers”.

That is a good certificate to the young men of India and if that is so, if the boys who have been trained at Jamalpur are proving a success, then, Sir, I do not find any reason why they should accept the recommendation that for a limited period a limited number of supervising staff is to be imported from abroad. Is it anti-Indianisation or is it because our boys are lacking in technical knowledge which the Railways require for supervising purposes? Sir, my Honourable friend Mr. Kunzru has in his elaborate discussion of this Budget shown how the anti-Indianising spirit or the discriminating policy of racial discrimination is rampant on the Railways. I go one step further and I accuse the Railways of making that spirit more rampant in the Railway Administration. I find, Sir, that in the Railway Board they have not found any competent Indian to look after the affairs of the Administration. After Sir Raghavendra Rau left us, no Indian has been appointed to that post. Well, Sir, to me it appears that there is something wrong with the Railway Administration or there is a distrust for the capacity of Indians to manage their own affairs. We find that Indians have to their credit been carrying on not only the administration of the provinces but they have been found up to the mark in the higher departments of the Government of India. Sir, after the Round Table Conferences a policy was enunciated that Indians should be associated in almost all the Departments of the Government of India so that they may be able to know what the administration is and they may be able to grasp the real work of the administration. But, Sir, it is a matter of great surprise to us, especially on this side of the House, that no Indian has

been found fit to be a Member of the Railway Board. I therefore, Sir, raise my voice in protest against this action of the Railway authorities.

Now, Sir, I have to say a word about the rebates that have been granted to the two countries, Afghanistan and Iran, by the N.W.R. and the E.I.R. I understand that the Committee of the Indian Chambers of Commerce, Calcutta, had written to the Railway authorities to take steps to remedy this grievance. Their stand is that by giving these concessions to these two countries Railways are indirectly encouraging foreign goods and thereby discouraging the indigenous goods to go abroad to those two countries. Sir, if the position taken up by the Indian Chamber of Commerce is correct—and I have no doubt it is correct—I think it is the primary duty of the Railways in India to give more encouragement to indigenous goods than to foreign goods. Moreover, we have received complaints from the Indian traders in Afghanistan and Iran that they are not being treated fairly and that various disabilities have been put on their trade so that they cannot compete with other traders there. So, why should we, the Railways in India, show any concession to these two countries where our nationals are being treated unfairly?

I am not in a position to congratulate the Railway authorities because they are going to spare about Rs. 21 lakhs for providing amenities to third class passengers. They admit that the lower class passengers are their best customers. If so, it is the primary duty of the Railway Administration to look to their comforts. My Honourable friend Mr. Kunzru has voiced the grievances of third class passengers. He has specially brought to the notice of the House the complaints about Hardwar station. I read the other day in the papers that the Railways have chartered an aeroplane, and they are going to distribute handbills and leaflets. That aeroplane is going to fly over Allahabad, Benares and Gaya, and an officer has been engaged to tour from Delhi to Gaya to induce third class passengers to go to the Kumb Mela at Hardwar. All this is good from the publicity point of view, but I submit you have to look to the amenities also of the third class passengers. We have just heard a complaint that the platform at Hardwar station is not covered well. We have just heard a complaint about the width of the platform there. Sir, by this propaganda you induce the third class passengers to go to the Kumbh Mela but you ought to see that the people who go there have proper amenities. They should not be treated like cattle and beasts.

I have heard complaints about the quality of food that is being supplied to the passengers, especially third class passengers, on the Railways. One of the reasons given by the contractors is that they have been asked to pay very heavy charges for the rent of the stalls, and exorbitant fees for contract. These grievances have been voiced both in the press and public, and if they are true, the Railway Administration should lower these rates, so that the third class passengers may get good food at a cheaper rate. It is only the lower class passengers who suffer, and so it is the primary duty of the Railways to look into this.

Sir, I congratulate the Railway authorities on their making an attempt to purchase the requirements of Railways from Indian manufacturers. As I read the speech of the Honourable the Chief Commissioner, I understand the Railway authorities are trying their utmost to do this. I heartily congratulate them on this. But I would go further and add that the demand voiced by the public about the manufacture of locomotives should again be investigated and, if possible, even locomotives should be manufactured in India.

[Mr. V. V. Kalikar.]

That would be a great help to the industries of India, and that would give employment to many of our youths who are out of employment now-a-days. This point should not be neglected. The Railways should first minister to the needs of the Indian industries instead of encouraging foreign industries.

I now come to co-ordination between road and Railways. I am very glad to find that the Railways have admitted that motor transport has come to stay in India. I am one of those who think that there ought to be a co-ordinating policy between Railways and the road. But, Sir, I cannot agree on one point, and that is, starting of motor services by the Railways. To my mind, it appears that it will kill the competition and it will ruin all private enterprise. If there are any drawbacks in the private enterprise, the Provincial Governments by legislation will set the matter right. But I cannot appreciate the Railways entering into competition with private enterprise and crushing the industry which is being managed at present by, I may say, the vested interests or by private individuals. I understand that they are going to start buses in the Punjab by way of an experiment. But I would like the Railways to consider this point seriously, namely, whether they would not interfere with private enterprise there. I therefore suggest that the Railways should not come in the way of private enterprise.

One word more and I have done. I once more heartily congratulate the Railway authorities over the action they have taken in connection with the purchase of railway stores in India. But I would further suggest to them though the question of locomotives has been decided long ago, they should investigate that matter further. We on this side of the House are very serious about the manufacture of more locomotives in this country. We hope that the Railway Administration will be run in the interests of the industries of India, and we desire that the Railway Administration by lowering their freight rates should give more chance for the internal trade to expand, and by lowering passenger rates the people should be more encouraged to use Railways and the Railways should look to the comfort and necessities of the lower class passengers.

THE HONOURABLE MR. G. S. MOTILAL (Bombay: Non-Muhammadan): Sir, the Budget estimates for the next year are based entirely on the revised Budget figures for the current year, so far as its main features are concerned. To review the current year's Budget is as much as surveying the next year's Budget. I shall, therefore, deal with the broad aspects of the current year's Budget.

Those of us who have been watching the course of the railway finances through official statistics published every ten days were not unprepared for a larger surplus this year than the amount budgeted for originally. Last year the Railway Commissioner Sir Guthrie Russell expected only a surplus of Rs. 15 lakhs but the improvement in trade, commerce and industry of the country has given him a bounty, in the shape of a surplus of more than Rs. 2 crores, which has enabled him to present a cheerful picture of railway finances. I have no doubt he is happy over this and so are we. I do congratulate him, Sir, on his good luck in having this year not an insignificant surplus after passing through six long years of depression and anxiety, resulting in a total deficit of no less than Rs. 41 crores and 63 lakhs. During this period of deficits, Sir, the Railways ceased to make any contribution to the railway reserve or

to the general revenues. On the contrary we have had to draw upon the Depreciation and Reserve Funds. From the Depreciation account we took no less than Rs. 32 crores and nearly Rs. 18 to Rs. 19 crores from the Reserves. We thus came to live upon our reserves. After passing through a period of such stress and strain, it is relieving that we have at least a surplus though small compared with the surpluses of the more prosperous years of 1924—1929. For a correct appreciation of the railway finances of this country, we must consider the effect of separation of the Burma Railways consequent upon the constitutional separation of that province from India. During the period of six years of consecutive deficits, the share of Indian Railways therein only amounted to Rs. 38 crores and 53 lakhs and that of Burma to Rs. 3 crores and 10 lakhs. In the year 1936-37, the surplus from Indian Railways was Rs. 145 lakhs but the deficit of Rs. 24 lakhs of the Burma Railways reduced our surplus to Rs. 121 lakhs.

A close examination of the railway finances reveals, Sir, that the prosperity of Railways is insuperably bound up with the prosperity of trade, commerce and industry in the country and goes hand in hand with the latter. This is best illustrated by the history of railway finance in this country during the last 14 years when we find that the prosperity of Railways closely follows the rise and fall in the volume of trade and industrial production. The figures for 1924—1929 show that the railway earnings were, on an average, nearly Rs. 95 crores. These were also the years when India had very favourable trade balances. The decline which set in during the later years (1929—1935) in the export trade of India coincides with a corresponding decline in the gross traffic receipts from Railways too. From an average of Rs. 95 crores in this period, the gross receipts began to fall, the lowest figure in one of these years touching Rs. 81 crores. It is important to note here that although the mileage was increasing every year from 1924, rising from 25,000 miles in 1924 to 29,500 miles in 1931, the gross traffic receipts began to decline. In the year which is about to close we find that our earnings have not yet reached the 1924-25 figure in spite of our having an extra 4,000 miles of railways. This consideration leads us to the conclusion that a great deal of effort is necessary if our railway finances are to be rehabilitated, and the Railway authorities cannot rest on their oars, notwithstanding the appearance of a fortuitous surplus this year or next. The very "restrained optimism" of the Honourable the Chief Commissioner for Railways points to the same inference.

It is the war scare, Sir, resulting in the demand for more raw materials, that has contributed to the improvement of goods earnings on our Railways, and not any planned and sustained efforts on the part of the Government to improve and regain the lost ground in our export trade and industrial economy, that has brought about the present happy result.

To depend on mere casual circumstances for the prosperity of the country or of the Railways partakes of Micawber's policy of drift rather than one of constructive business.

I have noticed that it has become a fashion to lay undue emphasis on the importance of third class passenger traffic to the Railways. These friends ignore that the mainstay of our Railways are trade, commerce and industry of the country. Taking the figures for 1936-37 what do we find? The statistics disclose that out of the total gross earnings of Rs. 108.07 crores for all Railways in 1936-37, more than two-thirds, namely, Rs. 69.80 crores is derived from goods traffic and less than one-third from passenger traffic.

[Mr. G. S. Motilal.]

I am, however, prepared to admit that out of the one-third of the total revenue derived from passenger traffic, the largest part accrues from third class passengers with whose needs I have the fullest sympathy.

While on this subject, I must confess that unless there is a complete change in the attitude of the Government towards the trade and industry in the country as a whole and their policy in these two spheres fully identifies itself with national interests, no efforts on the part of the Railway authorities to reduce the operating charges and effect economy by various means, essential and laudable as these are, will by themselves contribute to any substantial degree to the increase in traffic earnings. This depends largely on the statesmanlike policy which controls the movements of exports and imports of raw materials and merchandise not to the detriment of Indian interests, but predominantly in their favour. Unless the prices of our agricultural commodities rise up, and the purchasing power of the masses improves, the Railways will not be able to show a worthy record of their achievements. All other measures at improving railway economy will, however beneficial and productive of good results, touch only the fringe of the question and not go to its root.

Based as the rating policy of the Railways is, more on our foreign trade than on the movements of internal commerce, the volume of the foreign trade materially affects our railway revenues. The over valued rupee has been detrimental to our export trade and has deprived the Railways of large revenues. I know that Sir Guthrie Russell has no control over the exchange policy. But is it not incumbent on the Government to help this great national industry and improve its finances by restoring the rupee to its former level, which will give a stimulus to our export trade?

The Honourable Member in charge of Communications is a Member of the Government and I consider it my duty to impress upon him the necessity of taking measures for radical improvement which railway finances urgently call for.

Other important points of railway administration have been ably dealt with by the speakers who have preceded me and looking to the short time at my disposal I do not propose to go over the same ground.

In the face of a rising competitor like the automobile and the bus, offering cheaper rates of fares and freights, the railway traffic policy needs a complete overhaul. To meet the serious competition from the road, the Railways should so adjust their freight rates as to attract traffic, and make it economic for the users. Why should the Railways grouse if the roads absorb more and more traffic by offering cheaper rates and better facilities than they do? It is a sound dictum of economics that cheap transport should not be killed. It should survive.

But for the slump in the two important agricultural products, namely, cotton and oilseeds, our goods earnings would have shown still better results. The detailed figures relating to wagons (in terms of 4-wheelers) loaded on both broad and metre gauges from 1st April, 1937 to 20th January, 1938 show that while there has been an all-round increase in regard to coal and coke, grains, home line stores and materials there has been a marked decline in regard to cotton and oil seeds, the deterioration in the last two mentioned products reaching as high a percentage as 22.7 and 16.6 respectively compared with the corresponding figures for the last year for the same period. It is rather regrettable that Government have not taken any effective steps to stem the

slump in time and retrieve the situation. Suggestions were made to Government by the interests concerned and Chambers of Commerce, but as yet the wheels of the administrative machine does not seem to have moved in the matter.

It is high time, Sir, that our Railways are managed with a definite purpose and a clear-cut plan, at least in a way that will not lay them open to the charge that they are merely drifting with little concern for the huge capital invested, and less appreciation of the important function of the public utility service under their charge. The interest charges have gone up by Rs. 3 crores. Every effort must be made to economise expenditure and enlarge the scope of income and capture traffic. Our aim must be that this greatest industry of the State is so conducted and managed that without depending on my fortuitous circumstances that might come to its rescue in any single year, it pays its way, and contributes its share to the enrichment of the State not only by giving its quota to the general revenues but in various other ways of encouraging trade and industry in the country. In this way only can the Railways justify their title as a national asset.

I would draw the attention of the Honourable Member for Communications to the lack of statistics in regard to an important matter. The Red Books do give us some very valuable statistics no doubt, but there has been a feeling and a very wide complaint—a long-standing complaint—against the Railway Administration that its rate policy favours foreign trade at the expense of internal trade. This has been admitted on occasions by persons in responsible positions and the Industrial Commission also expressed its agreement with this view. A long time has elapsed since the Industrial Commission reported and other Committees and Commissions took notice of it. In order that we may have some data before us to examine the position afresh, it is necessary that there should be some statistics available to the Members of this House which would enable them to ascertain the quantity of goods which are carried by the Indian Railways and the portions thereof taken to port towns.

Such figures are necessary to form an idea of the quantities that are exported and the quantum that remain in the country; secondly, as to how far the internal trade is subordinated to foreign interests; thirdly, to what extent the Railways help internal trade and at the same time advance the prosperity of the country by helping the export trade.

Sir, we have now a surplus of Rs. 2½ crores this year and a similar surplus is expected for the next year which I hope will materialise. At a time like this I should have expected the Railway Administration to give some relief by reduction of coal surcharge. The coal traffic has given added income to Government to the tune of 10 per cent. so far. If in view of this 10 per cent. additional traffic, some relief had been given, some portion of the surcharge had been removed, it would have helped the industrial activities of the country.

Another point which I should like to refer to is, the rebate which is being given for traffic from Calcutta to Afghanistan and Iran. Two Chambers of Commerce of Calcutta have complained and rightly complained that that rebate should not be given only to goods which are taken from such a long distance as Calcutta to Afghanistan and Iran. It really amounts to giving a subsidy to foreign trade. I hope the Communications Member will deal with this point and enlighten us as to how far this charge is correct, for what purpose this rebate is being given, whether such help is given to internal trade, what rebate has been given for goods which are taken not only from Calcutta but from the interior of the country to Afghanistan and Iran.

[Mr. G. S. Motilal.]

Sir, I know there are other Honourable Members who are anxious to speak and I will therefore not take up more time of the House.

THE HONOURABLE KUMAR NRIPENDRA NARAYAN SINHA (West Bengal : Non-Muhammadan) : Sir, I am glad to find that the Honourable the Railway Member and the Honourable the Chief Commissioner for Railways have presented a Budget showing a surplus. I fully appreciate also, Sir, the wise policy of the Honourable the Railway Member for his desire to obtain a large part of the requirements of the Railway Department from manufacturers in India instead of having to import them from abroad. I find that the Honourable Sir Guthrie Russell has in his speech made a reference to the Report of the Wedgwood Committee. It may be within the recollection of the House that in the last Budget session adverse criticisms were made by Members on this side of the House on the question of appointing an expensive committee of foreign experts to the entire exclusion of suitable Indians. On seeing the speech of the Honourable the Chief Commissioner for Railways, it is evident that the Railway authorities have already taken action on the major portion of the recommendations of the Wedgwood Report either on their own initiative or as a result of the suggestions of the Pope Committee. Again, Sir, the Wedgwood Report laid great stress on better service to be rendered to the public, which is also not receiving the proper attention of the Railway authorities. I find a sum of Rs. 21 lakhs only has been set apart for the comfort and convenience of third class passengers. Then, Sir, what is the good of such a committee whose recommendations on subjects on which they give authoritative views have not been taken into consideration? Sir, this being an admitted fact, our criticisms made 12 months ago appear to be justified inasmuch as we have had to spend a large amount on this Committee without any reciprocal gain. I have therefore to submit with all earnestness that in future the Legislatures be consulted before the formation of any committee.

Sir, it is a matter of deep regret that proper amenities have not been given to the travelling public at Hardwar station where I understand some portion of the platform is yet without a shed. May I draw the kind attention of the Honourable the Railway Member to this and ask him to remedy this long felt grievance of the public before the ensuing Kumbh mela.

Before I conclude may I request the Honourable the Chief Commissioner for Railways to do away with the system of leasing out food stalls now in vogue on some Railways to the highest bidders and to particular persons for a large area as this leads to a deterioration of foodstuffs or makes them very expensive. I understand that this view of mine was shared by Sir Guthrie Russell himself when he was Agent of the G.I.P.R.

THE HONOURABLE MR. R. H. PARKER (Bombay Chamber of Commerce) : Sir, we are among those who have always hoped for the day when there would be in this House a Member for Communications and we are extremely happy that Sir Thomas Stewart now occupies that position. We have always had great sympathy with Sir Guthrie Russell in his bad times and we share with him the pleasure of his better time which he now reports. I must admit that I myself think that present conditions make estimating extremely difficult and I only hope that the optimism reflected in his Budget will be in time justified. The Railways in India are one of the biggest assets in the country, and one of the biggest employers of labour—I think the biggest individual employer—and as such I think it is very important that they

should set an example in every respect to the industrial community. They and all big industrialists have an opportunity and the duty to assist, as far as they can, and I think they can to a considerable extent, in the avoidance of excessive booms and excessive slumps. A great deal can be done in that direction by wise expenditure from time to time on capital account; buying as far as possible equally during bad times and good times, and taking a long view of requirements. From the purely selfish point of view this is good for the Railways who will in that way reduce the average cost of articles purchased. While *prima facie* it would seem that this will not be good for the sellers, it is a fact nevertheless that it usually pays sellers as well as buyers because they are able to work steadily and with stability over all the years rather than a lot in one year and a little in the next.

Then I hope that my Honourable friend will take great interest in the subject of accounting because if you do not know exactly what your results are I always feel that you are in an unfortunate position.

I am glad to see that in one place he says "working expenses including depreciation". I agree with that. I think depreciation is a working expense and ought to be regarded as such. The only difficulty about it is that you have to estimate it. Then having found out exactly what your results are, I hope you will keep something in hand because half our troubles in the past have been due to the fact that we have not had any reserves. I myself would put it this way, that part ought to be handed over to the general revenues and only such a sum kept in reserve as would be distributed to shareholders as dividends. I appreciate that the general revenues want as much stability as they can get in the amount they receive from the Railways but as to that I would myself create reserves for that purpose, from a general reserve or a particular reserve just as is done very commonly in commerce.

I would like to say a word or two about coal. I think due regard should be paid not only to the economical and efficient running of the Railways from this point of view but also to the coal industry as a whole, and ultimately, all decisions in that connection should be based on the economic effect on the country.

I think too little notice has been taken of the success of the job analysis. I think some of these figures are extremely striking. I have here figures showing that for every Rs. 11.61 spent between 1933 and 1937, there was a saving of Rs. 175. I think that is a tremendous thing and the Railways ought to be very heartily congratulated on that. I would ask them to remember—certainly, in my experience, it is necessary to remember—that a job of that kind needs to be gone over continually, at any rate from year to year, or every five years. It is never done for ever.

I welcome the remarks about publicity. I was personally, at one stage, in India very doubtful about the value of publicity, but my experience is that it does pay.

Then I come to co-ordination of different forms of transport. Here, again, the economic benefit to the country as a whole is the prime consideration. I hope the Member for Communications will take the broadest possible view of this subject, and particularly will not only improve the service and accelerate railway transport where there is competition from other forms of transport but also wherever it is practicable to do so. In the long run, I am satisfied that that is the prudent course from the financial point of view of the Railways themselves, apart from being what is a greater thing—the best course in the interests of the country as a whole.

[Mr. R. H. Parker.]

I think it was the Honourable Mr. Pantulu who suggested that you might compare the life of a bus and the life of coaches on a railway. I do not think any public utility undertaking could be financially soundly run if you take that line of thought. The normal life of a bus is something like five years and the normal life of a coach is something like 30 years. If you start scrapping a thing after five years when you ought to use it for 30 years, no doubt you will find yourself in a peculiar financial position.

THE HONOURABLE MR. RAMADAS PANTULU: I did not suggest a comparison between the lives of the two. My reference to buses was for a different purpose.

THE HONOURABLE MR. R. H. PARKER: I thought you did. I am sorry. Somebody else wanted to make locomotives in India. If he saw the estimates of what it would cost, I have no doubt he would change his mind.

One other thing. We have good experience of in the last year too, and that is, our contacts with the Railways from the commercial standpoint is extremely satisfactory and I hope that will continue. That is a great thing.

THE HONOURABLE MR. HOSSAIN IMAM (Bihar and Orissa: Muhammadan): Sir, before I commence my remarks on the Budget, permit me to congratulate our former colleague Sir Thomas Stewart on the occasion of his return to this House, after his translation to higher spheres. This is the first time that he has come back to us as the Communications Member, and I welcome him on behalf of the Council. (Applause.) Sir, I congratulate the Chief Commissioner on his good fortune in presenting to us a more rosy picture of the railway finances than I had ever heard in the eight years I have been in this House. I have purposely avoided calling it a surplus Budget, because I feel that it is not a surplus Budget. It is only when you come out from darkness that you feel that even the light of a hurricane lantern is good light. But if you had lived under arc lamps, you would feel that you have come into darkness. Similarly, the Railways have done much better in the past, and we hope that they will do as they did in the past. They have not yet come up even to the standard figure. They have not secured even pass marks. They would have secured pass marks if they had paid the quota due to the general taxpayer at the rate of one per cent. which they have not done for the last seven years.

THE HONOURABLE THE PRESIDENT: You do not believe in cycles of good and bad years?

THE HONOURABLE MR. HOSSAIN IMAM: The bad years have lasted too long. May I say that when they had deficits in the past, our Honourable colleagues on the Benches opposite used to plead that the real guilty party was the trade depression, and the Administration were not to blame for the deficits that had become so common a thing in the Railways! May I hope that now that they are out of the wood, they will give due credit to the trade revival for their prosperity and not feel that they have nothing more to do and think that because they are out of the wood, everything is the best that could be? If the Railway Administration are now thinking in terms of prosperity they are likely to forget all the lessons of the past. They may become less vigilant and more careless. With the return of prosperity it is more necessary that headquarters should control the expenses than when we are

in bad times; because then everybody feels that he is in difficulties and wishes to curtail expenditure, but it is different now, when we have for the first time turned the corner, and are able to pay a part of the contribution which was due from Railways. But you are not able to pay your past loans from the Depreciation Fund, and your over due contribution to the general revenues. You cannot pay even the full quota due from you for the current or coming year.

(At this stage the Honourable the President vacated the Chair which was taken by the Honourable Sir David Devadoss.)

I am afraid that people down below may feel that they can relax their control and live as they used to live formerly when we were in prosperity. The result of that feeling of self-complacency was that we over-capitalised the Railways to the tune of about Rs. 80 crores. It has been generally admitted by both sides of the House,—I mean the Government side as well as the public,—that there is over-capitalisation. That over-capitalisation is causing us great difficulties at the present moment. Over-capitalisation of Rs. 80 crores means that at the current rate which you are paying for the later day debts—4.75 per cent.—we are paying Rs. 3.80 crores as interest for over-capitalisation. The first essential, as perhaps my Honourable friend Mr. Parker will admit, is to write down this over-capitalisation,—the goodwill, you might call it,—because it is not a paying proposition. What efforts has the Railway Administration made to write down this over-capitalisation? I have been told that there is no possible method to write it down. They are not able even to pay up due demands, how can they then lay up something for their future good? But there is a method. Where there is a will there is a way. If the Finance Department were to agree it would be possible to find a method whereby you could write down your capital without very excessive cost. I refer particularly to the short-dated loans of the Government of India which are likely to mature this year and in the two or three years ahead. If the Government of India were to hand over those scrips to the Railways and the Railways were to convert them into redeemable debentures repayable by annual drawings; we would get accommodation in the market at the present moment at about 3 per cent., and if we could lay down 5 per cent. we would pay back the whole amount in 31 years. This we could do without in any way entrenching on the privileges of the general taxpayer, because at the present moment the position of the Government of India is that 80 per cent. of their loans are represented by commercial departments and only 20 per cent. represents their own borrowings, strictly speaking. So it would not be hard on the Railways or on the general taxpayer. We are paying at present 4.75 per cent. on the later day loans. If we could take up the responsibility for, say, Rs. 30 crores of loan from the Government of India and change it into redeemable stocks we would have to pay just Rs. 5 lakhs more than we are paying in interest, with the further advantage that in the course of 32 years the whole of this debt will be wiped out. I need not labour the point. Suffice it to say that I wish that the Government would explore methods whereby they could write down this over-capitalisation.

Coming to the Budget proper, I find that the Administration have forgotten the lessons of the past. Since 1932 or, to be exact, from 1931-32, whatever was our capital at charge on the 31st March, 1932 had not been exceeded till the present day. With certain variations it had remained below that figure, and this is the first year that we are going to exceed that by Rs. 2.75 crores in the capital at charge. That is exactly the method by which the Railways had made their rake's progress in the six years of prosperity

[Mr. Hossain Imam.]

when they had increased their capital at charge by Rs. 100 crores without increasing their takings. We are again embarking on the same sort of adventure. Why I say this will be borne out if I just cite a few details to you. It is common ground that the two Railways, the E.I.R. and the B.B. & C.L., are the best payers. If you eliminate these two Railways your railway finances would crash and you would have to resort to borrowing. They contribute nearly Rs. 5 crores over and above the interest charges for making good the deficits and losses in other Railways. Now these two model Railways are going to increase their capital by Rs. 34 lakhs only next year. One is going to increase it by Rs. 22 lakhs and the other by Rs. 12 lakhs. But what happens in that Railway which is near enough to the Honourable the Chief Commissioner and has access to the Simla heights, the N.W.R. ? That Railway is going to increase its capital by Rs. 60 lakhs, although it is unable to pay the interest on its present capital. The E.B.R. is in the same boat with the N.W.R. and is not able to pay its interest charges even on the present capital at charge and it is going to increase its capital too. Between them these two Railways are going to increase their capital at charge by Rs. 1 crore and 8 lakhs, while the former two I mentioned are going to increase their capital by Rs. 34 lakhs only. The more efficient a railway is the less it wants to increase its capital, and the more inefficient an administration is, the more it wants to increase its capital, and that is because it does not bother who will have to pay for it. I would refer to another matter of a like nature which will illustrate how the mentality of the Administration has changed. Look at the B.N.R., that model of iniquity, which can never be in a prosperous condition and which is sure, because it has got a contract, that it cannot be touched and that it will receive its payment. It is a strange sort of contract that we have, to finance all the deficits and to meet all the losses while we have no control; and their share in the concern is less than a twentieth part of the capital and yet they must have full control of the administration. A more one-sided contract you have never heard of. Now, the B.N.R. hope to get in the next year Rs. 10 lakhs more than in the current year; that is the estimate. But the estimate of the expenditure goes up by Rs. 20 lakhs, so that we would have been better off if we had not earned that Rs. 10 lakhs; we would then have saved the Rs. 10 lakhs from the expenditure side. That is the B.N.R. The M. & S.M.R. are as bad. Their income in the coming year is expected to be Rs. 71 lakhs less than the last actuals, but they are going to decrease expenditure by only Rs. 4 lakhs. The S.I.R. tell a worse story, if that is possible. In their case a fall of Rs. 6 lakhs in the income is coupled with an increase of Rs. 12 lakhs in the expenditure; the income is going to be curtailed but the expenditure must rise.

(At this stage the Honourable the President resumed the Chair.)

These are the ways in which the Company-managed railways are at the present moment living in a paradise of their own, because they have the Secretary of State at their back and our voice is not heard, and this is the model on which you wish us to continue other Railways. It is for these reasons, whether you manage well or badly, I want that everything should be under the control of the Railway Board. At least we can hold you responsible. Now you have not even the responsibility for it and you ask us to shoulder the responsibility for financing them without ourselves or yourselves having any control over them. And here I should like to appeal to the Honourable the Communications Member to exercise our right of purchase of the two Railways in which we can give notice this year. I refer to the South Bihar Railway and to the Hardwar-Dehra Dun Railway. For these two Railways notice of

termination of contract can be given this year. Both are very prosperous Railways and very small amounts of money have to be paid. Therefore I hope that they will not repeat their past performance by which they increased the contracts of the M. & S.M.R. and gave a further lease of life to the B. & N. W.R.

Sir, in passing I should like to remark—a very short remark—on the communal proportions fixed in the Railways. I welcome the additional information which has been incorporated in the Administration Report about the subordinate grades, but I regret, Sir, that in the State-managed railways out of the 26 vacancies which fell during the last year only two Muhammadans were taken. An explanation has been given in the Administration Report. But we want that there should be a principle of carry forward, that if there is any fall in any one year it should be carried forward to the next year. I do not wish to labour the point. Whether we should have an increase or not I am not particularly concerned with, at the present moment; I simply wish to emphasise that in the gazetted staff as well as in the subordinate appointments there is a necessity, especially in the subordinate grades, that intermediate grades should be created and direct recruitment should be made. At the present time there is so much unemployment that it is the duty of the Government, and especially of the Railways which are the largest employers of educated people, to create employment for educated youths. It is singularly inopportune at this moment that retrenchment in this service should be the order of the day. I have heard a strange story from Lucknow. I cannot vouch for its correctness, but I would like the Chief Commissioner to enquire. In the Stores Department the lowest clerk was getting Rs. 30. A bright officer thought of saving money and introduced a system by which the number taker is converted into a junior scale clerk on Rs. 16 a month. There is no sanction from the Railway Board as far as I am told, but there the story goes. Arbitrarily a new grade has been created and people are being paid at the reduced rate for the work for which people got Rs. 30, so that the men at that station get only Rs. 16. Here, Sir, I should like to refer to a remark of the Honourable Mr. Parker. He said that job analysis has done a lot. I quite accept it. But those savings are estimates; they are not actuals. You cannot find the actual figures. At best you can estimate what you are likely to save. Would it not pay for a job analysis of officers' grades also to be made, to find if there are excessive officers especially in the higher grades; and even if one or two officers could be reduced, we would have more savings than from all the subordinate and menial staff taken together. Gate-keepers and chaprassis are being job analysed. Why not have a job analysis of divisional officers and people of that nature?

Sir, coming to the Wedgwood Report, our Honourable colleague Pandit Hirday Nath Kunzru has dealt with it at some length. I shall not therefore waste the time of the House in going into details, but I would like to point out one particular aspect of it, that when we criticise the Government we are told "You are laymen, you have no knowledge". We admit that. We are prepared to bow to the Government because we are not experts. But when an expert of their own choosing passes remarks on them and condemns their action, where is the court of appeal? The Government would not accept that person as an expert any longer. Sir Ralph Wedgwood and his Committee were experts when they were appointed, but on the 1st June when they submitted their Report they were worse than ourselves.

THE HONOURABLE RAI BAHADUR LALA RAM SARAN DAS: Because they had no knowledge of India.

THE HONOURABLE MR. HOSSAIN IMAM: I am talking of the subjects on which they were appointed as experts, about the rolling stock, about economies, about locomotives. These are the things on which these people could give authoritative views. What happens? On the 12th February, 1937, the Honourable the Chief Commissioner sitting here decides that he must get a contract for 6,000 wagons. Although the Assembly and the Council of State were in session, the Standing Finance Committee was not called in and consulted.

THE HONOURABLE THE PRESIDENT: Do you know that trade is suffering just now for want of wagons very badly? Have you the slightest idea about it?

THE HONOURABLE MR. HOSSAIN IMAM: Why should these people who are not experts masquerade as experts? Why were they brought into India and money spent on them if they were such fools?

THE HONOURABLE THE PRESIDENT: I would ask you to withdraw that.

THE HONOURABLE MR. HOSSAIN IMAM: I will withdraw that. If they are not experts why did you call them so and spend our money. You should have decided beforehand before appointing them. It must have been done either to cheat us—

THE HONOURABLE THE PRESIDENT: Order, order. I would ask the Honourable Member not to use these expressions.

THE HONOURABLE MR. HOSSAIN IMAM: I withdraw it. They camouflaged the people who were not experts as experts. They must plead guilty to camouflaging or they must admit that they were experts and their dictum must be followed. They cannot remain between two stools, that they are experts for certain purposes, for dismissing gatemen; but for cancelling locomotive contracts they are not experts. The recommendation on matters on which they were really competent to give authoritative opinion has been disregarded by the Railway Board itself. The Report was submitted on the 1st June; it had been before its submission cancelled on the 12th of February and formally cancelled on the 28th of June when the Railway Finance Committee like a docile body endorsed all the recommendations of the Chief Commissioner. And what is more, Sir. We charge that they entered into a contract without consulting anybody. No mention was made of the fact that a contract had been entered into for 6,000 wagons at the time of the presentation of the Railway Budget, at the time when the Budget was under discussion. This is hide and seek with a vengeance.

Now, Sir, I was saying that the Wedgwood Committee recommendations are trotted forward when it concerns jobs of low paid Indians and when it concerns the appointment of highly paid Europeans. It is only for these two purposes that the Wedgwood Committee Report has any value. For the rest, it is a valueless document in the eyes of the Railway Administration.

We have been associated with the Chief Commissioner for such a long time in this House that we feel his departure very much, but it is rumoured that he is going back this year. He is going on leave first but if an officer is brought in his place we might also have an additional Indian Member in the Railway Board office.

Now, Sir, I come to a particular consideration of a minor matter. I refer to the railway collieries. In this connection there is a complaint from the coal trade that the Railways are working some of their collieries where the cost is higher than in the market and thereby making the Railways incur expense which they could easily save. If that is a fact, that some of the railway collieries are not working economically, I hope that they will be closed up. In this connection, I came across a very peculiar instance of how our Railways behave sometimes as altogether separate units in which one has absolutely no connection with the other. Again, Sir, the people to whom I have referred are two of the Company-managed railways which are peculiarly averse to balancing their budgets. I refer to the B.N.R. and M. & S.M.R. They both have a colliery at the same place called Talcher. They both maintain a different staff of mining engineers. The B.N.R. has one mining engineer, one district mining engineer, one electrical and mechanical engineer, and two assistant mining engineers. Now, the B.N.R. has no separate colliery of its own, all its collieries are in joint working either with the E.I.R. or the M. & S.M.R. In spite of this, these five officers are not enough. In the Standing Finance Committee Report, Vol. 2, of the 21st December, there is a memorandum that the number should be increased; that the manager of this Talcher colliery should be raised from the position of a manager to that of a district engineer; that the increase in the pay should be from Rs. 350—600 to Rs. 750. Now, this Railway, as I said, has never earned any profit. It has got this thing jointly with the other Railway, and yet because of the fact that they are both Company-managed, they both must have separate staff and not only separate staff but increased staff. Would it not be possible, Sir, for all the collieries to be treated as State collieries? You have three collieries already which are not named after any particular railway. They all work for the Indian State Railways and all the State Railways have the right to make use of them. Why not convert all the collieries like that? What is the good of keeping them in separate accounts? What is the saving? Where there can be saving by unification you always avoid unification, but where unification should not prevail there you unify—I mean where the question of losses and gains are concerned. We, Sir, who live on the E.I.R. are entitled, if we are to have justice and equity, to have more amenities and reduced fares; because it is a public utility service and it is not there to make money for you. But when we get a saving, what happens? It goes to the other Railways. The whole railway system would crash because it is only the E.I.R. and the B., B. & C.I. that is keeping up this show.

Now, Sir, I would like to say a few words—with some hesitation—about the electric service department. A new head has been created and included in the demands for grants. I have nothing to say against it but I do feel, Sir, that Government ought to have given more information on that head than they have done. No figures either of actuals or of estimates of past expenditure have been submitted to us. It has been turned aside with one and a half pages in the Finance Committee's Report showing that the expenditure on electrical services will amount to Rs. 353 lakhs. We have no figure showing what was the expenditure in the past because this head did not exist. How are we to compare and to find out whether you are increasing the expenses or not? I came across one item in the N.W.R. programme in which it is shown that we are going to have 420 electric dynamos at a cost of Rs. 15 lakhs. Well, Sir, I have not found that the N.W.R. is badly lighted. The existing dynamos are working and it is possible to make them work for a further period. Condemnation by the Engineering Department only means

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that they want new ones; not that the dynamos are unserviceable. It has been found and is referred to in the Finance Commissioner's Report that unserviceable wagons were being reconditioned instead of being scrapped. Formerly they were scrapped; now they are being reconditioned. Would it not be possible to recondition these dynamos as well? And this Rs. 15 lakhs does not represent merely expenditure from the Reserve Fund but it represents additional expenditure from the capital outlay. I refer to this thing particularly, Sir, just to point out how things are hidden which show that there are possibilities of saving if a scrutiny is made.

Sir, I have nearly exhausted my points. I would just like to say a few words about the conveniences for third class passengers. I am not going to deal with the question at any length but I would simply point out that on the N.W.R. there are certain areas where no water is available either at the stations or in the railway compartments. There are tracks on the N.W.R. which pass through desert lands. If it could possibly be arranged to reserve some compartments for water or provide other means for supplying water to the passengers especially in the hot weather, it would be very welcome. Water carriers, I am told, have been reduced. This is a wrong sort of economy. Would you kill the goose that lays the golden eggs?

I would refer to one item, Sir, which might help the Government in connection with the road-rail competition. There is a thing called terminal tax which you are collecting on behalf of local bodies from all over India. You are doing this as the agent of the Local Government. But it is strange, Sir, that it is only you who are compelled to collect it and the motor buses do not collect it. They do not levy these terminal taxes. It is possible for you to refuse to collect it unless and until buses are also subjected to it.

THE HONOURABLE THE PRESIDENT: Probably, the local bodies recover it directly.

THE HONOURABLE MR. HOSSAIN IMAM: If they want to do so, let them do it.

THE HONOURABLE THE PRESIDENT: But they must be doing it. You do not mean to say that a passenger by a bus does not pay the terminal tax?

THE HONOURABLE MR. HOSSAIN IMAM: I have particular knowledge, because I happened to be living at one of the places. I am not making any guess. I saw it myself. I am speaking from facts.

THE HONOURABLE THE PRESIDENT: You are speaking from personal knowledge?

THE HONOURABLE MR. HOSSAIN IMAM: Yes. Bus passengers are not subjected to the terminal tax. It is a wrong policy that the users of the Railways only should be subjected to terminal taxes and not the bus passengers. So, you should either ask the local bodies to levy it on the bus passengers also or you should refuse to collect it for them.

Then, Sir, in the legislation that is pending by Government, there should be a minimum charge fixed for users of motor buses also, and both the users of railways and buses should be subjected to a uniform minimum rate of charge, below which they should not go.

THE HONOURABLE THE PRESIDENT: Will you please bring your remarks to a close now?

THE HONOURABLE MR. HOSSAIN IMAM: I am concluding, Sir. I am not touching any new ground.

The Honourable Mr. Kunzru has already referred to Hardwar. I have asked the Honourable the Railway Member to consider the possibility of acquiring that Railway. He should also consider the possibility of immediate action in view of the coming Kumbh *mela* for redressing the grievances which have already been voiced by the Honourable Pandit. The question of the appointment of an Indian as Agent of a Railway has long been brought to the notice of the Communications Member, and I hope that next time we will get a full-fledged agent in one of the railways.

THE HONOURABLE SIR DAVID DEVADOSS (Nominated: Indian Christians): Sir, I do not wish to make a long speech. I will confine myself to only one or two points. In the first place, I congratulate the Honourable Sir Thomas Stewart and the Honourable Sir Guthrie Russell on the very satisfactory Budget that has been placed before us. It is a good fortune to have been able to show us a surplus of Rs. 2 crores odd.

My first point is, there is a lot of beggar nuisance on all the Railways. I am told that beggars enter third class compartments and go about begging. I am told on very good authority that this state of things prevails on a number of Railways. I hope the Administration will take the trouble to prevent beggars trespassing into the yard. It is well known that it is an offence to trespass into a railway yard, but we find these beggars are often on the offside of the platform. I suppose you also would have noticed this, Sir. I come by the Grand Trunk Express and at almost every station where the train stops, there are a number of beggars who pester the passengers. It is not only a nuisance; it is a source of danger. Some of them are diseased; some of them are deformed, and so on. It is a real source of nuisance and I hope this will be removed. No doubt, the Agent of the M. & S.M.R. at the last meeting of the Advisory Committee said he was cognizant of this fact and he was taking steps to put an end to this. A little supervision on the part of the railway staff would prevent these beggars coming into the yard and pestering the passengers.

One other point I wish to make is this. We, coming from the south, feel that we are neglected, and I hope the Honourable the Member for Communications, who knows something of Madras, will see that our wants are attended to.

THE HONOURABLE PANDIT HIRDAY NATH KUNZRU: Vote sometimes against the Government. They will listen to you!

THE HONOURABLE SIR DAVID DEVADOSS: I have, Sir. I have moved a Resolution also against them!

THE HONOURABLE MR. HOSSAIN IMAM: Repeat it!

THE HONOURABLE SIR DAVID DEVADOSS: I only do it in a sensible way!

Sir, some years ago, a line was projected between Palamcottah-Panagudi and Nagercoil. I believe it was surveyed and some estimates were made. It has been long pending and we wish that it would be constructed soon. I am

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not making this request on any personal ground, but on the ground that it will be a paying concern. I know the amount of traffic that is being carried between Tinnevely and Nagercoil—that is, within the Travancore State—both passenger and goods. The buses and motor cars do a flourishing trade, and if there is railway communication established between Tinnevely and Nagercoil, I am sure it will be a very paying concern. I hope the Honourable Member for Communications, who knows something of Madras, will pay some attention to this.

A point was made by the Honourable Pandit Kunzru that there is no representative of the Central Legislature on the Local Advisory Committees. It was only recently that a Resolution was passed that Members of the Central Legislature ought to be represented on the local Committees, and I believe it was during the Simla session that an election was held and members elected from the Central Advisory Committee were invited to serve on the local Committees. That, I think, meets one of the objections.

With these words, Sir, I have much pleasure in stating that this is a very satisfactory Budget and the anxiety for improving the amenities to third class passengers is, I think, very welcome.

THE HONOURABLE SIR THOMAS STEWART (Member for Communications): Sir, let me start by thanking the Honourable Mr. Hossain Imam for the congratulations which he conveyed to me personally, and let me too express on behalf of myself and of the Railway Board our appreciation of the congratulations that we have received from so many Honourable Members this afternoon. Sir, it was only yesterday afternoon that in the course of a lobby discussion, it was suggested to me that because of their indecisive character these General Discussions on the Railway Budget were not worth while. That was a position, Sir, from which I very emphatically dissented, because I believe that it is of the utmost importance that Honourable Members of the Legislature should have such a public occasion in which to discuss our general policy and in which to offer us their suggestions and criticisms on our more detailed working. Of criticism, we do not complain. I believe myself it is good and serves as a tonic to keep us up to the mark. But, when it comes to replying after a discussion of this sort, I hope that the Honourable House will understand that it is perhaps beyond human capacity to deal with all the many matters, general and detailed, that have been raised. If they will bear with me I will endeavour to deal with some of the more general issues and, as far as I can, within the limitations of time and of my knowledge, with any of more detailed matters that I can.

One of the earliest criticisms that was made was of the Chief Commissioner's Budget speech and my own. It was said that they were rather shorter than budget speeches should be. I myself would think that was a very venial fault. It was also said that they contained no statement of our policy. Well I am not sure whether the Honourable Member who made that criticism would like to lay it down as a rule that our Budget speech should contain a comprehensive statement of the Government of India's railway policy. I myself believe that that would be wholly unnecessary, because I think we may pride ourselves that our policy is not so unstable that it requires re-statement every year. But what in fact we have done, and we have followed precedent in this, is to state our policy in regard to certain particular features of railway working which we believe demand particular attention at the present time. For example, we both of us I think made statements regarding the policy that we

propose to follow in respect of meeting road competition. Another matter that has engaged public attention recently has been the question of coal. We stated, very briefly I admit, what we had done and what we thought might have to be done. I could go on and show you from past Budget speeches that that has been the practice in the past and I think it is a reasonable practice to continue in the future.

Let me now turn to some of the criticisms of our general financial policy. Two Members I think recommended to us the merits of taking a long view. Now I think myself that there is much to be said for that and I should be prepared to press it upon those who advise me were I persuaded that the present was the time to do it. I myself do not think that world economic conditions are yet so stable as to warrant the taking of a long view which could be characterised as anything else than speculation. After all our predecessors of 12 to 15 years ago were quite sure in their own minds—of that I feel certain—that they were taking a long view. They did not foresee the collapse of 1930, and now we look at their long view as sheer extravagance. Well, with that lesson in front of us I think we must be cautious. But we are not averse to making a good bargain when we can and I think that that is exemplified in our recent wagon purchase.

THE HONOURABLE RAI BAHADUR LALA RAM SARAN DAS: Under-estimate of income to the extent of Rs. 2½ crores is too much of caution.

THE HONOURABLE THE PRESIDENT: I hope you will allow the Honourable Member to have his say. You have all had ample opportunity of expressing your views on the subject.

THE HONOURABLE SIR THOMAS STEWART: I was going to deal with the question of estimation. I have already said that world conditions are extraordinarily unstable. I should be glad to be advised by the Honourable Member or any one else claiming to be an expert estimator. I should like to be advised by them of the exact course of trade and commerce in the next year. If he could give me that information, Sir, I should not be very long Member for Railways! (*An Honourable Member*: "You want an astrologer!") Yes, what we want is an astrologer! The fact is, Sir, that we can only look ahead from month to month, and I frankly admit that our estimates are more in the nature of hopes than of an accurate prediction of what is likely to happen within the year. I think no one can go further than that.

The Honourable Mr. Parker has commended to us the wisdom of building up reserves. That we should like to have ourselves, but I am afraid with our present commitments the question of building up reserves must be postponed. For the present it is a counsel of perfection. I should like to go further than reserves. I should like to have enough money to follow out the process suggested by the Honourable Mr. Hossain Imam to reduce our capital, so that our interest charges would be diminished. But that again is not a matter of present practical politics. It was suggested by our financial expert that we should enter upon some conversion process which would eliminate the whole of our debt in a matter of 35 years. Well, I am not really responsible for debt redemption operations, but I suggest that the Honourable Member should commend his scheme to my colleague the Honourable Sir James Grigg, who, I have no doubt, will treat it exactly as it deserves.

Let me turn now to the road-rail question. The Honourable Mr. Ramadas Pantulu informed me that it was not the Railways who were regarded as the

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enemies of progress but myself and the Railway Board. Well, that may be so, but I still claim it is a popular and serious error, because we are no such thing. The co-ordination of road and rail transport is not a question of the Railway Board going out on to the roads and making a deal with motor transport companies. The question is essentially one of co-ordination of the efforts of the Central Government who are responsible for Railways with the efforts of the Provincial Governments who are responsible for roads. It is a question of co-ordination of the efforts of those authorities in order that the best possible can be done for those who want transport. What we both aim at is the elimination of wasteful competition. From our point of view it means the ruin of the Railways. From the Provincial Government's point of view an uneconomic, inefficient, transport means an effective economic loss to the province; it means enormously increased repair bills for their roads. We have been in correspondence and in discussion with the Local Governments and we feel that they are very greatly in accord with us as to the steps that should be taken towards the co-ordination of road and rail. I have personally had discussions with members of the Provincial Governments and we have met them here in the Transport Advisory Council and I am satisfied in my own mind that we have achieved much in the way of securing their co-operation in this matter of the co-ordination of these forms of transport. In these circumstances, Sir, I must insist on the fact that it is an error that we should be regarded as the enemies of motor transport. We are doing our best to secure the co-ordination of transport, and, after all, it is not the motor owner or even the railway owner who is ultimately to be considered. What we are out to get is the maximum, optimum, service for the people who use the transport.

There have been criticisms of our rating policy. I was astonished to hear the suggestion that our rating policy was being deliberately manipulated in order to favour external trade at the expense of India's own industries and commerce. Now, that is a difficult thing to prove. But twice in the last two days there has been quoted to me the case of the rebate on rail freights to Iran and Afghanistan. Now, I do not know whether the Honourable Members who quoted this example know the history of the rebate to Iran? As quoted within the House, it suggested that there was some recent misdemeanour of the Railway Administrations, but actually it dates back to 38 years ago when Indian merchants trading to Meshed from Karachi through Baluchistan asked that they might be protected from the competition of goods arriving by sea at Bandar Abbas and carried thence to the inland trading centres. That is the extent of our misdemeanour. It is 38 years old and it was done in the interests of Indian traders. That I cannot accept, Sir, as sufficient support for the very serious accusation that we are working our rates to favour external trade at the expense of our own industries.

It has also been suggested that we had done nothing to help the agriculturist. Now, I am sure the Honourable Rai Bahadur who is sitting over there (the Honourable Rai Bahadur Lala Ram Saran Das) knows more about the history of wheat freights in the Punjab than I do and I think he will confirm my opinion that the concessions that have been made in the last two years in regard to export wheat from Karachi have been of considerable value. Again, so that I might not be thought to be neglecting South India entirely, there has been considerable complaint from the cocoanut growers of Southern India that they did not have markets for their products which are being so severely hit by competition from Ceylon. It is only recently that the M. & S. M. R. have endeavoured to

assist the cocoanut grower of the south to obtain a market in the north by reducing the freights on cocoanuts to practically half of what they were before. After all the interests of the Railways and the interests of the agriculturists are not antagonistic. It is not going to pay the Railways to quote a rate that will keep agricultural produce from moving. It is as much in their interest as in the agriculturist that the traffic should move.

And now I suppose I shall have quoted against me the case of cotton and I shall be asked by the Honourable Member from Bombay as to why we did not accede to the request that cotton freights should be reduced by 33½ per cent. on all Railways; on the G.I.P.R. the suggestion was that it should be 50 per cent. That meant that the Railways were being asked to surrender Rs. 1½ crores, and even had that Rs. 1½ crores gone into the pocket of the agriculturist—which of course it would not have done—I venture to query whether we, a commercial concern, should be asked specially to make this subsidy to the agriculturist. If such a subsidy is to be given, then let it be given as a subsidy pure and simple. But I consider that it is unfair that we should be asked to give an indirect subsidy in this way. But more than that, it is for consideration if such a sum of money was to be given away, whether it was to be given to one particular class or whether it should be distributed for the common benefit of the whole of India. The actual result of our decision is that much more will be available for distribution to the various Provincial Governments.

Now, let me refer to the question of the amenities for passengers. Criticism has been offered of the fact that we have set aside a wholly insignificant sum of Rs. 21 lakhs to be applied for the benefit of passengers. We have not even considered the provision of such simple comforts as electric fans in the carriages. Well, it may be of interest to Honourable Members to have a rough estimate of what would be the cost of providing that small amenity. It would take exactly Rs. 3 crores to furnish the third class carriages and half a crore more to furnish the intermediate class carriages, and it would cost something in the neighbourhood of Rs. 40 lakhs a year to keep them in order. Now, I may be told: "You are not prepared to do that but you go and spend Rs. 2 lakhs on experiments for making air-conditioned coaches". Well, the difference between the two cases is this, Sir, that, if we make a success of our air-conditioned coaches, we shall be able to cover all the extra expense that we have incurred. We can charge a first class passenger a surcharge for the use of those coaches, but if we enter upon unlimited expense to improve third class coaches it is quite impossible that we should raise our third class fares in order to recoup that expenditure and I trust Honourable Members will realise that the two cases are not on all fours.

THE HONOURABLE RAI BAHADUR LALA RAM SARAN DAS: Let there be one third class coach on important trains with a surcharge on it and see whether it works.

THE HONOURABLE SIR THOMAS STEWART: As I said in another place, even though it is not particularly hopeful, I am prepared to consider whether a commercial proposition could be made of an air-conditioned third class coach, but I hold out no hopes that that is a possibility.

The Chief Commissioner and myself both referred in our speeches to the efforts that were being made to supply a more modern and comfortable type of third class coach. I am afraid that an idea may have been born that this is our first attempt to do anything for the third class passenger, but as far back

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as 1925 a committee was constituted which investigated the possibilities of producing a more satisfactory coach and indeed as a result of the considerations and deliberations of this committee there was evolved about 1927 or 1928 a new type of coach and detailed drawings were sent to all Railway Administrations, —to State-managed railways with the order that they should conform to this type, and to the Company-managed railways with a recommendation that they should also conform. In actual fact I think roughly some 800 coaches of that type were constructed between 1928 and the end of 1936. More would no doubt have been constructed but, as everyone knows, passenger traffic was then rapidly falling and it would have been more than extravagant to build more coaches. We have again reconsidered the design and have produced a model which was inspected by members of the Central Advisory Committee a year or two ago and that we have set before all Railway Administrations as the standard towards which they should work after making such minor variations as may be necessary to suit the particular conditions of their particular railways. Besides that, a considerable amount of work has been done in the way of providing amenities other than carriage accommodation. In the past year, more than 100 waiting rooms have been erected mainly for lower class passengers. Reference has been made to the Hardwar station. We have made a major improvement at Hardwar for the benefit of the third class passengers giving them better access to the station from the new bridge. It would take me much more time than we possibly could spare this afternoon to give you a full list of what has been done but I would refer you to Chapter 7 of the Report of the Railway Board, where there is a complete list of the facilities that have been provided for passengers in the past year.

Now let me refer to the Wedgwood Committee's Report with particular reference to this question of wagon purchase. I find it a little difficult to make up my mind, Sir, as to what is the view of this House on the Wedgwood Report and its authors. On the one hand I have heard it characterised as useless, and unnecessary, but on the other hand I find that some of our most strenuous critics use it as their heaviest ammunition. We have been accused of camouflaging experts into non-experts—or it may be the other way about—but I submit that exactly the reverse process has been carried out on the opposite Benches. Well, let us turn to this wagon purchase business which has been deemed so iniquitous. Let us start off by reading out what the Wedgwood Committee actually said :

"The stock of wagon seems to be somewhat excessive having regard to the decline in traffic handled....." And again, "In the case of wagons the stocks seem to be high, though not to so marked an extent as with locomotives and carriages. In the absence of any large increase in traffic no substantial purchase of stock should be necessary for some years".

These remarks were based on the traffic of 1935-36 and I think we all recognise that in the next year, in 1936-37, there came into evidence greatly increased traffic which was reflected in the increase in receipts which the Honourable Rai Bahadur Lala Ram Saran Das characterised as evidence of our indifferent estimation. Now that increase has gone on and in February, 1937 there was every indication of a very considerable increase in traffic.

THE HONOURABLE MR. HOSSAIN IMAM : Was Sir Ralph Wedgwood in Delhi on that date ?

THE HONOURABLE SIR THOMAS STEWART : Well, I assume he was. I was not myself. But certainly at that time we were not cognizant of the

contents of his Report. Of that I can assure the Honourable Member. But in any case another point which seems to have been overlooked is that this purchase of 6,000 wagons was not an addition to existing stocks. It was in replacement, in renewal of existing stock. And if the Honourable Member thinks that we were too rash, he may be interested to know this rather encouraging piece of information, that in the first ten days of February we have actually loaded more wagons than ever we have done before in the history of the Railways in India. So I do not believe that really the purchase was extravagant and so unjustified as our critics would make out.

Sir, reference has been made to the coal situation and our action to deal with it. This subject is probably going to be the subject of a debate in another place next week and I do not wish to be argumentative today. I would only set out for the information of Honourable Members a resumé of the more important facts as they presented themselves to us. By the end of 1936-37, supplies against contracts for that year were short to the extent of 2 lakhs of tons, and the stocks held by the four State-managed Railways were considerably under half of their normal stocks. For example, the E.B.R. had 11 days' stocks against an average monthly stock of 29.4 days' supply. Things did not improve and in April, 1937, when the new contract supplies were arriving, they were short by 30,000 tons in that one month. By the middle of May, the Railways were being supplied only to the extent of half of their demands. In July, matters became really critical. The trade themselves were considerably agitated over the possibility of serious labour shortages. Both they and industry in general approached us to take action of one sort or another to relieve the situation. But meantime the Railway Board had acted and the action they took, in their own words, was this :

"The increased traffic on the Railways coupled with the failure of a number of collieries to give full supplies to the Railways has led to depleted stocks rendering it necessary to secure fuller supplies and steps have therefore been taken to increase substantially the output of State collieries in the Bokaro coalfield. Additional contracts have also been placed in the Central Provinces where the labour position is easier than in Bihar and Bengal".

But, in spite of that action, the situation continued to be critical, and in August, the A.B.R., for example, had somewhat less than a third of the stocks that were considered safe. It may be said the coal was there though actually there was no coal to supply. But our information was to the contrary. The coal which had been moved on the E.I.R. in April, May and June, 1937 was 377,000 tons more than the coal which moved in the corresponding period of the last year, and again, in Bihar and Bengal coalfields, there was raised in July, 1937, 305,000 tons more than had been raised in July of the previous year, and as far as we were informed, there had been no substantial variations in the exports of bunker or export coal. We therefore were of opinion that our embarrassment was not due to any shortage of coal. Even then, the matter deteriorated further, and the position at the end of December, 1937 was that contract supplies were 557,000 tons in arrears. That is not taking into account 250,000 tons or so which had to be supplied to the Company-managed railways. Against this emergency we reorganised the working of our railway collieries, and I think some credit must be given to the Mining Engineers who carried out this reorganisation. We had intended to produce 12 lakhs of tons, but by this reorganisation we were enabled to produce an amount which will probably be 21 lakhs of tons at the end of this year. That, Sir, was the achievement which, whatever may be the judgment on it, has certainly achieved two things. I think it saved a very serious interference with our railway services and I think it provided a considerable relief to Indian industry whose difficulties in obtaining coal had been so pronounced about the middle of the year.

THE HONOURABLE SIR A. P. PATRO : Market supplies are now improving, is it not ?

THE HONOURABLE SIR THOMAS STEWART : That is our recent information. As we have said in our Budget statement, it is true that market supplies are for the time being improving. But, of course, market supplies are not the only factor in the situation. From the railway point of view, as must be admitted, the price of coal is equally important.

Sir, I fear I have exhausted the time at my disposal. There are a very large number of miscellaneous matters that I might have referred to, but it would take too long. I would not, however, have Honourable Members think that because I have not been able to reply to any particular points I do not attach importance to them. I can give the assurance, Sir, that any criticism, any suggestion, that has been made in this House today will receive our most careful consideration in the Railway Department.

THE HONOURABLE MR. KUMARSANKAR RAY CHAUDHURY : May I ask one question, Sir ? The Honourable Member has stated that they have reduced the freight on wheat from the Punjab to Karachi, and he has also said there are various objections to reduction of freight on cotton. May I know why this difference has been made ?

THE HONOURABLE SIR THOMAS STEWART : There is a very simple answer to this question. If we had not given the 25 per cent. rebate on Punjab wheat, the wheat would not have moved and we would have lost all our freight.

THE HONOURABLE MR. KUMARSANKAR RAY CHAUDHURY : So was the case with cotton.

THE HONOURABLE SIR THOMAS STEWART : No.

The Council then adjourned till Eleven of the Clock on Monday, the 21st February, 1938.

COUNCIL OF STATE.

Monday, 21st February, 1938.

The Council met in the Council Chamber of the Council House at Eleven of the Clock, the Honourable the President in the Chair.

MEMBER SWORN

The Honourable Chaudhri Niamatullah (United Provinces East : Muhammadan).

QUESTIONS AND ANSWERS.

EJECTION OF STUDENTS FROM A THIRD CLASS CARRIAGE.

99. THE HONOURABLE MR. B. N. BIYANI : (a) Has the attention of Government been drawn to the news published in the *Times of India*, dated December 27th, under the heading "Ejection of Student Travellers" ?

(b) Is the news correct ?

(c) If so, what action has been taken in the matter ?

HIS EXCELLENCY THE COMMANDER-IN-CHIEF : (a) Yes.

(b) No. From independent enquiries made by the Railway authorities and the Military authorities, it is clear that the facts are as follows :

A party of Indian regimental followers arrived independently by rail at the station in question and were to proceed onwards with an advance party of a British battalion that was in the process of moving from Waziristan to Bengal. I might mention that the British troops had their own reserved accommodation in military coaching stock and that the whole incident centres on the accommodation of the Indian followers. On arrival of the Indian followers, they were allotted third class carriage No. 2214 by the railway station staff. The carriage in question was standing on No. 2 platform. On its arrival on No. 7 platform it was found that it had been occupied by the hockey team. A military officer found three students in the carriage. He explained the position to them. At first the three students who were in the carriage refused to leave but after further argument, they left the carriage of their own volition. At no stage was any force used. As the train was about to leave, the military personnel were called upon to assist in moving out the students' baggage.

(c) Does not arise.

TRANSFER OF OFFICERS OF THE ROYAL AIR FORCE TO THE INDIAN ARMY.

100. THE HONOURABLE PANDIT HIRDAY NATH KUNZRU (on behalf of the Honourable Raja Yuveraj Datta Singh) : Has some agreement

been arrived at between the Air Ministry and the India Office, by virtue of which revised arrangements have been made for the selection of certain class of officers of the Royal Air Force for appointment to permanent Commissions in the Indian Army? Will Government make a statement on the subject and indicate the main outline of the arrangement with special reference to its financial aspect and the employment of Indian personnel?

HIS EXCELLENCY THE COMMANDER-IN-CHIEF: In order to replace a proportion of military officers retired under the War Block Scheme and to maintain the intake of British officers at the required figure, the Government of India, in consultation with the Secretary of State, sanctioned the scheme for the transfer of officers of the Royal Air Force to the Indian Army. The scheme, however, involves no extra cost to Government, nor does it affect the present pace of Indianisation.

THE HONOURABLE PANDIT HIRDAY NATH KUNZRU: What is the total number of officers that will be so transferred?

HIS EXCELLENCY THE COMMANDER-IN-CHIEF: I regret I cannot give you the actual number, but it is anticipated that not more than 10 such transfers will take place per annum.

NUMBER OF EUROPEANS AND INDIANS EMPLOYED IN VARIOUS DEPARTMENTS OF THE INDIAN ARMY.

101. THE HONOURABLE MR. G. S. MOTILAL: Will Government lay on the table a statement showing the number of Indians and Europeans employed in each rank of the army, showing separately the salary and allowances each Indian and European officer receives?

HIS EXCELLENCY THE COMMANDER-IN-CHIEF: The number of Indians and Europeans employed in various departments of the Indian Army is given in the Return showing the actual strength of the Army and Royal Air Force in India. Their ranks are shown in the *Indian Army List* and the pay and allowances in the Pay and Allowance Regulations for the Army in India. Copies of all these documents are available in the Library.

I would also draw the attention of the Honourable Member to the statement I laid on the table on the 14th September, 1937 which gives the details of pay and allowances of British and Indian officers of the Army.

ECONOMIES AND RETRENCHMENTS EFFECTED IN THE ARMY IN INDIA.

102. THE HONOURABLE MR. G. S. MOTILAL: Will Government be pleased to state what economies and retrenchments have been effected in all arms of defence since the 30th November, 1935?

HIS EXCELLENCY THE COMMANDER-IN-CHIEF: I presume the Honourable Member has perused the reports of the Army Retrenchment Committee which were published in 1931 and 1932. The rigorous economies and retrenchments which were effected both at that time and in the succeeding years narrowed very considerably the scope for any further savings. Since 1935, therefore, there has existed little opportunity for such savings. It was, however, possible to make a saving on kit and clothing allowance to the extent of Rs. 4½ lakhs per annum, and on a reorganisation of the Mechanical Transport Services to the extent of Rs. 2 lakhs per annum, during 1935-36.

In the same year also cavalry and artillery reorganisation schemes were responsible for annual savings of Rs. 2 lakhs and Rs. 7½ lakhs respectively. These merely indicate the more important items on which savings have been effected. For any further details, I would refer the Honourable Member to Appendix B of the Appropriation Accounts of the Defence Services that are annually laid before the Public Accounts Committee. As regards certain future economies, I refer the Honourable Member to the answer I gave to the Honourable Raja Yuveraj Datta Singh's question No. 1 on the 14th February this year.

NUMBER OF MILITARY AEROPLANES AND MILITARY AERODROMES, ETC.

103. THE HONOURABLE MR. G. S. MOTILAL: (a) Will Government state the number of military aeroplanes and aerodromes existing in India?

(b) Will Government place on the table a statement showing the various ranks in the aerial service and the number of Indians and non-Indians in each rank with their respective salaries and allowances?

(c) What quantities and values of the stores required for the Air Force are indented from foreign countries and what part is purchased in India?

HIS EXCELLENCY THE COMMANDER-IN-CHIEF: (a) It is not in the public interest to disclose the number of military aeroplanes. There are nine military aerodromes and 81 military landing grounds in India.

(b) I lay on the table two statements showing the comparative rates of pay and allowances of officers of the Royal Air Force in India and of the Indian Air Force. As regards the number of Indians and Europeans employed in each rank, I refer the Honourable Member to the Return showing the actual strength of the Army and the Royal Air Force in India, a copy of which is in the Library.

(c) The value of the stores purchased for the Air Force is as follows:

In India	Rs. 4,38 lakhs.
In England	Rs. 48,52 lakhs.
Other countries	No precise figures are available but the amount is negligible.

I regret that it is not possible to enumerate the various classes of stores as between 35,000 to 40,000 items are involved.

Those obtained in England fall under the following main headings and it is scarcely necessary to remark that they cannot be purchased in India:

Aeroplane engines.

Air frames.

Cameras and connected equipment.

W/T and R/T.

Bowls and pyrotechnics.

Special armament and ammunition.

As much as possible is purchased in India and the main items include :

Photographic equipment.

Non-technical spare parts.

Timber.

Petrol, oil and lubricants.

Rations.

Certain M. T. and spare parts.

THE HONOURABLE MR. HOSSAIN IMAM: Are the figures of the purchase given by His Excellency for the Royal Air Force as well as the Indian Air Force ?

HIS EXCELLENCY THE COMMANDER-IN-CHIEF: Both.

STATEMENT "A".

Comparative rates of pay of officers of the Royal Air Force in India and of the Indian Air Force.

Royal Air Force officers (Pay and Allowance Regulations for the Royal Air Force in India and Indian Air Force, page 2.)			Indian Air Force officers (Pay and Allowance Regulations for the Royal Air Force in India and Indian Air Force, page 17).	
Rank.	Pay per mensem.		Rank.	Pay per mensem (consolidated).
	Married.	Un-married.		
1	2	3	4	5
<i>General Duties Branch.</i>	Rs.	Rs.		
*Group Captain	1,910	1,755	Group Captain	Not yet laid down.
*Wing Commander after 10 years service in the rank.	1,695	1,545	Wing Commander.	Do.
*Wing Commander after 9 years service in the rank.	1,670	1,520		
*Wing Commander after 8 years service in the rank.	1,650	1,500		
*Wing Commander after 7 years service in the rank.	1,625	1,475		
*Wing Commander after 6 years service in the rank.	1,600	1,450		
Wing Commander after 5 years service in the rank.	1,580	1,430		

*These officers when holding authorised Command appointments get Rs. 200 per mensem extra as command pay.

STATEMENT "A"—contd.

Comparative rates of pay of officers of the Royal Air Force in India and of the Indian Air Force—contd.

Royal Air Force officers (Pay and Allowance Regulations for the Royal Air Force in India and Indian Air Force, page 2.)			Indian Air Force officers (Pay and Allowance Regulations for the Royal Air Force in India and Indian Air Force, page 17).	
Rank.	Pay per mensem.		Rank.	Pay per mensem (consolidated).
	Married.	Un-married.		
1	2	3	4	5
	Rs.	Rs.		Rs.
<i>General Duties Branch—contd.</i>				
*Wing Commander after 4 years service in the rank.	1,555	1,405		
*Wing Commander after 3 years service in the rank.	1,535	1,385		
*Wing Commander after 2 years service in the rank.	1,510	1,350		
*Wing Commander after 1 year service in the rank.	1,490	1,340		
*Wing Commander . . .	1,465	1,315		
Squadron Leader after 5 years service in the rank.	1,300	1,155	Squadron leader after 5 years service in the rank.	950
Squadron Leader . . .	1,200	1,060	Squadron Leader . . .	880
			Flight Lieutenant after 15 years service in the rank.	700
			Flight Lieutenant after 10 years service in the rank.	625
Flight Lieutenant after 6 years service in the rank.	970	885		
Flight Lieutenant after 4 years service in the rank.	925	790		
Flight Lieutenant on promotion.	880	745		
Flying Officer (2 years)	750	660	Flight Lieutenant . . .	570
Flying Officer . . .	695	610	Flying Officer after 2 years service in the rank.	500
Pilot Officer . . .	605	520	Flying Officer . . .	465
Acting Pilot Officer . . .	560	475	Pilot Officer . . .	385

*These officers when holding authorised Command appointments get Rs. 200 per mensem extra as command pay.

STATEMENT "A"—concl'd.

Comparative rates of pay of officers of the Royal Air Force in India and of the Indian Air Force—concl'd.

Royal Air Force officers (Pay and Allowance Regulations for the Royal Air Force in India and Indian Air Force, page 2.)			Indian Air Force officers (Pay and Allowance Regulations for the Royal Air Force in India and Indian Air Force, page 17).	
Rank.	Pay per mensem.		Rank.	Pay per mensem (consolidated).
	Married.	Un-married.		
1	2	3	4	5
	Rs.	Rs.		Rs.
<i>Equipment Branch.</i>				
Wing Commander (6 years)	1,420	1,270	Wing Commander (6 years).	Not yet laid down.
Wing Commander (3 years)	1,350	1,200	Wing Commander (3 years).	Not yet laid down.
Wing Commander . . .	1,305	1,155	Wing Commander . . .	Not yet laid down.
Squadron Leader . . .	1,105	965	Squadron Leader . . .	800
Flight Lieutenant (4 years).	905	770	Flight Lieutenant (4 years seniority).	550
			Flight Lieutenant (8 years seniority).	650
			Flight Lieutenant (6 years seniority).	600
			Flight Lieutenant (2 years seniority).	500
Flight Lieutenant . . .	860	725	Flight Lieutenant . . .	450
Flying Officer (4 years) . . .	700	610	Flying Officer (4 years) . . .	400
Flying Officer . . .	655	570	Flying Officer . . .	350
Pilot Officer . . .	560	475	Pilot Officer . . .	300

STATEMENT "B".

Main allowances of the officers of the Royal Air Force and of the Indian Air Force.

Serial No.	Allowance.	R. A. F. officers.	I. A. F. officers.	Authority.
1	Outfit allowance.	Paid by the Air Ministry.	£50	Pay and allowance Regulations for the Royal Air Force in India and Indian Air Force (paragraph 30).

STATEMENT "B"—cont'd.

Main allowances of the officers of the Royal Air Force and of the Indian Air Force—cont'd.

Serial No.	Allowance.	R. A. F. officers.	I. A. F. officers.	Authority.
2	Separation allowance.	Sliding scale Rs. 40 to Rs. 265 per mensem.		Pay and allowance Regulations for the Royal Air Force in India and Indian Air Force (paragraph 7).
3	Travelling allowance.	Both the Royal Air Force and the Indian Air Force officers are under the same rules and scales.		Passage Regulations, India.
4	Leave travelling allowance.	..	Free first class travel for the officer himself, on warrant, at full tariff rates, by the main route to and from the nearest railway station to the officer's home (or, as a special case, to any other place provided the cost does not exceed the cost of a warrant to the railway station nearest his home) once after his first year of commissioned service and thereafter every second calendar year. Railway free allowance of baggage only is also admissible.	Royal Air Force Instruction (India) No. 4 of 1938.

STRENGTH OF THE INDIAN ARMY.

104. THE HONOURABLE MR. V. V. KALIKAR: (a) Will Government please state:

(i) The total strength of the standing Indian Army excluding the British troops stationed in India.

(ii) The number of sepoy, that is, rank and file; the number of non-commissioned officers, Viceroy's commissioned officers and King's commissioned officers.

(b) Do Government propose after the inauguration of Federation to allot to the several autonomous provinces forming the Federation a fixed percentage for recruitment of sepoy in the Indian Army from those provinces? If not, why not?

HIS EXCELLENCY THE COMMANDER-IN-CHIEF: (a) (i) and (ii). The required information is contained in the Return showing the Actual Strength of the Army and Air Force in India, a copy of which is in the Library of the House.

(b) No. As has been said on several occasions, in the matter of recruitment to the Indian Army, Government do not recognise territorial claims but obtain recruits from the classes which in the opinion of the Military authorities produce the most efficient soldiers.

CONSTRUCTION OF AN ORDNANCE FACTORY IN THE CENTRAL PROVINCES.

105. THE HONOURABLE MR. V. V. KALIKAR: (a) Has the Government of India ordered a preliminary survey of lands in five neighbouring villages of Jubbulpore district for ascertaining the prospects of constructing an Ordnance factory?

(b) What will be the cost of constructing the Ordnance factory?

HIS EXCELLENCY THE COMMANDER-IN-CHIEF: (a) and (b). I refer the Honourable Member to the reply I gave on the 14th February, 1938 to the Honourable Raja Yuveraj Datta Singh's question No. 6.

SUPPLY OF RIFLES AND AMMUNITION TO CERTAIN SCHOOLS FREE OF COST.

106. THE HONOURABLE MR. V. V. KALIKAR: (a) Are service rifles with ammunition supplied by Government free of cost to some schools in India, other than the military schools maintained by the Army?

(b) If the answer to part (a) is in the affirmative, are those schools required to take out licences under the Arms Act?

(c) If not, under what rule do they secure exemption from the rule under the Arms Act?

(d) Will Government place on the table of the House a list of such schools with their addresses?

(e) What are the reasons for the issue of service rifles and the ammunition free of cost to those schools?

THE HONOURABLE MR. E. CONRAN SMITH: (a) to (e). I am making enquiries and will place a reply on the table in due course.

NOS. 1-UP MAIL AND 2-DOWN MAIL, A.B.R.

107. THE HONOURABLE MAULVI ALI ASGAR KHAN: Will Government state why Nos. 1-Up and 2-Down Surma Mail trains on the A.B.R. stop out of course at Bhanugach, Satgaon, Rasidpur, Shajibazar, Nayapara and Teliapara for first class passengers travelling to or from Silchar and Sylhet Bazar and do not stop at other stations out of course when there is a passenger holding a first class ticket who pays the train stoppage fee of Re. 1?

THE HONOURABLE SIR GUTHRIE RUSSELL: I have called for the information required by the Honourable Member and will place a reply on the table of the House when it has been received.

SARDAR AMIN JAN, AFGHAN STATE PRISONER.

108. THE HONOURABLE PANDIT HIRDAY NATH KUNZRU (on behalf of the Honourable Raja Yuveraj Datta Singh): Will Government state how long Sardar Amin Jan, brother of ex-King Amanullah of Afghanistan, has been confined as State prisoner, and what is his present place of residence? What are the charges against him, and what allowance, if any, is paid to him every month?

THE HONOURABLE KUNWAR SIR JAGDISH PRASAD: Sardar Amin Jan, brother of ex-King Amanullah Khan of Afghanistan, has been detained since 1930 under Regulation III of 1818. The reasons for his arrest and detention were that he was found to be preparing to lead a rebellion against a neighbouring friendly Government. He is at present residing in Kotagiri in the Nilgiris district and is paid an allowance of Rs. 250 per mensem for his maintenance plus Rs. 50 per mensem on account of house rent.

INDO-AFGHAN TRADE.

109. THE HONOURABLE MR. B. N. BIYANI: (a) Have the Government of India seen a message of the Associated Press in the *Free Press* of Bombay, dated 24th December, from Peshawar about a resolution of a public meeting held under the auspices of the Frontier Chamber of Commerce at Peshawar urging the Government of India to take early steps to safeguard Indian traders' interests in Afghanistan?

(b) Have Government made any enquiry into the matter?

(c) If so, with what result?

(d) If not, will Government negotiate with the Afghan Government asking them to recognise the rights of the Indian traders in Afghanistan?

THE HONOURABLE SIR MUHAMMAD YAKUB: (a) Yes.

(b) to (d). Government hope shortly to enter into discussions with the Afghan Government for improving trade relations between India and Afghanistan.

THE HONOURABLE MR. HOSSAIN IMAM: Are the Government aware of any restraint in the trade relations?

THE HONOURABLE SIR MUHAMMAD YAKUB: No, Sir.

COMMERCIAL LIBRARY IN CALCUTTA.

110. THE HONOURABLE MR. G. S. MOTILAL: (a) Will Government state the amount of capital expenditure incurred in establishing the Commercial Library in Calcutta and the recurring expenses of maintaining it?

(b) Do Government propose to establish similar libraries in other commercial centres of India?

(c) Do Government propose to establish such a library in Bombay? If so, when?

THE HONOURABLE SIR MUHAMMAD YAKUB: (a) The information is being collected and will be laid on the table in due course.

(b) No.

(c) No. The latter part does not arise.

THE HONOURABLE MR. G. S. MOTILAL : Will Government be pleased to give us the reason why a similar library cannot be established in Bombay ?

THE HONOURABLE SIR MUHAMMAD YAKUB : Because we think that it is not so urgently needed at present.

GROWTH OF THE JUTE INDUSTRY.

111. THE HONOURABLE MR. G. S. MOTILAL : (a) What steps do Government propose to take for the development of the Indian jute industry ?

(b) Has Government's attention been drawn to the Resolution adopted by the House of Commons on the subject of the jute industry ?

(c) Do Government propose to make immediate representation to His Majesty's Government and themselves take such steps as will neutralise any move to hamper the development of jute manufactures in India ?

(d) What is the quantity and value of raw jute exported in the years 1913-14, 1918-19, 1931-32, 1932-33, 1933-34, 1934-35 and 1935-36 to the United Kingdom, Germany, France, U.S.A., Italy, Spain and other countries ?

THE HONOURABLE SIR MUHAMMAD YAKUB : (a) The Honourable Member's attention is invited to the Resolution of the Department of Education, Health and Lands, No. F.-254/34-A., dated the 28th May, 1936, which was published in a Supplement to the Gazette of India.

(b) Government have seen press reports of a Motion moved in the House of Commons by a private Member on the 2nd February, 1938, urging the need of safeguarding the United Kingdom jute industry against competition from Indian jute goods. It also asked that this should be placed in the forefront in the resumed trade negotiations with the Government of India. The Government of India have received no official intimation of this Motion from His Majesty's Government in the United Kingdom.

(c) Government have noted the point for consideration in connection with the present negotiations for a new Trade Agreement with the United Kingdom.

(d) The Honourable Member is referred to the Annual Statements of the Sea-borne Trade of British India and the Statistical Abstracts for British India, copies of which are in the Library.

THE HONOURABLE MR. G. S. MOTILAL : Will Government tell us the purport of what has been published in the Gazette ?

THE HONOURABLE SIR MUHAMMAD YAKUB : You can find it in the Gazette. It is very difficult to repeat the purport of the whole thing.

THE HONOURABLE MR. HOSSAIN IMAM : Will the Honourable Member lay the Notification on the table of the House ?

THE HONOURABLE SIR MUHAMMAD YAKUB : It is a published thing it is in the Library.

COMPUTATION OF THE NATIONAL INCOME.

112. THE HONOURABLE MR. G. S. MOTILAL : (a) Will Government state whether they have computed the national income of India for each of the last five years ?

(b) If not, do Government propose henceforth to ascertain it from year to year ?

THE HONOURABLE MR. J. C. NIXON : (a) and (b). The answer to both parts of this question is in the negative.

LANGUAGE TO BE USED IN THE PROVINCIAL LEGISLATURES.

113. THE HONOURABLE MR. G. S. MOTILAL : (a) Will Government state whether they are aware of the desire of the members of the Provincial Legislative Assemblies to address the Houses in the vernacular of their respective provinces ?

(b) Have Government received any communication from the Provincial Governments in this connection ?

(c) If the answer to (a) and (b) be in the affirmative, do Government propose to make a representation to His Majesty's Government for amending the Government of India Act so as to permit members desirous of speaking in the language of the provinces or in Hindustani to do so irrespective of the consideration whether a member knows English or not ?

THE HONOURABLE KUNWAR SIR JAGDISH PRASAD : (a), (b) and (c). Government have seen the reports in the newspapers on the subject and have also received communications from certain Provincial Governments. These have been forwarded for the consideration of the Secretary of State.

THE HONOURABLE MR. HOSSAIN IMAM : Have the Government made any recommendation on this ?

THE HONOURABLE KUNWAR SIR JAGDISH PRASAD : I am afraid, Sir, I must ask for notice and even if they had, as communications between the Government of India and the Secretary of State are confidential, I could give no information.

FUTURE CONTROL AND RECRUITMENT OF THE SUPERIOR SERVICES.

114. THE HONOURABLE MR. G. S. MOTILAL : Have the Government of India received any representation from the Provincial Governments in regard to the Covenanted Services under any one of the following heads since the Congress accepted office :

- (a) Need of reduction in the salaries of the Services.
- (b) Future control of the Services.
- (c) Future appointment of the members of the Services.

THE HONOURABLE MR. E. CONRAN-SMITH : (a) to (c). No.

ASSESSMENT OF INCOME-TAX IN THE BOMBAY PRESIDENCY.

115. THE HONOURABLE MR. G. S. MOTILAL : (a) Is there widespread complaint in the Presidency of Bombay that in the matter of assessment

of income-tax, the subordinate officers of the Department concerned often over-assess the income, which puts the assesses to the necessity of appealing against the initial assessments?

(b) If the answer to (a) be in the affirmative, will Government state what steps they have taken to prevent this hardship?

THE HONOURABLE MR. J. C. NIXON: (a) No.

(b) Does not arise.

DECLINE IN RAILWAY EARNINGS DURING THE LAST QUARTER OF 1937-38.

116. THE HONOURABLE MR. G. S. MOTILAL: (a) Will Government state the amount of the fall in the railway earnings in the last quarter of the current financial year, and the cause of it?

(b) What steps have Government taken to prevent the fall or intend to take in the future for checking the deterioration in the railway returns?

THE HONOURABLE SIR GUTHRIE RUSSELL: (a) The approximate gross earnings of the State-owned Railways during the three months ending the 31st January, 1938 fell by about Rs. 123 lakhs as compared with the corresponding period of the previous year. The decrease was entirely in goods traffic offset by a small increase in coaching traffic. Cotton (Rs. 76 lakhs) and oilseeds (Rs. 19 lakhs) were the principal commodities affected.

(b) Government do not consider that present conditions call for any special action, as the recent decline in revenue receipts in relation to last year's receipts is due to traffic fluctuations.

THE HONOURABLE MR. HOSSAIN IMAM: What about the February figures? Has the February figure recovered?

THE HONOURABLE SIR GUTHRIE RUSSELL: I have not got February figures yet.

AGGREGATE MARKET VALUE OF SHARES IN VARIOUS PRIVATE AND PUBLIC COMPANIES.

117. THE HONOURABLE MR. G. S. MOTILAL: Will Government state the aggregate market value of the shares in various private and public companies working in India, held by Indians and others on the closing dates of their balance sheets, during each of the last three years?

THE HONOURABLE SIR MUHAMMAD YAKUB: The information is not available with Government and they consider that the time and labour involved in its collection would be incommensurate with the advantage to be gained.

THE HONOURABLE MR. G. S. MOTILAL: Are Government aware that there is a widespread demand for these figures and they can provide tables by which this information can be collected?

THE HONOURABLE SIR MUHAMMAD YAKUB: No such demand has yet been made to the Government and Government are not aware that there is any such demand as is described by the Honourable Member.

FALL IN EXPORT OF COTTON, JUTE AND OILSEEDS TO ITALY.

118. THE HONOURABLE MR. G. S. MOTILAL: (a) Will Government state whether they have considered the report submitted by Mr. Ahuja, the Indian Trade Commissioner in Milan on the phenomenal fall in the Italian imports of cotton, jute and oilseeds from this country?

(b) If the answer to (a) be in the affirmative, what steps do Government propose to take or are taking to recover the 1st ground?

THE HONOURABLE SIR MUHAMMAD YAKUB: (a) It is presumed that the Honourable Member is referring to the Report of the Indian Government Trade Commissioner, Milan, for 1936-37. If so, the answer is in the affirmative. I may however mention that India's exports of cotton, jute and oilseeds to Italy have considerably increased since April 1937. In this connection I would invite the attention of the Honourable Member to the Quarterly Report of the Trade Commissioner, for July to September, 1937, published in the *Indian Trade Journal* of the 6th January, 1938 and to the Accounts relating to the Sea-borne Trade and Navigation of British India for December, 1937, copies of which are in the Library.

(b) Government do not consider that any action is necessary.

RESOLUTION RE INDIANS IN BRITISH GUIANA.

THE HONOURABLE PANDIT HIRDAY NATH KUNZRU (United Provinces Northern: Non-Muhammadan): Mr. President, I beg to move:

"That this Council recommends to the Governor General in Council to urge the authorities concerned to take active steps to facilitate the settlement of Indians on land in British Guiana and to discourage their repatriation to India."

Sir, under the British Guiana Immigration Law, every Indian immigrant who lives continuously in the Colony for ten years and fulfils certain other conditions is entitled to get an assisted passage back to his country. Male immigrants have to pay one-half the cost of the passage and female immigrants one-third. Indians have taken advantage of this right in the past to ask for repatriation from British Guiana to India. But unfortunately on their return to their country they have found themselves totally stranded. A large number of Indians came from Fiji and British Guiana in the years 1920 to 1922. We all know that soon after their landing in India they found themselves confronted with conditions which they had not dreamed of before leaving their Colonies. In the first place, the climate of India did not suit them. In the second place, the villages to which they and their ancestors belonged knew them no longer. Again, the members of the caste to which they belonged refused to recognize them. And, more than all this, they were unable to get occupation of the kind to which they had been accustomed in the Colonies, to which they had migrated. Some of them are still living in a pitiable condition in Calcutta. The reports that have been issued about them by Mr. Andrews and others show the depth of the destitution to which they have been reduced. The British Guiana Indians, however, fared better in one respect than those who came from Fiji. I gather from the Report of Sir Maharaj Singh which was published in 1925 that in 1921 and 1922 special arrangements were made for the return at their request of 270 and 160 repatriates respectively.

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by the British Guiana Government. Sir Maharaj Singh further states that in October, 1923 over 100 British Guiana Indians in Calcutta were anxious to be sent back to British Guiana. It is evident, Sir, from past experience that if Indians continue to be repatriated to this country they will be faced with a great deal of misery and unhappiness. It is true that the law gives Indians a right which they can exercise without any interference on the part of the British Guiana Government. But my Resolution does not ask that the repatriation of Indians should be prohibited. All it asks for is that the British Guiana Government by informing Indians of the conditions that would await them on their landing in this country and providing them with facilities for earning their livelihood in the land of their adoption should discourage them from coming back here.

What are the reasons, Sir, that make Indians desirous of returning to India? There is, first of all, Sir, the sentimental attachment to their country. Some of the Indians who left the shores of this country long ago have not been able to forget the ties that bind them to this country. Their longing to return to their motherland is pathetic. In the case of such people it is obviously the duty of the Government to assist them to return to the country which they long to be back in. But there are many others who come back here because of want of adequate opportunities for earning their livelihood in British Guiana. If they were provided with facilities for improving their economic condition there is little doubt that the number of those who want to be repatriated to this country would be greatly reduced. As we all know, Sir, the prices of rice and sugarcane in which Indians in British Guiana are principally interested have fallen considerably. Again, as the Report of the British Guiana Labour Disputes Commission indicates the number of Indian labourers is much larger than is needed in the sugar industry. Many of them are therefore unable to make both ends meet and in the condition in which they find themselves they think that if they return to their own country they might be able to find means of earning their livelihood which are not within their reach in British Guiana. They are also influenced by the fact that in order to return to this country they can claim half the cost of the passage from the Government of British Guiana. They are thus tempted in the condition in which they find themselves to ask to be sent back to India. If, however, arrangements were made for settling them on land it is believed that many of those who take advantage of the facilities provided for repatriation would continue to live in British Guiana.

Sir, the Indian Association of British Guiana has recently devoted a great deal of thought to this matter. It made representations to the Governor of British Guiana on the point that I have raised in my Resolution. But unfortunately its representations have so far not met with a favourable response. But it is interesting, Sir, to note that the Immigration Law of British Guiana contemplates active assistance being given to Indians in the matter of land settlement. Section 193 of the Immigration Law says that any immigrant may in consideration of a grant of land or of a money payment surrender his right under the immigration law to a return passage. It is true that this law confers no right on Indian labourers. It only authorises the Government to make land or money grants where they consider such a course proper. But it is clear that the Indians of British Guiana, in asking for facilities for settlement on land, are only asking for something which the authorities had in view when the immigration law was framed. Again, I gather from the information published in the *Indian Opinion* of British Guiana that certain settlements have been established in British Guiana in

the way suggested by me. That is, Indians, instead of being given half the passage money, have been given grants of land in certain places to enable them to settle down. I understand that these settlements are thoroughly prosperous. There is no reason, therefore, why similar action, if taken now, should not be attended with equally happy results.

There is another very important fact, Sir, which I think I should bring to the notice of Honourable Members. The Governors of British Guiana in the past have in many cases invited the Indians resident there to surrender their right to return to their country in lieu of grants of land. I understand that in 1929 the Governor, Sir Gordon Guggisberg, stated at a meeting at which Mr. Andrews was present that if the Indians gave up their right to return passages, he would try to give them lands instead. This further strengthens the position of those who desire that the Government of British Guiana should take steps to facilitate the settlement of Indians on land, and in view of the circumstances I have narrated, to discourage their return to this land.

In order to enable Indian emigrants to return from British Guiana to this country, the Government of British Guiana have established a fund, called the Immigration Fund, to which contributions are made by the planters. There is a sum of about 450,000 dollars or £93,000 in this Fund. Indians desire that the Government of British Guiana should take advantage of this fund in order to enable them to settle down in British Guiana. Apart from this, Sir, there is another fund, called the Colonisation Fund, the purpose of which, is well indicated by its name. There are about 875,000 dollars or £83,000 in this fund. This fund was split up into two parts in 1937. One part of it is meant to meet the expenses of any future colonisation scheme and the other part of it has been formed into a Development Trust Fund. Indians have represented from time to time that both these funds should be taken advantage of to settle Indians on the land and to provide them with the facilities that are due to them in view of the economic benefits that they have conferred on British Guiana by helping in its development. And what they are asking for is actually done in the neighbouring Colony of Dutch Guiana. There too, there exist the two funds to which I have just referred, namely, the Immigration Fund and the Colonial Fund. The Dutch Government give their labourers the option of repatriation and of settlement in Dutch Guiana. If the Indians elect for the latter alternative, they are given either cash or land grants in return for the passage money to which they are entitled. I understand from an article written recently in the *Servant of India* by Mr. Kodanda Rao, who is a member of the Servants of India Society and was in British Guiana two years ago that nearly 6,000 Indians have taken advantage of the option granted by the Government of Dutch Guiana. As regards the Colonial Fund, it has been the means of helping even a larger number of Indians. About 7,000 Indians have been enabled, with assistance from this fund, to settle down on the land. In asking, therefore, that the Government of British Guiana should take active steps to settle Indians on the land, we are not asking it to do anything that is either unreasonable or impracticable. We are only asking it to do what the law of the country contemplates, what the various Governors of British Guiana have publicly spoken of from time to time and what is being done in Dutch Guiana. What has been found possible by Dutch Guiana should be found equally practicable by British Guiana. As the Report of the British Guiana Labour Disputes Commission shows, the Indian labourers have not had a fair deal. They are faced with a serious situation. As long as they were given the necessary opportunities, they did all that they could to promote the economic interests of the Colony. But they find themselves now thrown out of employment for no fault of

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their own. It is, I think, the moral duty of the Colony that has benefited by their work to provide for them now in the hour of their need, and to make them feel that the Colony recognises its indebtedness to those who have been its main economic stay in the past.

Sir, I do not think that I need labour this question any further. The point is a very simple one. Besides, I am certain that my Honourable friend Sir Jagdish Prasad, whose duty it is to concern himself with the interests of Indians abroad, is fully acquainted with the facts of the case. I hope, therefore, that the Government of India will sympathetically consider the request that I have made in the Resolution before the House and will use their best endeavours to persuade the Government of British Guiana to do justice to the Indians who were sent there at the request and to satisfy the urgent economic needs of the Colony.

Sir, I move.

*THE HONOURABLE MR. HOSSAIN IMAM (Bihar and Orissa : Muhammadan) : Sir, I rise to support the Resolution which has been moved by my Honourable colleague Pandit Hirday Nath Kunzru. There is one Department of the Government of India to which we look more as a popular Ministry than as a bureaucratic department, and that is the Department concerned with Indians abroad. Since the time it was presided over by the Honourable Mian Sir Fazl-i-Husain we have found that this Department as far as it could go has tried to serve the cause of Indians abroad.

THE HONOURABLE PANDIT HIRDAY NATH KUNZRU : For a much longer time than that.

THE HONOURABLE MR. HOSSAIN IMAM : I am speaking only from my personal knowledge. I was not here before that. At the present moment the condition of Indians abroad is very lamentable. India itself, like other countries in the world, is anxious to have a place under the sun. It is rather difficult to get that. The attitude of the British Government is unsympathetic towards us. When it concerns questions of Indians in the Dominions the British Government retort that they have no power. It is therefore essential that in the territories which are under the Colonial Office and where His Majesty's Government have full powers our interests should be served in the best way possible. The questions of Indians in British Guiana is peculiar inasmuch as it is one of the Colonies in which Indians have gone at the request and desire of the Colonial Administration. The Colonial Administration was anxious to get Indians, and it is therefore quite in keeping with equity and justice that we demand that we should get better treatment than we are receiving in other parts of the British Empire. As the Honourable Pandit has shown, in Dutch Guiana action on the lines which he wants to be taken in British Guiana has already been taken. That too shows that there is not only justice in his demand but a precedent for such action. On account of the trade depression the condition of labour has deteriorated in almost every country and this Colony is no exception to the rule. But there is no reason why an alternate source of employment which is available to the Colonial Administration should not be provided if they cannot give full employment in industries and the labour field. The number of Indians involved is not very large. If it had been the Administration may have said that their resources did not allow them to do justice to this problem. That is one of the excuses which is always trotted out by the British Administration in India as an excuse

*Not corrected by the Honourable Member.

for inaction—the magnitude of the thing involved. Here that lame excuse is non-existent. I hope in view of these things that the Government will see its way to accept this Resolution of the House and use its good influence to carry it forward.

Sir, with these words I support the Resolution.

THE HONOURABLE SAIYED MOHAMED PADSHAH SAHIB BAHADUR (Madras : Muhammadan) : Sir, I give my whole-hearted support to the Resolution moved by my Honourable friend Mr. Kunzru. The demand made by the Honourable Mover is only natural and very modest. We all know the conditions under which the people from this country emigrated to far-off lands overseas. The main reason was the lack of means of livelihood in their motherland. It was not a spirit of adventure which actuated them but merely the need for eking out a livelihood which caused them to migrate to places like British Guiana and other distant lands. And now we find that the conditions which then were unfavourable, have become much worse. Therefore it is quite obvious that the present is not at all the moment at which repatriation should be encouraged, for if they are brought back to their motherland they will find themselves in much more difficult circumstances than they were in at the time they left. There is also another factor to be considered in this connection and that is the question of the absorbability of these repatriated people in the motherland. We know that nearly 60 to 70 per cent. of the Indian population in British Guiana is colonial born. From reports published now and then by people who have visited British Guiana, it is patent that the majority of the Indians living there are those who have been born in that Colony. It is said that three generations have grown up there who have never had any contact with India. Moreover, having been born and bred in those foreign lands, these Colonial-born youths have taken to the ways and habits obtaining in those regions. Most of them have adopted what might be termed as a hybrid half-baked Afro-American culture. They are neither Indians nor are they Americans in the full sense of the term. However, they have come to adopt a mode of living which is not at all similar to that obtaining in this country. For these reasons, it is very difficult for these people when they come back to India to get easily absorbed into the Indian population here. This also is one of the strongest reasons for which it is not desirable that repatriation should be allowed on any large scale. Again, Sir, my Honourable friend Pandit Kunzru has shown how this repatriation could be discouraged and how the Indian population in those Colonies could be induced to stay on in the land of their adoption. He has given instances of the ways and means by which the Indian population in Dutch Guiana have been provided with lands in order that they may continue to stay in that part of the country, without finding it necessary to come back to India. I hope, Sir, that the Government of India will also see their way to make similar arrangements. The Honourable the Leader of the House, the Honourable Kunwar Sir Jagdish Prasad, who is in charge of Indians overseas and who has always evinced keen sympathy and genuine solicitude for Indian nationals abroad, I am sure will certainly find some way to see that Indians are given some means to settle themselves in those lands without having to come back to India, where they cannot hope to receive a cordial welcome, and find themselves practically as strangers in the motherland.

THE HONOURABLE RAI BAHADUR LALA RAM SARAN DAS (Punjab : Non-Muhammadan) : Sir, I rise to support the Resolution which has been so well moved by my Honourable friend Pandit Kunzru who, in his speech,

[Rai Bahadur Lala Ram Saran Das.]

has not left much for others to say. I want simply to put a few points before this House which I think ought to receive the early consideration of the Government. Sir, the unemployment question in India is a very important one now. Various Committees have sat for the solution of the problem and have submitted their reports to the Governments concerned. I also find that due to this unemployment question the question of unrest in the country is daily demanding the serious attention of Government. Those people who migrated from India and helped in the development of certain colonies do deserve that the Government of those Colonies should give them fair and due consideration. Sir, we hear often of the plight of Indians overseas. We know that in certain Colonies there is racial discrimination and for that racial discrimination laws are being enforced in those Colonies which are likely to result in the repatriation of Indian. Sir, every civilized country in the world whose population is increasing is hankering after new colonies and new possessions. Germany is also seeking its way now to regain the foreign possessions which it has lost. That has also been the case with Italy and all such countries hold that they must have colonies for their increasing population. Why should not India urge the British Government to throw open certain Colonies exclusively for Indians if they consider that the question of black and white is paramount and cannot be solved? Another point which I wish to make is that in these Colonies other Asiatics who have migrated there are receiving better treatment than Indians. That is a point which I cannot understand and which so far the Government of India has not explained. Why should they not exert their best to put Indians on the same level as other Asiatics? Sir, I do not want to take much time of the Council, but only to emphasise that if there had been work for them in India they would not have migrated. The population of India is fast increasing and their employment is a very acute question and must be solved and this is one of the best ways of solution.

With these words, Sir, I support the Resolution.

THE HONOURABLE MR. G. S. MOTILAL (Bombay : Non-Muhammadan) : Sir, I rise to give my whole-hearted support to the Resolution moved by the Honourable Pandit Kunzru. Sir, while I appreciate the efforts made by the Government of India in the cause of Indians abroad I am unable to agree with my Honourable friend's remarks that this Department at any rate is one which can be considered or regarded as a Department which is in charge of a responsible popular Minister. With all my appreciation of their efforts, I am unable to agree with this remark. I am sure that had this Department been in charge of a Member responsible to the Legislature Pandit Kunzru would not have had to come up here and plead the cause of Indians overseas before this House in the way he has done. Government would have taken up that question and it would have been very much nearer solution than it is today. These Indians who have been taken to British Guiana are indentured labourers and they have gone there to help with their labour the development of the Colony. To European countries there are a number of places which are open for emigration and settlement. Few places are open to Indians. Indians who were taken as indentured labourers may as well be given facilities to settle there. They have helped in the development of the Colony and is it not fair that they should also get an opportunity of reaping the fruits of their own labour. Should they be merely taken there to work and as soon as the work is finished and the country has been developed they should be asked to go back to their country. Should they be told : "You have got the return passage ; go back to your country". The population of India, as my Honourable friend Lala Ram

Saran Das has said, is increasing. This is not a phenomenon peculiar to India. In other countries also the population is increasing. We know how the population of England has increased. It has increased enormously during these 50 or 100 years. But they have emigration open to them. India also wants emigration. It is the duty of the Government of this country to find places where Indians can emigrate and those that have migrated and developed Colonies should have opportunities of settling there and Government should do everything possible to obtain facilities for their settlement.

Sir, with these few words, I support the Resolution.

THE HONOURABLE KUNWAR SIR JAGDISH PRASAD (Education, Health and Lands Member) : Sir, my Honourable friend Pandit Hirday Nath 12 Noon. Kunzru has moved this Resolution with his usual thoroughness and moderation. He has stated the difficulties which people who come back after a long sojourn in the Colonies meet with when they return to their own country. They are out of touch with the social usages of this country and with their friends, and they find great difficulty in adapting themselves to the conditions in India. He has stated that we have a striking example of this in the repatriates who have been living in Calcutta, who want to be returned to the Colonies, and the difficulties that have faced the Government of India and the Local Government in providing for these people. I hope the House will excuse me if I confine myself strictly to the terms of the Resolution. I do not propose today to take up the question of the disabilities of Indians in the Colonies. Nor do I propose to take up the question suggested by my Honourable friend the Leader of the Opposition of moving the British Government to allot certain Colonies for the exclusive colonization of Indians. I quite agree with my Honourable friend Mr. Motilal that, if there had been a responsible Minister here in this House, perhaps things might have moved more to his satisfaction. I am even humble enough to think that, even if there had been no responsible Minister, anybody else occupying this place would, I am sure, have done much better than I have been able to accomplish. But I shall now deal with the Resolution.

I may say at once that the Government of India propose to accept the Resolution. It is therefore unnecessary for me to go into the details. I can assure my Honourable friend that we shall take up this question with the Colonial Office.

THE HONOURABLE PANDIT HIRDAY NATH KUNZRU : Sir, I am thankful to my Honourable friend for having accepted this Resolution. As he knows there are about 600 Indians awaiting repatriation in British Guiana and I hope that, as he has accepted this Resolution, he will now take steps to enter into communication with the Government of British Guiana and ask them at least for the time being to postpone the repatriation of these people so that the problems concerned with land settlement might be discussed between the Indian Government and the Government of British Guiana. This is an urgent matter to which I think the Government of India ought to attend immediately.

THE HONOURABLE KUNWAR SIR JAGDISH PRASAD : Sir, may I inform my Honourable friend that the Government of India have already been in communication with the Colonial Government in regard to the chartering of a ship for bringing back the repatriated Indians. We have already suggested to them to enter into no irrevocable commitments as we propose to make a representation in the matter.

THE HONOURABLE THE PRESIDENT: Resolution moved:

"That this Council recommend to the Governor General in Council to urge the authorities concerned to take active steps to facilitate the settlement of Indians on land in British Guiana and to discourage their repatriation to India."

Question put and Motion adopted.

CUTCHI MEMON BILL.

THE HONOURABLE MR. ABDUR RAZZAK HAJEE ABDUS SATTAR (West Bengal: Muhammadan): Sir, I beg to move:

"That the Bill to make it obligatory for all Cutchi Memons to be governed in matters of succession and inheritance by the Muhammadan Law be referred to a Select Committee consisting of the Honourable Sir Muhammad Yakub, the Honourable Mr. Conran Smith, the Honourable Mr. A. deC. Williams, the Honourable Haji Syed Muhammad Husain, the Honourable Saiyed Mohamed Padshah Sahib Bahadur, the Honourable Mr. Hossain Imam, the Honourable Khan Bahadur Shams-ud-Din Haidar, and the Mover, with instructions to report on or before the 7th March, 1938, and that the number of members whose presence shall be necessary to constitute a meeting of the Committee shall be four."

As Honourable Members are aware the Bill was circulated for eliciting public opinion and the opinions that have been received, have all been printed and circulated to Honourable Members. From a perusal of these opinions, Honourable Members would have seen that the whole of the Cutchi Memon community with the exception of only one individual, is solidly in favour of this measure. Not only have they expressed their whole-hearted approval but they have also declared that this reform which is being proposed is one which has long been overdue and that it is an anomaly that the Cutchi Memons, who are otherwise as good Muslims as any others of the Muslim community, should be governed by any law other than the Islamic Law and the objection of the solitary gentleman must be ignored in face of the desire of the rest of the community.

There was a time when a few of the members of the community being in the majority in certain *jamaths*, managed to prevail upon their *jamaths* to oppose the Bill and that is why at the time of introduction of the Act of 1920, there was a small minority who wanted to maintain the old customary law and it was on account of the opinions obtained in 1920, that a reference to minority was made in the aims and objects of the present Bill. In fact, today there is no question of minority. Almost every Cutchi Memon male adult belongs to one or the other *jamath* and it is very significant that today not a single *jamath* has opposed the Bill. The *jamaths* who have given their whole-hearted support to the Bill are great representative bodies. The most important *jamath* amongst Cutchi Memons, is that of Bombay Province, where the majority of the community resides: then comes the next important *jamath* of Sind where the one solitary opposer resides. *Jamaths* in other provinces have also unanimously supported the measure. Thus, it will be seen that today, the entire community is desirous of being governed by the *Shariat* in the matter of succession and inheritance. It was 17 years' experience of working the Act of 1920 which proved that Islamic Law was acceptable to the community and hence the unanimous support.

The reason of introducing the present measure in spite of the Act of 1920 is that while on the one hand it has enabled the Cutchi Memons to be governed by the Muslim Law, it has, on the other hand, created other undesirable confusion. I am giving an instance of confusion, namely, that in one family, the

members are being governed by two laws directly opposed to each other and it has become difficult to have smooth dealing with members of such family which cannot be done without careful investigations. It is only one of many instances of confusion.

As I am at present requesting the House to send the Bill to a Select Committee, I hope the Honourable Members of the House will give me their support without the least hesitation and leave it to the Select Committee to consider the wording and the technical side of the Bill. I am sure that the whole of the community who are affected by the Bill will be grateful.

Sir, I move.

The Motion was adopted.

RESOLUTION RE MILITARY TRAINING FOR INDIANS.

THE HONOURABLE MR. SUSIL KUMAR ROY CHOWDHURY (West Bengal: Non-Muhammadan): Sir, I move:

"That this Council recommends to the Governor General in Council that full military training be given to all physically fit Indians between the ages of 21 and 30 and that they be admitted to permanent units of the Indian Army irrespective of caste or creed."

Sir, my Resolution is a very legitimate and appropriate one and made at a very opportune moment when practically all the countries in the world are arming themselves. I think the greatest disservice that Great Britain has done to India is disarming practically the whole of India's population. We now read as legends of the bravery and military prowess of our forefathers. A story is often put forward that men belonging to these non-martial races as we are called will not come forward to join the Army in appreciable numbers even if facilities are given to them and they will not do the menial work necessary during training and are not fit either. Sir, I deny the charges. In 1918, when the Great War was going on, a volunteer cavalry corps by the name of the Bengal Light Horse was started in Calcutta and a large number of Bengali young men belonging to the highest class of society joined the said corps for military training. I myself was a student then and joined it. We had to live in camp for four months and as a part of the training had to do even menial work like grooming horses and cleaning saddles. We all did it very gladly and in the said corps there were men holding very high stations in life and if I am not wrong we have here present in this House—I do not find him here now though—one who was the first to join the said corps and received his training in the batch previous to mine. I mean Mr. S. N. Roy, the Secretary of Communications. Then there was the Bengali Regiment and the Calcutta University Corps. Recently also two urban infantry units had been raised near Calcutta and they were a great success. I understand many applications for enrolment had to be rejected as the number sanctioned for enrolment was limited. I say, Sir, our young men are fine young men and they are quite capable of the hardship of military life. We who have seen the route march of nearly about 6,000 students, Hindus and Muhammadans, on the Calcutta University Founder's Day will admire the fine gait and bearing these young men have and given military training they will be second to none as a fighting unit and I am sure this is applicable to young men of all other provinces. Sir, I would appeal to the Government to give our young men military training and thus form a national militia and also to admit those who are desirous to join the permanent units irrespective of caste and creed. The British Prime

[Mr. Susil Kumar Roy Chowdhury.]

Minister has said that he wants to make Great Britain so strong that any one will be afraid to attack her. The same should be applicable to India. The Government of India should make India so strong that no one will dare attack us. Please do not keep us in a helpless position. I hope my Resolution will have the sympathy and consideration of the Government Benches as the aim of my Resolution is to enable the Indian to protect himself, for, after all, a man is not worth the name if he cannot protect his hearth and home and fight and die for his country.

With these words, Sir, I move my Resolution.

THE HONOURABLE RAI BABADUR LALA RAM SARAN DAS (Punjab : Non-Muhammadan): Sir, I rise to support this Resolution. Our military expenditure at present is so enormous that the country is unable to bear it. Therefore, in the interests of economy and in the interests of making the people military-minded, as they were in the past, this Resolution ought to be accepted. Sir, as regards the so-called martial classes, I must say that this is a thing which is confined only to India. In every other country in the world, there is no martial class as such. I know that in the King's British commissioned officers, there are sons of tailors, sons of cobblers, and so on, and so forth. If I am wrong His Excellency will put me right, when I will be in a position to give him certain names of officers who belong to such classes as I have mentioned above. However, Sir, the policy of the Government of India as regards the promotion of Indians to the senior ranks of the army has of late received a set-back. The product of the Royal Military Academy at Dehra Dun is now being given dignified posts of jemadars and subedars and so forth. The very fact that the Viceroy's Commission has been abolished is a matter on which even the so-called military martial classes deplore. Sir, if I am wrong, His Excellency will put me right. The Government of India is retiring many men from the Viceroy's Commission of the army and not replacing even a fraction of it every year by enlisting the product of the Indian Military Academy. So, Sir, a time will come when hundreds of Viceroy's commissioned officers will have gone and their places will have been filled by comparatively a fraction thereof. Sir, even in the University Corps, enough encouragement is not being given to Indians. I know of a case, Sir, which recently happened of a Punjabi, one with an exceptionally good career and certificate and good medals won for the knowledge and training he had in the military. But it displeased the Commanding Officer to find him giving too much history of himself and his achievements that debarred him from getting his Commission. I do not think I need mention the name of the particular person, because I do not know him, but my friends have told me about it, that there has been such a case in which a very brilliant student, who qualified himself and who was highly spoken of by the military officers, was condemned because of the displeasure of a certain officer.

Sir, I should like to know from His Excellency the Commander-in-Chief in plain words what the policy of the Government of India now is as regards drawing Indians to the Army and as regards their training for higher ranks. This proposal, Sir, practically amounts to a sort of conscription excepting that certain age limits have been chosen for those who offer themselves. The time has now come when in order to save expenditure Government ought to give training to Indians to the extent that Mr. Susil Kumar Roy Chowdhury desires. Sir, there is a feeling among the public, rightly or wrongly, that the Government of India do not trust Indians in the Defence Department to the

extent that they ought to do. In case I am wrong, His Excellency the Commander-in-Chief will put me right. We come to this conclusion from bare facts which cannot be denied. A fact is always a fact. Sir, if the Government is keen to save expenditure and to make India military-minded as it was in the past they ought to accept this Resolution.

* THE HONOURABLE MR. HOSSAIN IMAM (Bihar and Orissa : Muhammadan): Sir, I rise to support this Resolution. At the present moment the whole world is thinking of strengthening its defences and efforts are being made throughout the world to increase armaments, to increase the fighting forces and in other ways to make themselves invulnerable. India's position at present is, if anything, worse than it was formerly. At one time the only danger which we could see was from the north-west, but now the north-east has become even more dangerous. Our poverty makes it impossible for us to go in for mechanization as other European countries are doing. Our only wealth is man power. In that God has endowed us with a wealth which is unequalled by any other first class power. But that wealth has become something of a curse. With the rapid advance of mechanization we are finding that our man power instead of helping us is acting as a brake and retarding our advance. In these conditions the Resolution which my Honourable colleague has moved offers a cheap method of increasing the effectiveness of our defence. A country which is enslaved cannot dream of being imperialistic. Its only desire is to safeguard itself, and from that restricted angle of vision I think that it is necessary that it should be able to defend our hearths and homes from foreign aggression, whether from the north-west or the north-east. The danger is no longer an academic danger. The preparations and the aggressive attitude of a neighbouring country should make every cautious man take timely care to safeguard India. I know that the wording of the Resolution is rather wide.

THE HONOURABLE THE PRESIDENT: Not only wide but vague. I have not yet been able to understand from the Honourable Mover or yourself whether you want compulsory training or conscription?

THE HONOURABLE MR. HOSSAIN IMAM: We cannot talk of conscriptions because conscription in a slave country may make the slavery even worse. We want a voluntary organisation and readiness on the part of Government to train people in the art of defence, an organisation on the lines of the Territorial Army in England might suit our purpose. The Resolution does not bind the Government to any definite line of action, whether it should be compulsory or voluntary. It gives a latitude to the Government to decide whatever may appear proper to them in their wisdom. That is the cause probably of the vagueness of the Resolution. Our idea is that things should be allowed to go on on a voluntary basis until we are compelled to make it compulsory. It is only if the voluntary basis was about to fail that I would bring an element of compulsion. The less we have of regimentation of the people the better for the country, so that it may get into the habit of thinking for itself and doing things without compulsion.

THE HONOURABLE THE PRESIDENT: Are you sure that on the voluntary basis the people will be forthcoming?

THE HONOURABLE MR. HOSSAIN IMAM: Sir, the Congress and the Muslim League can arrange to revive the spirit of the people if the Government will consult those bodies. But if they wish to carry on as they have

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been carrying on with committees of their own composed of unrepresentative people who have no knowledge of the countryside and who have no influence in the country except in the counsels of the Government, they will always fail. It is only the people who have the support of the masses behind their back who can deliver the goods and not those who are in the good books of Government. The times have changed and if Government wishes any action to be taken it must consult the people who have a following in the country. In the days of armchair politics it was all right for the Government to rely on those easy people who were recently portrayed by Shankar in a cartoon announcing that the Governor General wanted Ministers, who should apply with photographs showing that they have no spine.

THE HONOURABLE THE PRESIDENT: Order, order. Please do not bring in the name of the Governor General into this debate.

THE HONOURABLE MR. HOSSAIN IMAM: Mr. President, I was dealing with this Resolution when I digressed. The Resolution wants the Government to take initial steps to inform Indians that it is wise to the anxiety of the situation and that it is going to implement the promises made at the Round Table Conference that the defence of India will be more and more the concern of the people of the country. That was the assurance which was given to us and which heralded the new constitution. But all the promises which the British Government make at the time of getting our consent to measures are forgotten as soon as the consent is given. There is no continuity in the policy of Government. My complaint against the Government is that instead of its being a body corporate it is a league of individuals. A member makes a promise not as part and parcel of the Government but as an individual, and as soon as he goes the promise goes by the board. The position of Indians in the matter of the defence of their own country is very unfortunate. My complaint has always been that even our executive heads have not full control over their departments. They are subject to restrictions and control by authority residing 6,000 miles away. For instance, in the matter of defence what should be the responsibility of the Army in India and of the Imperial Government? The dictum has been laid down that the defence of the country against any outside invader so far as the time taken for the Army from the Imperial country to come to India is concerned and to make an impression on the country which is the aggressor will be the duty of the Army in India. Keeping that in view it is necessary that our Regular Army should be freed from the responsibility of maintaining internal peace. The internal security troops can no longer in case of a major war be left in India in the provinces to take care and to keep the peace of the country. As soon as a major war breaks out it will be necessary for His Excellency the Commander-in-Chief to call all his troops and keep them at the frontier wherever this untoward happening might take place and it is for this purpose all the more necessary that he should have a voluntary territorial force of sufficient strength available to him to keep the peace in the provinces. And another aspect of the question also deserves consideration. We have popular ministries at the moment in the provinces.

THE HONOURABLE SIR DAVID DEVADOSS (Nominated: Indian Christians): Non-violent!

THE HONOURABLE MR. HOSSAIN IMAM: Non-violence does not mean that one can be dishonoured. Non-violence means that they should not be the aggressors.

Mr. President, I was saying that as there are already popular ministries in the provinces it is necessary that the Army at least should be given a local bias. India is too big a country to be regarded as a country. It is a continent and provinces deserve to have a share in the defence. You have been so long depriving the other parts of British India of the right to enter any defence course that it is necessary that you should now supply them with means of serving the country. If they cannot be taken in the Regular Army this portion should be there in order that the people of the provinces may become military-minded and be able to safeguard themselves. The British Empire in India did not start from the Punjab. It started first of all in Madras and then in Calcutta. It was the Madras Army and the Bengal sepoys who were able to conquer the rest of India and not the Punjab Army which conquered India. But the tables have been turned. They are more reliable, they are more subservient, they are more trustworthy from the point of view of the Imperialistic Government.

THE HONOURABLE THE PRESIDENT: Will you please stick to the Resolution?

THE HONOURABLE MR. HOSSAIN IMAM: The Resolution says that we should be admitted to the permanent units irrespective of caste and creed. That brings in the question of admissibility of people residing in provinces other than the Punjab to service under His Excellency the Commander-in-Chief. That is what the last two lines of the Resolution say. It is part of the Resolution that the doors of the Army should be open to what are now technically called the non-martial races of India, to which I have the honour or the dishonour to belong. The Defence Department thinks that the Sayyids and the Pandits are unfit for the Army. We are in the same boat. We who are supposed to be the repository of learning are not fit to fight. (*An Honourable Member*: "March with a rifle on your shoulder!") That day will soon come, Sir. Sir, I was referring to the fact that at the present moment the Army is a closed door for certain classes and for certain communities and certain provinces. Is it not a tragedy that right at the frontier of my province of Bihar and in Bihar there should be a recruiting centre where people outside British India are eligible for recruitment but not British Indians of Bihar? I refer to the Gurkha for recruitment but not British Indians who are not even under recruiting stations where you receive mercenaries who are not even under the Crown of Great Britain; they are eligible for admission to the Army. There is a white army of occupation which we all know and there is a brown army of occupation, of mercenaries, who have no interest in my country and they are recruited, but the people of the soil have no place in the army of their own country. Can anything of that nature happen in any other country? This is a matter in which the Imperialistic powers are not even willing to allow us to take a part and a share in the defence of our country. The fine army which conquered the North-Western Provinces and the Punjab has now been relegated and stigmatised as unfit and unable to supply sepoys for the Army. I do not know, Sir, whether it is done by precise rules or it is done by convention; but whatever it might be there used to be some people from Bihar of every caste and creed and from the *Army List* I find that even

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Sayyids are still present in the Army, but the intake has been stopped. Whatever little opening there was in former years is being shut down progressively year after year and our position is deteriorating. It is not that we want something which had not been done by the Government to be done now and that we should be accused of being impractical, but what we complain of is that whatever little the Government was doing in former years...

THE HONOURABLE THE PRESIDENT: May I tell the Honourable Member that this is not the time. We are not dealing with the general military policy of the Government of India. We are dealing with a particular Resolution and I would advise him to stick to that Resolution. He will have ample opportunity at the time the Budget is debated to discuss the general military policy of the Government.

THE HONOURABLE MR. HOSSAIN IMAM: Very well, Sir, I shall confine myself to the Resolution. I need not dilate on this point. Suffice it to say that this Resolution as it is worded is a very militant demand and it does not in any way hamper the discretion of His Excellency the Commander-in-Chief; acceptance of it would not necessarily involve him in a very huge expenditure. A gesture might be made and a beginning made in small units, so that we may know from fact whether people of other provinces are fit.

Sir, with these words, I support the Resolution.

THE HONOURABLE SIR A. P. PATRO (Madras: Nominated Non-Official): Sir, no patriotic Indian would differ from the principle which the Honourable the Mover intended to convey, namely, that an Indian should be able to defend himself and that when opportunity arises he should contribute his mite and strength for the defence of the country. That proposition is undisputed, but the Resolution as it stands conveys no meaning. It is not only vague but it is impracticable. When I first entered the House I asked the Honourable the Mover whether he means to carry this Resolution by conscription or by compulsion; and what are the means which he would adopt in order to bring about 200 millions of people who will come under this Resolution. He said he would leave it there vaguely and His Excellency the Commander-in-Chief would have to decide in what manner it was to be done.

THE HONOURABLE MR. G. S. MOTILAL: Sir, on a point of information. Will the number of Indians who will come under the Resolution be 200 millions?

THE HONOURABLE SIR A. P. PATRO: I do not yield, Sir, to such an irrelevant interruption. Now, the wording of the Resolution is:

"This Council recommends to the Governor General in Council that full military training be given to all physically fit Indians between the ages of 21 and 30."

AN HONOURABLE MEMBER: Does it include women also?

THE HONOURABLE SIR A. P. PATRO: Of course, under the present ideas that we have in our heads today, it would mean men as well as women. That is what the proposal indicates. Full military training. We do not know how many years it takes in order to qualify an individual to be a soldier. Perhaps His Excellency may be able to say how long it takes a man fully fit to be a soldier? Possibly one or two years regular training. And then it is to apply to everybody between the ages of 21 and 30. That means nearly half

the adult population of India. Half the adult population of India will have to be fully trained and all physically fit persons should be admitted to the permanent units of the Indian Army. That is the whole problem. Not only are you to undergo enormous expense to train them to fight our battles against all aggressors, but what the Resolution wants is that all these people should be admitted to the permanent units of the Indian Army irrespective of caste or creed at huge expense. That, Sir, shows the impracticability of the whole Resolution. It is no doubt very good imagination and that imagination is indeed creditable to the Mover, that he should have the idea that the whole nation should be a nation of soldiers. But when it comes to practical politics, Sir, there are many very hard facts we have to face. In the first place, there is the question whether this training has to be undertaken by compulsion or conscription and at whose expense? If it is to be voluntary, I am to say that it will be a thorough failure. As far as my knowledge and information goes, in Southern India when the urban units were first started, at least when the Military Department proposed that in every city urban units should be formed, 310 were required in order to form a unit, for one full year some of us worked hard to enlist volunteers. Sir Sivaswamy Aiyer, who, as you know, has taken a great deal of interest in military matters, and myself and one other interviewed every person who could be enlisted for the urban units, but we could only get an infinitesimal portion of the required number. All the youths wanted to be officers and not to be soldiers and work! That was the difficulty. It is the same in regard to the unemployed people. They do not want to work with their hands. They want to be officers, to command! Because they are accustomed now in the voluntary organisations, as we see, under the Congress in different places, every one is a commander, every one is a captain. And therefore they think it will be the same in the Regular Army. It would be as easy to become this kind of captain or lieutenant or colonel in the Regular Army also. And the full training that this Resolution implies is not to be considered. It is enough if he wears a kind of khaki uniform and a kind of cocked hat. That furnishes the figure for a soldier or captain or commander. Now, in order to have leadership in military matters it not only requires sufficient training, but it requires also initiative and capacity. Look at what happened in the University Training Corps. Some time back there was a great desire to enter the University Training Corps on the part of young men because those who had gone through this kind of training had that recommendation in their favour for the purpose of appointments. Now, gradually the officials ceased to give any encouragement to those who underwent this kind of training in the University Training Corps. The result of this was that there was a considerable fall in enlistment.

THE HONOURABLE THE PRESIDENT: What about Dr. Moonje's Training Corps?

THE HONOURABLE SIR A. P. PATRO: Well, Sir, I am not conversant with all the details of Dr. Moonje's scheme. Dr. Moonje is a very clever and able man and would not make such an impracticable proposal as this Resolution makes. Therefore, we need not, Sir, think of Dr. Moonje's scheme. The great difficulty in this is to find the necessary funds and the necessary men to carry it out. Therefore, while I sympathise with and support the desire to prepare our people for defence purposes, I am unable to understand this Resolution as it is worded and I consider that the Resolution is not practicable and it cannot be carried into effect. It does not say whether it is by compulsion or by conscription or by voluntary agency. Anyhow, all the persons between

[Sir A. P. Patro.]

the ages of 21 and 30 are to be trained. And it does not say how long the training would be for. I suppose it implies training for the purpose of being a complete soldier to be able to be enlisted into the permanent units of the Indian Army. Therefore, Sir, on these grounds it seems to me that, while one would very heartily support any scheme for the purpose of training Indians to defend themselves and it is necessary that facilities should be provided by the Military Department to give training to all classes of people irrespective of caste or creed, it seems to me that this Resolution is not practicable and will not help to achieve anything under it even if accepted.

THE HONOURABLE MR. G. S. MOTILAL (Bombay : Non-Muhammadian) : Sir, I rise to support this Resolution. I regard it as the most important of the Resolutions which have been so far moved in this House during this session. It is possible to pick holes in the language and the phraseology of the Resolution, to take one word here and take another there and say it is impracticable, it is ununderstandable, it is unintelligible. And yet there is plenty of sympathy with the spirit of the Resolution. If you do not understand, Sir, the spirit of the Resolution, words by themselves will not help the House much.

THE HONOURABLE THE PRESIDENT : Do you understand it ?

THE HONOURABLE MR. G. S. MOTILAL : I do understand the spirit of it, Sir, and I shall explain what it is. If any Honourable Member objects only to the language of the Resolution, let him suggest what change he wants. One who has real sympathy with the spirit of the Resolution—and every patriotic Indian it is admitted has that sympathy—instead of arguing that it is impracticable or that he does not understand the language, or it is not put in the language of a very clever lawyer like my Honourable friend Sir A. P. Patro, will not go to the length of saying that the Resolution itself should be condemned. It is a very important Resolution, for the nation is anxious to depend on her own strength for her defence. We have been claiming self-government. We want to be self-governing—I suppose Sir A. P. Patro will also have sympathy with me; he is not prepared, I believe, to say that he does not want self-government for his country. If so, we must have the training in the art of defending the country. It is the right and duty of every Indian to stand up and bear arms and go to the field whenever he is called to the colours. One of my friends observed : “ Yours is a non-violent movement ”. I admit that it is a non-violent movement. But he has forgotten completely that the apostle of the non-violent movement, Mahatma Gandhi, was one of those who in the last war, not only for the defence of India but for the defence of England, in order to assist England in her hour of need, went round and carried on propaganda for recruitment to the Indian Army. Again, that very national organisation of which he is the moving spirit has been asking for facilities to be given to Indians for equipping themselves for the defence of the country. The Congress, ever since it came into existence, has been putting forward that claim. Non-violence, it has adopted, but it is in regard to this particular struggle for obtaining self-government for this country. Some people may believe in this method while others may not, I have no quarrel with those who do not believe in it. We believe that even by this method we shall be able to win our rights and if we can avoid violence, we shall avoid it, and we believe that by avoiding violence—

THE HONOURABLE THE PRESIDENT : This is not a Congress pandal !

THE HONOURABLE MR. G. S. MOTILAL : This is a question which has been raised, and so these remarks are pertinent. Some Members at any rate are not very much familiar with our trend of thought. Therefore, it is necessary to lay stress on it. Anyway, Sir, it is not merely on the grounds of economy that I want this Resolution to be adopted. (*An Honourable Member* : “ The Leader of the Opposition put it on grounds of economy ”.) I know the Leader of the Opposition did say that, and he wanted to be put right by His Excellency the Commander-in-Chief. I would be put right myself, and I think he would be put right also, if I am given military training, and even at this age he is given military training ! It is a misfortune that some of us are classified as people belonging to martial races and others as belonging to non-martial races. Whatever might have been the justification for such a distinction in the past, it does not exist today. The youth of the nation, to whatever class it belongs—may be a Sayyid or a Brahman—wants military training. There have been Sayyids and Brahmans who played their part as great soldiers in our history. I know in the Army there were Sayyids and Brahmans who made very good generals.

THE HONOURABLE THE PRESIDENT : Don't forget the Marwaris !

THE HONOURABLE MR. G. S. MOTILAL : Who does not know the history of Merwar. Its manhood has borne the brunt of fighting for a number of years, and they will I have no doubt do their duty by their country. They have produced some of the finest soldiers and they will play their part in the future too. It is not because a man comes from any particular province, north or south, east or west, that he imbibes the military instinct. It is not that. It is his environment. If he is given the training, he does get into it. But if he has not the opportunities of training, he will turn to some other walk of life. Sir, whatever may be the cost, assuming that this Resolution involves heavy expenditure, we shall willingly accept the burden and will be prepared to be taxed. What the Resolution wants is this. It does not say categorically that there should be conscription. The spirit of the Resolution is that Indians should get the training. It may be that Government have not the money nor the resources to train every one of them. But that is the ideal. If it is necessary that every one should be trained and equipped for military purpose, then, whatever may be the cost, we should be prepared to shoulder the cost and get the training. Sir, it has been said that mechanization will dispense with a large army. But mechanization alone will not help the army. If you do not have men equipped with knowledge and training, whatever may be the amount of mechanization, that will not by itself solve the problem.

THE HONOURABLE THE PRESIDENT : Your time is up. Will you please bring your remarks to a close ?

THE HONOURABLE MR. G. S. MOTILAL : I have taken only five minutes, Sir.

THE HONOURABLE THE PRESIDENT : You are mistaken.

THE HONOURABLE MR. G. S. MOTILAL : I am sorry, Sir. So many countries in Europe are preparing unfortunately for war. I would not like to see them plunged in war—

THE HONOURABLE THE PRESIDENT : Please do not go into extraneous subjects. We have nothing to do with war.

THE HONOURABLE MR. G. S. MOTILAL: If you had only heard the next sentence, you would have seen the relevance of my remark. If you prepare the manhood of India for defence and be prepared to meet the menace, you will be able to prevent such a calamity. If India and the Indian people were prepared, an enemy whether in Europe or Asia would have to think not only twice but ten times before she challenges us.

Sir, there is one more point to which I would with your indulgence briefly refer. One Honourable Member said that some years ago some efforts were made to form urban units and those efforts did not materialise. He has not realised the circumstances and he himself furnished me with a very good answer. Look at the response which national institutions have received to the call for volunteers. If recruiting for the urban units had been conducted with the co-operation of the leaders of Indian thought the response would have been as satisfactory as it has been in the case of national institutions. Look at the response which the Congress gets to an appeal for volunteers. I say, Sir, that there will be the same response if India knows that it is for her defence, and it is for a just cause that she has to fight.

HIS EXCELLENCY THE COMMANDER-IN-CHIEF: Sir, when the Honourable Mover's Resolution reached me, I examined it with a view to ascertaining what he had in mind. The literal meaning of the Resolution as it stands is that an incredibly vast permanent Indian Army should be created in which every fit Indian between the ages of 21 and 30 should be called upon to serve. The result would be a standing army approximately 200 to 300 times as large as the present one. I came to the conclusion, however, that he could not possibly mean this and that what was in his mind was, that military training should be given to all Indians who were physically fit and that the permanent units of the Army should be recruited from them without regard to race. Doubt is still in my mind but I think it is clear from his speech that this was the intention. Even so, the Resolution means that the whole of India's youth should be conscripted, and that there would be, therefore, in practice, a vast conscript army in addition to a permanent standing one. Full military training cannot be given in less than a year and a soldier nowadays cannot acquire the rudiments of his profession until that period has elapsed. Specialized training would, of course, have to be ignored, but granted that the material is good, reasonably efficient cavalry, infantry and artillery can be produced in a year's time provided that they are efficiently trained and led. If they were to receive complete training in all arms and be capable of producing formations for active service, they would have to be compelled to serve for not less than two years. No question of rank, class, creed, or private circumstances would be allowed to intervene, and the vast army which would result from the acceptance of the proposed measure would have to be housed, fed, clothed and equipped. The bill for this would be prodigious. It should be remembered that these items, including pay, amount for at least 80 per cent. of any military budget. Both initial cost and recurring expenditure would be literally colossal. From the financial point of view only, such a scheme is so manifestly impossible that I need not dwell any further upon it.

Let me suppose, however, that all that is really required is that some kind of military training should be available for those of India's millions who are fit for it and would like to have it. Even so, the numbers would probably be very large, and, in consequence, a large cadre of regular officers and N. C. Os. in addition to those serving with the permanent forces would be necessary for training these levies and leading them in war, if they were to reach any military

standard at all. They would also have to be equipped and even if they were to be limited to infantry, and it is doubtful whether such training as it would be possible to give them would enable them to master the intricacies of the other arms, they would have to have uniform of some sort and be provided with rifles and machine guns. Now, this is the point I want to make. What practical use would an enormous army of levies have? The answer is that they could only be employed to guard their homes against the attacks of enemies less well armed and trained than themselves. For the purposes of modern warfare they would I am afraid be simply cannon fodder, and to send such forces into the field against a modern professional army would amount simply to sending sheep to the slaughter: the more there were of them, the greater would be the death roll.

I will read to the House the opinion of one, who, in his day, knew as much about national levies as any man—George Washington.

"Regular troops alone are equal to the exigencies of modern warfare, as well for defence as offence, and when a substitute is attempted it must prove illusory and ruinous. No militia will ever acquire the habits necessary to resist a regular force. . . . The firmness requisite for the real business of fighting is only to be attained by a constant course of discipline and service. I have never yet been witness to a single instance that can justify a different opinion, and it is most earnestly to be wished that the liberties of America may no longer be trusted, in any material degree, to so precarious a dependence."

What was true in Washington's day is ten times truer now, and for the business of modern war you must not only have regular troops, but they must be equipped in accordance with the most modern developments of military science, must be fully trained in the use of their arms, and must be led by professional officers who understand their business. Mere numbers and courage are not enough as everyone can see from a study of the recent events in the Far East. The best we can say of such formations would be that such of them as happened to be good military material would undoubtedly form a very valuable reserve if they were made liable to permanent service and available in the event of general mobilisation, and were well stiffened with regulars. The cost, however, would be prohibitively great and it is a remarkable coincidence that Resolutions have been tabled in this present session to reduce our defence expenditure on the one hand, and to multiply it enormously on the other. Our present system whereby we have a small regular army capable in the event of war of considerable expansion from its own reserves and supported in the second line by territorial battalions, by urban battalions, and by Army in India Reserve of Officers, and University Training Corps, gives us the most efficient war machine that can be designed with due regard to the over-riding need for economy. If, as I hope, the enthusiasm for volunteer soldiering grows in this country and a genuine demand for more territorial and urban battalions and more U. T. Cs. is voluntarily forthcoming and if these formations are trained to an adequate degree of military efficiency, I should always be delighted to increase their numbers provided that the financial situation allowed of it and that the regular forces, without which all schemes are utterly vain, did not seriously have to be reduced in any way.

I now turn to the question of the admission of all the classes and races of this sub-continent to the permanent units of the Army. A little reflection will, I am sure, convince the Members of the House that, unless the Army is to be enormously larger than it is at present, which possibility is ruled out by financial considerations, any such scheme must be utterly impossible. As my predecessor once said, imagination would boggle at the thought of a unit composed of 30 or 40 or even more different classes and races, all speaking

[His Excellency the Commander-in-Chief.]

different languages, possessed of different qualities, both physical and mental, eating different food, habituated to different climates, and accustomed to wholly different types of social life. An efficient military unit must be reasonably homogeneous and therefore units must be raised on a class basis. The reason why recruitment is at present restricted to the classes whose names appear in the *Army List*, is simply that we must, for reasons of economy, keep our Army as small as possible. It must also obviously be as efficient as we can make it and experience has shown that the present enlisted classes do in fact, taken as a whole, provide the best military material. If it be granted that we cannot increase the size of our Army, it must surely be accepted as reasonable that we should decline to disband units which experience has shown are made up of the best material available and substitute for them others of inferior quality.

I must now make a short digression. I have always great pleasure in hearing the views of the Leader of the Opposition on the Army. He has however raised points this morning which have no bearing on the Resolution we are discussing. I do not therefore propose to deal with such points; but I can tell him that he is mistaken in all the points he referred to me by name.

I will conclude by quoting a statement made by my predecessor in a debate on a similar Resolution before this House, words with which I entirely agree:

"I should like no one to think that I do not approach this Motion and try to answer it without feeling very considerable sympathy towards it. Nobody can say that the wish that every man in a country should be liable to serve that country if the necessity arose is not an absolutely unanswerable argument. It is absolutely unanswerable. But that does not mean that people who have to do with the forming of the best army they can get at the moment should be able to fulfil those aspirations. You might just as well say that when I was at one time responsible for the recruiting of the Army in England if I took a man from Leicester who was fit in every way, I should therefore take a man from Manchester who was not fit. The argument does not hold."

With these words, Sir, I oppose the Resolution.

THE HONOURABLE MR. SUSIL KUMAR ROY CHOWDHURY: Sir, Sir A. P. Patro has said that everyone wants to be an officer. That is not so. I have said that in Bengal we received training as ordinary soldiers in the Bengal Light Horse and did even menial work during our training. The Honourable Mr. S. N. Roy, Secretary of the Communications Department, also did receive his training as an ordinary soldier and he was then a member of the Indian Civil Service and he did not want to be an officer in the army. I have said about permanent units, because now the so-called non-martial races are debarred from joining the same. What I want is that every one irrespective of caste or creed should be admitted to the permanent units provided they are desirous to do so. His Excellency the Commander-in-Chief has said that it is the regular troops who really fight during any war. Well, may I ask His Excellency the Commander-in-Chief whether it was the regulars or the volunteers who won the last war for the Allies? About the expenditure, may I say, that the volunteer recruitment in the end will reduce the army expenditure?

With these words, Sir, I commend my Resolution for the acceptance of the House.

THE HONOURABLE THE PRESIDENT: Do you wish to press the Resolution to the vote?

AN HONOURABLE MEMBER: Withdraw the Resolution.

THE HONOURABLE MR. SUSIL KUMAR ROY CHOWDHURY: I do not want to withdraw it.

THE HONOURABLE THE PRESIDENT: Resolution moved:

"This Council recommends to the Governor General in Council that full military training be given to all physically fit Indians between the ages of 21 and 30 and that they be admitted to permanent units of the Indian Army irrespective of caste or creed."

Question put and Motion negatived.

CRIMINAL PROCEDURE CODE AMENDMENT BILL.

(Jury trial in sedition cases.)

THE HONOURABLE MR. KUMARSANKAR RAY CHAUDHURY (East Bengal: Non-Muhammadan): Sir, I beg to move:

"That the Bill to provide for jury trial in sedition cases be taken into consideration."

"Historical writers", as I once quoted before, says D. G. E. Hall in his *English Constitutional History* "are probably amply justified when they affirm that the use of the jury system, which means the co-operation of ordinary men in the securing of justice, was the real beginning of self-government among us". Now that self-government is alleged to have been introduced in this country, it is time that we should have the law of sedition so amended as to make sedition cases triable by jury. The system of trial by jury is a valued right in all civilized countries and India has also adopted this system of trial for all serious offences. As a matter of fact, all the offences against the State which are embodied in the same chapter with the offence of sedition are triable by jury except that of sedition. The right of giving vent to one's opinion is one of the essential rights of a human being as such and is one of the valuable rights of the people for purposes of ventilating their political grievances. It is all the more valuable because of the nascent growth of public opinion in the country when we are on the threshold of a democratic form of government. It is therefore necessary that jury trial should be provided for such offences.

Moreover, the nature of the offence of sedition is a peculiar one and must change, as already indicated by various Provincial Governments, with the changed political condition of the country. It is very difficult to define and depends upon the effect it has upon the minds of men of ordinary common intelligence. Therefore, these are the men best fitted to express an opinion whether the offence has been really committed. The officers presiding over criminal courts in this country are either foreigners who do not know the language in which the offensive words are used and have to rely upon the evidence of witnesses only, or they are the natives of the soil and not fully conversant with the true import and bearing of words when they are expressed in a foreign tongue. Moreover, so long as there is no separation of the judicial from the executive and officers under the control of the executive preside over courts with the tradition of no conviction, no promotion, it is absolutely necessary that trial of offences under section 124A should be placed in the hands of a jury.

Sir, when I moved a similar Resolution in this House several years ago, I was met with a reply by the Government Member that trial by jury was not

[Mr. Kumarsankar Ray Chaudhury.]

the best method of trial for the effective administration of justice and though it had worked well in England it has not generally been found very successful in India; and he quoted the opinions of two judges of the United Provinces High Court whose names he did not mention. They were perhaps two civilian judges, for aught I know, and referred to cases other than sedition when they made those observations. The offence of sedition depends upon the interpretation of languages and sufficient intelligent people are available in the country for the purpose and matters of law are under the law absolutely in the hands of the courts subject to a right of appeal. Moreover, in spite of their observations to the contrary, trial by jury has been substituted for trial with the aid of assessors in most provinces in cases where the law of the land provides for such a change. He then said that trial by jury prevails in England because it is based on a different theory of the administration of justice to that which prevails in India, *viz.*, the principle that criminal cases of importance in England should have one single and final decision. I do not really understand why, if final decisions of jury could be satisfactory for England, that principle cannot be adopted in this country instead of harassing and protracted trials from court to court being conducted against an accused? The jury can as well be perverse in England as they are alleged to be here. And perversity is not likely to be the monopoly of the jury only, and courts as they are not independent of the executive, may and will be perverse. Moreover, the English law has also latterly been changed and provided appeals in criminal cases without doing away with trial by jury and appeals are allowed against jury trials in this country also, so if the jury or the court is perverse, the appellate court may correct them. When confronted with all these arguments he rose finally in reply to say that sedition cases were the most serious of all offences against the State and were therefore not made exclusively triable by jury. So that, of course, I had then no right of reply, but I now venture to say that considered from the people's point of view it is one of the most important sections of the Indian Penal Code, difficult to interpret, difficult to decide without the aid of jury and vital to the interests of a rising people as it gags their mouths in giving expression to their grievances.

With these words, Sir, I commend my Motion for the acceptance of the House.

The Council then adjourned for Lunch till a Quarter to Three of the Clock.

The Council re-assembled after Lunch at a Quarter to Three of the Clock, the Honourable the President in the Chair.

THE HONOURABLE MR. RAMADAS PANTULU (Madras: Non-Muhammadan): Sir, I would first like to explain the implications of this Bill before I speak on its merits. The position now is this. Sedition cases are now tried, not exclusively by the Courts of Sessions, but also by Presidency Magistrates in Presidency towns and by First Class Magistrates elsewhere. The provision in the Code of Criminal Procedure which deals with this matter is contained in Schedule II, and against item 124A, which is Sedition, the last column, "By what court the offence is triable"—says:

"By a Court of Session, Chief Presidency Magistrate or District Magistrate or Magistrate of the First Class specially empowered by the Local Government in that behalf".

In almost all the provinces, Magistrates of the First Class have been empowered as a rule to try sedition cases. The Honourable Mr. Kumarsankar Ray Chaudhury's Bill contains two clauses. The second clause of the Bill

seeks to amend this particular article in the Schedule of the Criminal Procedure Code by substituting for the words which I have read, namely, "Court of Session, Chief Presidency Magistrate or District Magistrate or Magistrate of the First Class specially empowered by the Local Government in that behalf" the words "Court of Session". That is the effect of the amendment, because all the items above are by "Court of Session" and he wants to put in the word "ditto" in place of these words. Therefore, the first change he wants to introduce is that all sedition cases should be tried only by a Court of Session, and not by any Magistrate of any description. Now, with regard to trial by a Sessions Court, he wants it to be always with the aid of a jury and not with the aid of assessors. Trials before Courts of Session now take place either with the aid of a jury or with the aid of assessors. The Sessions Judge never tries any case, as a magistrate does, sitting alone. He always sits with a jury or with assessors. What cases should be tried with the aid of a jury and what cases with the aid of assessors is provided for by section 269 of the Code of Criminal Procedure. The power is given to the Local Government to notify as to what cases should be tried with a jury and what cases with assessors. I shall read that section.

"The Local Government may, by order in the official Gazette, direct that the trial of all offences or of any particular class of offences before any Court of Session shall be by jury in any district, and may revoke or alter such order".

Before 1920, this section had some additional words, namely, "with the previous sanction of the Governor General in Council". The Local Governments could then notify only with the previous sanction of the Governor General in Council. After the Devolution Act of 1920, these words have been deleted from section 269, and so it is now in the absolute discretion of Local Governments. So, the present position is that it is the Local Government that decides what cases should be tried by a jury and what by assessors. The Bill seeks to amend this provision. Coupled with the second clause, the Bill says that all sedition cases should be tried only by Sessions Courts and that only sitting with a jury. That is the effect of the present Bill.

Sir, I am fully alive to the fact that trial by jury is a very fundamental item of civil liberties. In many countries, people are asking for trial by jury as a safeguard and there is much to be said in favour of it. But, in this country, trial by jury is confined only to High Courts and Courts of Session. Magistrates are not asked to sit and try cases with the aid of a jury. Unless the jury system is extended very widely in this country, I am doubtful about the utility of a Bill like this. I do not want every sedition case to go before a Sessions Court. As a matter of fact, it is only very, very serious cases, in which a Magistrate thinks that a punishment of more than two years, coupled with a fine of Rs. 1,000 or in default imprisonment for another year or two, that are committed to sessions.

THE HONOURABLE THE PRESIDENT: It is also a question of expense.

THE HONOURABLE MR. RAMADAS PANTULU: I quite agree it is also a question of expense. But if trial by jury is absolutely necessary to safeguard the civil liberties of the people, I would not mind the expense. I would then ask the Government to undertake the full expense if justice cannot be done except with a trial by jury in a Sessions Court. I would vote for such expenditure, even if it involves additional expenditure. But the question is whether in the present circumstances, the Magistrates should be deprived of jurisdiction to try sedition cases? Many of them are of a paltry nature. Of late, we have seen many of them in which ordinarily imprisonment for more

[Mr. Ramadas Pantulu.]

than six months or one year is not given. Why should these go before a jury? I personally do not see the reason for changing the provisions of the Criminal Procedure Code in regard to, first of all, the Court by which the offence is to be tried. That is a fundamental objection. If any particular Local Government wishes that all sedition cases which are committed to Sessions should be tried by jury, there is no impediment now under the law. The old restriction that the Local Government should obtain the previous sanction of the Governor General in Council has been removed. Therefore, any Local Government can notify that sedition trial hereafter should be held, if tried by Sessions Court only with the aid of a jury. I am told by the Mover of the Bill that in Bengal all offences under Chapter VI of the Indian Penal Code, which deals with offences against the State, are being tried only with the aid of a jury, except this particular offence, namely, sedition. It is stated that other offences under Chapter VI are being tried in Bengal at any rate with the aid of a jury. I do not know. That is not so in Madras, where offences under Chapter VI are tried with the aid of assessors. Therefore, there is divergence in this matter between the provinces. Perhaps, the reason why in Bengal also sedition cases are not tried with the aid of a jury is because these trials take place before Magistrates and not always before a Court of Session. Therefore, the Bill introduces far-reaching changes. The changes also impinge against the right of the Provincial Governments to determine the best form of trial in such cases. After provincial autonomy, all the provinces have got their own Governments which function as responsible Governments subject to the control of the Legislature. I think no legislation should be undertaken at the Centre which will materially and vitally affect the powers of Local Governments. Now, by notification they can do what they like with regard to trial by jury. Therefore, on both these grounds, namely, that the Bill seeks to do away with the jurisdiction of Magistrates to try sedition cases, and puts the Governments to the necessity of taking every sedition case to a jury and a Sessions Court, which involves expenditure, as you have already said, Sir,—

THE HONOURABLE THE PRESIDENT: You say that it also deprives the Provincial Governments of their option?

THE HONOURABLE MR. RAMADAS PANTULU: Yes. At present, there is the option to Local Governments.

THE HONOURABLE THE PRESIDENT: And this legislation will deprive the Local Governments of that option?

THE HONOURABLE MR. RAMADAS PANTULU: Yes, I object to that. The Local Government can now exercise the option without the concurrence of the Central Government. I do not see why an option like that should be taken away by any legislation at the Centre. I also do not see the necessity of every sedition trial going before a Sessions Court. It is a very expensive matter. Even the accused will not be glad to have that doubtful privilege. If every accused person demanded it as a valuable civil right, I would certainly vote for it in spite of any inconvenience; but I do not think that small sedition trials should go before the Sessions. There is already the safeguard that before a Magistrate can take cognisance of these cases the previous sanction of the Local Government has to be given. No man can be tried for sedition without the Local Government giving previous sanction. Now that responsible Governments are functioning in the provinces they can be trusted

to deal with sedition cases properly, and I do not think that legislation of this sort is called for, and therefore I am sorry to say I am constrained to oppose the Bill though it is moved by a member of my Party.

THE HONOURABLE SIR DAVID DEVADOSS (Nominated: Indian Christians): The jury system is not an unmixed blessing. From my long experience at the Bar I know that in the mofussil, at least in the Madras Presidency, the jury system is not a great success. The reasons are these. First, we do not get the proper men as jurors. Respectable people try their very best to get out of the jury list; they make all kinds of applications urging all sorts of reasons to get out of it. The second is that undesirable people get on to the jury list. They are either open to corruption or to influence. And the third reason is that, even if respectable people are on the jury list, at the time of the trial they find some excuse or other not to be on the panel of jurymen. That being so, it is very difficult in the mofussil to get a satisfactory jury in important cases. No doubt in the High Court of Madras there are two kinds of juries, the special jury and the common jury, and in the case of trials by a special jury my experience is that the verdict is always a satisfactory one. But to urge that in all cases a jury should sit I think would not serve the ends of justice, for in some cases at least bias is alleged against jurymen however honourable and impartial they may be. Parties are prepared to allege bias against them, and you know, Sir, that in many trials against European British subjects a charge has always been brought that the verdict, if in favour of the accused, was a biased verdict. That being so, in sedition cases if a verdict is given in favour of the accused we may be sure that at least one side would say the jury was a packed jury or a biased jury. No doubt the jury system is prevalent in England, but that is due to a historic fact. Ever since the Magna Charta the people of England wanted to be tried by their peers. But the system even there has not been a great success, as anybody who is acquainted with the history of the jury system in England would know. Juries sometimes give a verdict on very flimsy grounds either for or against the prosecution, and about 30 or more years ago the law was amended in England in order to enable the Appellate Court to upset the verdict of juries. But being unable to interfere on a question of fact the Judges always tried to see whether there was a misdirection. Of course on a clear question of law the Appellate Court can interfere. But the system even in England has not been very satisfactory.

THE HONOURABLE THE PRESIDENT: It has been held that a misdirection is a question of law.

THE HONOURABLE SIR DAVID DEVADOSS: Oh, yes, we can always go into misdirections by the lower Court, and Judges always try to pick holes in the direction of the judge in the lower Court. I would rather have an Appellate Court going into the question of fact in any judgment of any Court, rather than leave it to a jury of laymen to decide important questions.

Then as regard sedition, Sir, sedition cases are not merely questions of fact. It is different in the case of dacoity or murder or robbery or grievous hurt, things of that kind which are only questions of fact. In sedition cases very important questions of some intricacy are often involved, for instance, whether a speech contains seditious matter or whether a particular thing comes within the law of sedition and so on. There very technical knowledge is required and very elaborate arguments are urged on both sides and it would be difficult for laymen to understand and follow the arguments and give a satisfactory verdict.

[Sir David Devadoss.]

Sir, with these words I strongly object to the proposal that all cases of sedition should be tried by juries. If a case is important enough to be transferred to the High Court, the accused or the prosecution may move the Judges of the High Court to transfer a case. The High Court has that jurisdiction at least so far as Madras is concerned. When a very important case or a case likely to evoke local feeling has to be tried, the High Court exercises its extraordinary jurisdiction and calls up the case from the mofussil before it. I could give a number of instances but I do not want to take up the time of the House. Further, this system would not, as the Honourable Mover thinks, be very pleasing to the people themselves. If the jury system were extended it would mean that the people would have to serve on the jury in every such case and people in this country would not like to sit on the jury box for a number of days and hang about the Courts for probably 15 to 20 days in the month. For these reasons, Sir, I think this Bill ought not to be passed.

THE HONOURABLE MR. E. CONRAN SMITH (Government of India : Nominated Official) : Sir, my task in opposing this Bill has been considerably lightened by the two previous speakers who have covered some of the ground which I should otherwise have had to cover. As the Honourable Mover of this Motion has reminded us, the principle which he seeks to embody in his Bill formed the subject of a Resolution which was moved by the same Honourable Member and defeated on the floor of this House in the year 1929. Sir, I think the long period of incubation of this Bill has not improved its prospects, nor has that period served to weaken the arguments which were advanced by Government on the last occasion against the principle of the Bill. If I have understood the Honourable Mover correctly, his reasons are grouped under three main headings. Firstly, the merits in general of the jury system as in force in other countries and in India. Secondly, the reasons given in the Statement of Objects and Reasons attached to the Bill. And thirdly, the particular suitability of the offence of sedition for trial by jury. I would deal with the second reason first, because the prominence given to it in the Statement of Objects and Reasons leads me to believe that the Mover attaches particular importance to it. Unfortunately I think the Honourable Mover has either misread or misinterpreted the relevant provisions of the Criminal Procedure Code. His contention is that all offences against the State except sedition are triable by jury. This is not correct. Section 268 of the Criminal Procedure Code, as my Honourable friend Mr. Pantulu has pointed out, provides that trial before a Court of Session shall be by jury or with the aid of assessors. Section 269 empowers the Local Government to direct what offences should be tried by jury before Session Courts. In accordance with Schedule II a number of offences under Chapter VI of the Indian Penal Code are triable exclusively by a Court of Session. This does not necessarily mean that they are tried by jury. The Honourable Mover therefore proposes to pick out one particular offence from Chapter VI of the Indian Penal Code and make that offence triable exclusively by jury. In regard to that one offence he proposes to fetter the discretion given to Provincial Governments to direct in what cases trial by jury shall be applied. If therefore this measure is to stand or fall by the Statement of Objects and Reasons, I submit, Sir, that it must fall.

Secondly, the Honourable Mover has based his case on the general merits of the jury system both in England and in other countries and has quoted from one authority in his speech to prove that the jury system is the real beginning of self-government. I fear the

Honourable Member here was slightly inconsistent, for he gave us to understand that in his view self-government in India was only alleged to exist. My Honourable friend cannot have it both ways. If self-government in India is only alleged to exist, his argument is considerably weakened. If, on the other hand, it does exist, then the jury system is not required to begin it. However that may be, the Honourable Mover has apparently remained unconvinced by the arguments advanced on the floor of this Honourable House in 1929 against the principle of this Bill and he has in his remarks this morning explained why those arguments are not convincing. He has, however, if I heard him correctly, not quoted all the arguments which were put forward by Government on that occasion, nor I think has he fully understood them. It was explained on that occasion that the system of trial by jury as worked in England is based on different principles from those operating out here and that the jury system in India is not universal but is extended experimentally in particular classes of cases under particular conditions. He did not quote one observation which was made on behalf of Government and that was that a unanimous verdict is not insisted on in India as it is in England. His contention was that if the jury system worked well in England it should work equally well in India. Well, Sir, granting his contention to be correct, the first duty of the Honourable Member would be to see that the jury system prevailing in India was altered and brought into conformity with that prevailing in England, before he seeks to introduce a Bill based on that contention. The Honourable Mover has also made the statement that trial by jury in this country has been substituted for trial with the aid of assessors in most provinces. Here I think he has been misinformed, for I have before me the replies to a reference made to Local Governments which show that in certain districts of one province only have the Local Governments used the power given by section 269 to direct that offences under Chapter VI of the Indian Penal Code shall be tried by jury. I believe my Honourable friend Mr. Pantulu also said that in Bengal all offences under Chapter VI except sedition were triable by jury. I might have misunderstood him, but if that was the statement he made I think it is not correct. Our information is, as I said, that Provincial Governments except in Bombay have not issued a direction that offences under Chapter VI shall be tried by jury. The Honourable Mover has also quoted from the speech made on behalf of Government in 1929 the observation that sedition offences are the least serious of the offences against the State and for that reason were not made exclusively triable by jury. Here again I am afraid the Honourable Member has not fully appreciated the force of this observation nor realised the implications of his own Bill. Clause 3 of his Bill provides that the offence of sedition shall be tried only by a Court of Session and shall not as now be triable also by magistrates. In suggesting this provision I think the Honourable Member has overlooked the object with which the amendment of section 124A was originally made making offences thereunder triable by magistrates as well as by Courts of Session. The amendment was designed to change the position, as here again I think, my Honourable friend Mr. Pantulu has pointed out, under which the importance attaching to a trial before a Sessions Court invariably attached to the trial of an offence under section 124A. It was felt that the ends of justice would be better served in suitable cases by the more speedy trial before a magistrate and by the lighter punishment which a magistrate could inflict, and that is the point which I want to make as regards this Bill. I do not know whether the Honourable Mover has realised what its implication is, namely, that sedition should be treated as a more serious offence and that lighter punishment should not be awarded.

[Mr. E. Conran Smith.]

Finally, the last reason given by the Honourable Mover in promoting this measure was that sedition is above all other offences peculiarly suited to trial by jury. That, Sir, I cannot for one moment admit and I am confident that those who have had experience of the working of the jury system in India would not support that contention. Political pressure and sentiment must often be associated with sedition cases and it is with this interference with the free administration of justice that juries have most difficulty in contending. The effect of this Bill—in justice to the Honourable Mover I do not say the object of it—would be to import political sentiment into the administration of justice and I feel sure that the Honourable Mover himself would be the first to admit that if a jury system is to work properly and if a jury is so to discharge its functions that justice is done as between the State and the accused, it is essential that it should be employed in conditions in which it can function free from, and unfettered by, bias or outside pressure.

I hope, Sir, I have said enough to show that neither the principle of this Bill nor its provisions should commend themselves to this Honourable House and that no case has been made out for interference with the free exercise of their discretion by Provincial Governments.

Sir, I oppose the Motion.

THE HONOURABLE MR. KUMARSANKAR RAY CHAUDHURY: Sir, I want to make a few observations. With regard to the observation of Mr. Pantulu about interfering with the option of the Provincial Governments, I have to make this observation. Section 269 gives an option to the Local Government to direct whether a trial should be with the aid of assessors or a jury only in cases which are triable by a Sessions Court. But, as a matter of fact Schedule II, Chapter 6, of the Criminal Procedure Code, says that sedition, cases are triable either by a Sessions Court or by a Presidency Magistrate or a Magistrate of the First Class authorized in that behalf. But, as a matter of practice, sedition cases are hardly tried by the Court of Session. So, as a matter of fact, no interference with the discretion of the Local Government is concerned so far as my Bill goes, unless and until sessions trial is made compulsory in a case of sedition, there is no scope for the operation of section 269 and the direction of the Local Government as to whether the trial should be held by a jury or with the aid of assessors.

Then, with regard to the observations made by the Honourable Sir David Devadoss that juries are not available and that intelligent juries are necessary for a trial of sedition cases, my submission is that jury trial has been extended and is being extended in many cases and that is no doubt because of jury trial being satisfactory. Otherwise, there was no case for their extension in many other cases. And then, as regards the intelligence of the jury, my submission, is that it is in cases of sedition that intelligent juries are the most necessary and therefore, though jury trial in ordinary cases may result in miscarriage of justice, in cases of sedition intelligent juries are not liable to commit that mistake. And then he said important cases might be transferred under the extraordinary jurisdiction of the High Court and made triable by a Sessions Court with the aid of a jury. That is a matter very hard to obtain for an accused, as we all know.

So far as the reference to section 268 is concerned, I speak subject to correction but my impression is that in the Province of Bengal trial with the aid of assessors has been removed in almost all cases and jury trial taken its place. Then, as regards the point made as to lighter punishment being available for

sedition cases when the trial is held by a magistrate, my submission is that if a trial takes place in a Sessions Court, there is no bar to a sentence being light. It does not follow that if a trial is taken to a Sessions Court the sentence will be a heavy one. That is all my submission.

THE HONOURABLE THE PRESIDENT: Motion made:

"That the Bill to provide for jury trial in sedition cases be taken into consideration."

Question put and Motion negatived.

DURGAH KHAWAJA SAHEB (AMENDMENT) BILL.

*THE HONOURABLE MR. HOSSAIN IMAM (Bihar and Orissa: Muhammadan): Sir, I rise to move:

"That the Bill to amend the Durgah Khawaja Saheb Act, 1936, as passed by the Legislative Assembly, be taken into consideration."

The Bill, Sir, which is before the House is a simple one. It has been brought forward with a view to remove some of the difficulties which had remained untouched with the last Act. The great mistake which was committed by ourselves in drafting was that we did not make it clear whether the representatives of the Legislatures in the Provinces and at the Centre should be men from Ajmer or outsiders and the interpretation was made that only people who are enrolled as voters in the Ajmer Municipality would be eligible for election. And other such troubles arose. It was therefore decided that an amending Bill should be brought forward. This Bill, in addition to clarifying that situation, has also taken advantage of the opportunity to introduce certain provisions which would make the working of the management easy and less cumbersome. We are grateful to the gentlemen who were responsible, Dr. Ziauddin Ahmed and our friend Syed Ghulam Bhik Nairang, who have done yeoman service in bringing forward this Bill and getting it passed in the Assembly in such a short time. As is well known, Sir, it takes very long to get any Bill through the Assembly and this Bill has rather established a record. It was on the point of being passed in the Simla session and would have been passed had it not been for an untoward circumstance which prevented its passage at the last minute. But for five months it was held up and brought forward before the Assembly this session. I should like to mention, Sir, in this connection that I have given notice of some amendments, which are merely verbal amendments, except one, which is of some substance. I am mentioning these facts, Sir, because I do not propose to make any speech in moving these amendments. The last amendment, Sir, is a necessary provision which has been incorporated in order to provide for a contingency which we hope will not come but which may come in spite of our hopes. I refer, Sir, to the fact that—

THE HONOURABLE THE PRESIDENT: As a Member of the Council you ought to know that at this stage you should only discuss the principle of the Bill.

THE HONOURABLE MR. HOSSAIN IMAM: I was only going into these details, Sir, because, as I said, I do not propose to make any speech in moving the amendments. However, I will make my speech at the proper time.

Not corrected by the Honourable Members

[Mr. Hossain Imam.]

Mr. President, it pains me to find in the general discussion which ensued on the Motion that the Bill be passed in the Assembly that a reference was made to an incident which had absolutely no connection with the Bill. A respectable member of our community, who is rightly honoured, lent his support to a statement of things which had no substance behind it. Maulana Murtuza Sahib Bahadur, in his speech, referred to certain matters which had absolutely no bearing on this. The fact that certain people were criminally assaulted and they had something to do with the Bill, is not pertinent to this discussion. I am not going to be guilty of the same charge myself and bring that in. I simply mention it, and with the exception of that speech, there was general support for this, both from Hindus and Muhammadans. Mr. Lalchand Navalrai gave his support to this Bill. He made a speech on the subject. That shows that this Bill is a non-contentious Bill. I therefore need not detain the House with any detailed discussion.

Sir, I move.

THE HONOURABLE SAIYED MOHAMED PADSHAH SAHIB BAHADUR (Madras : Muhammadan) : Sir, I rise to support the Motion that has been moved by the Honourable Mr. Hossain Imam. Sir, as has already been said, the amendments proposed are only of a verbal character, designed only to cure some defects that have crept into the Bill owing to the hurry in which the measure had to be drawn up on the last occasion. As most of my Honourable friends are aware, the original Bill that was introduced in the Council was of such a nature that it roused great controversy, and consequently, very protracted negotiations had to be held in order to come to a compromise, so that all conflicting schools of thought could come to some agreement upon the measure. These negotiations were prolonged, Sir, until the time when the term of the Council of State had drawn nearly to its close. If within the few days that were left for the Council, the Bill could not be modified in the light of the compromise that had been arrived at, there was a possibility of the measure lapsing on account of the pending termination of the Council of State. Consequently, this measure was drafted in great haste, and these errors were overlooked. We are really grateful to the Honourable Members of the Legislative Assembly, Dr. Ziauddin Ahmad and Syed Ghulam Bhik Nairang, who brought this measure in the other House and had these defects removed. Since these amendments are mostly of a verbal character, we do not think there can be any objection to the acceptance of the Motion that has just been made. As has been pointed out by my Honourable friend Mr. Hossain Imam there is only one amendment which appears to be an amendment of substance. But even this amendment does not change the nature of the compromise. The understanding at the time of the compromise was that in this Committee which was proposed the outside element should predominate, and it is with a view to carry out this object that this amendment is also being moved.

Sir, I support the Motion.

The Motion was adopted.

Clause 2 was added to the Bill.

THE HONOURABLE MR. HOSSAIN IMAM : Sir, I rise to move :

"That in clause 3, in proposed section 5—

(a) in sub-section (1)—

(i) for the words 'Hanafi Muslims, of whom' the words 'Hanafi Muslims, namely' be substituted;

- (ii) in clauses (a) and (b) the words 'one shall be' be omitted ;
- (iii) in clauses (c), (d), (e) and (g) the words 'shall be' be omitted ; and
- (iv) in clause (f) the words 'may be' be omitted ; and
- (b) after sub-section (3) the following sub-section be added, namely :—

'(4) If any authority or body entitled to elect, nominate or co-opt a member fails to do so within six months, the Central Government may nominate a member to fill the vacancy from among persons qualified to be elected, nominated or co-opted in respect of the vacancy.'

Sir, the first few amendments are of a verbal nature and for improving the language. The only substantial amendment is the last one. That has been brought forward with a view to providing for a contingency which we hope may not happen, but our hopes may not be realised. I refer to the fact that Provincial Governments, at the present moment, are in a flexible condition. The Provincial Legislatures might not be in session and may not be called in session for long periods. We want that the representation of neutral interests should have a predominance. It is for this reason that we provide a machinery whereby if any one fails to elect or nominate, this failure may be made good by the Central Government.

Sir, I move.

THE HONOURABLE THE PRESIDENT : All the amendments have been moved in a body. Has any Honourable Member any objection to my putting the Motion for passing them in a body ?

HONOURABLE MEMBERS : No, Sir.

THE HONOURABLE MR. G. S. MOTILAL (Bombay : Non-Muhammadan) : Have these amendments been accepted by the Muslim Members of the Assembly ?

THE HONOURABLE KUNWAR HAJI ISMAIL ALI KHAN (United Provinces : Nominated Non-Official) : Yes.

THE HONOURABLE MR. G. S. MOTILAL : The Honourable Member did not tell us that.

THE HONOURABLE MR. HOSSAIN IMAM : The Bill will have to be returned to the Assembly for their concurrence.

THE HONOURABLE MR. RAMADAS PANTULU (Madras : Non-Muhammadan) : We want to know whether there is any compromise between the Muslim Members of the Legislative Assembly and the Muslim Members of this House over these amendments ?

THE HONOURABLE MR. HOSSAIN IMAM : I have not consulted the Members of the Assembly as they did not consult us in the drafting of the Bill.

THE HONOURABLE THE PRESIDENT : You are inviting trouble, you know.

The Question is that these amendments be adopted.

The Motion was adopted.

Clause 3, as amended, was added to the Bill.

Clauses 4 to 13 were added to the Bill.

Clause 1 was added to the Bill.

The Title and Preamble were added to the Bill.

THE HONOURABLE MR. HOSSAIN IMAM : Sir, I rise to move :

"That the Bill to amend the Durgah Khawaja Sahab Act, 1936, as passed by the Legislative Assembly and as amended by the Council of State, be passed."

The Motion was adopted.

STANDING COMMITTEE FOR THE DEPARTMENT OF LABOUR.

THE HONOURABLE THE PRESIDENT : With reference to the announcement made by me on the 17th February, regarding nomination to the Standing Committee in the Labour Department, I have to announce that the following Honourable Members have been nominated for election to that Committee :

The Honourable Sir Ramunni Menon and

The Honourable Khan Bahadur Syed Ihtisham Hyder Chaudhury.

There are two candidates for two seats and I declare them duly elected.

The Council then adjourned till Eleven of the Clock on Thursday, the 24th February, 1938.

COUNCIL OF STATE.

Thursday, 24th February, 1938.

The Council met in the Council Chamber of the Council House at Eleven of the Clock, the Honourable the President in the Chair.

QUESTIONS AND ANSWERS.

DEPUTATION THAT WAITED ON SIR AUBREY METCALFE IN CONNECTION WITH INDO-AFGHAN TRADE.

119. THE HONOURABLE MR. V. V. KALIKAR : (a) Did a deputation of about a dozen members of the North-West Frontier Chambers of Commerce see Sir Aubrey Metcalfe, the Foreign Secretary, on 22nd January, 1938 and put before him the grievances of the Indian traders against the Afghan Government's Indian trade policy ?

(b) If the answer to part (a) is in the affirmative, what steps have been taken by Government to redress the grievances of the Indian traders ?

THE HONOURABLE SIR MUHAMMAD YAKUB : (a) Yes. I may however state that the Afghan Government's trade policy is not directed against Indians but is applied to all foreigners alike.

(b) Government have the matter under consideration.

POLITICAL PRISONERS IN THE CENTRALLY ADMINISTERED AREAS.

120. THE HONOURABLE MR. B. N. BIYANI : (a) Are there any political prisoners in the Centrally Administered Areas ?

(b) If so, how many and under what law have they been prosecuted ?

(c) What is the term of imprisonment which each of them is to undergo ?

(d) Do Government contemplate their release ?

THE HONOURABLE MR. E. CONRAN SMITH : (a) to (c). I am making enquiries and will lay a reply on the table of the House in due course.

(d) I will be prepared to answer this question when the answers to these enquiries are received.

CELLULAR JAILS IN THE ANDAMANS.

121. THE HONOURABLE MR. B. N. BIYANI : Will Government lay on the table a statement containing the following information in respect of the Cellular Jails in the Andamans :

(a) How long have these jails existed ?

(b) The number of ordinary and political prisoners sent there from India ?

(c) The number of ordinary and political prisoners who died from malaria, consumption and the other diseases of the equatorial region ?

(d) The number of ordinary and political prisoners who died an unnatural death ?

(e) How many ordinary and political prisoners are there at present ?

THE HONOURABLE MR. E. CONRAN SMITH : I lay a statement on the table.

(a) The Cellular Jail was completed in 1911.

(b) Figures for three years are given below :—

Total number of prisoners in the Andamans on—						Number of prisoners sent to the Andamans during—					
1-4-33		1-4-34		1-4-35		1933-34		1934-35		1935-36	
Volun- teer convicts.	Terro- rists.	Volun- teer convicts.	Terro- rists.	Volun- teer convicts.	Terro- rists.	Volun- teer convicts.	Terro- rists.	Volun- teer convicts.	Terro- rists.	Volun- teer convicts.	Terro- rists.
6,791	94	5,986	162	5,341	228	589	76	449	74	1,220	88

(c) During the three years from 1933 to 1936, the number of deaths among the convicts in the Andamans was as follows :—

	1933		1934		1935	
	Volun- teer convicts.	Terro- rists.	Volun- teer convicts.	Terro- rists.	Volun- teer convicts.	Terro- rists.
Average convict population	6,623		5,759		5,351	
Deaths due to malaria	17	nil	9	nil	7	nil
Consumption	14	nil	12	nil	8	nil
Other causes	84	3	62	nil	37	nil

(d) I have no information.

(e) There are about 6,000 volunteer convicts in the Andamans at present. There are now no terrorist prisoners.

COTTON CONTRACT PRICES DISPUTE.

122. THE HONOURABLE MR. B. N. BIYANI : (a) Have Government made any enquiry in view of the representation that the Indian Merchants' Chamber, Bombay, made with regard to the arbitrary fixing of the cotton prices by the Japanese Cotton Spinners' Association ?

(b) If so, with what result ?

THE HONOURABLE SIR MUHAMMAD YAKUB : (a) and (b). Government are in correspondence with His Majesty's Government in the United Kingdom on the subject.

RETURN TO INDIA OF MR. ALLAHDITTA.

123. THE HONOURABLE MR. B. N. BIYANI : (a) Is Mr. Allahditta of the Punjab restrained from returning to India ?

(b) If so, why ?

THE HONOURABLE MR. E. CONRAN SMITH : (d) No.

(b) Does not arise.

INTERPRETATION OF THE PHRASES "BRITISH SUBJECTS" AND "BRITISH SUBJECTS OF INDIAN DOMICILE."

124. THE HONOURABLE RAJA YUVERAJ DATTA SINGH : (a) Has the attention of Government been drawn to the two advertisements published in the press (*vide the Hindustan Times*, dated the 7th February, 1938), over the signature of the Secretary, Federal Public Service Commission, Delhi, inviting applications from "British subjects of Indian domicile" for the posts of Parasitologist Sugarcane Insect Pests, and Veterinary Deputy Superintendent, Biological Products Section, respectively ?

(b) Does the expression "British subjects of Indian domicile" denote both Indians and Englishmen ?

(c) Will Government state why in many of the advertisements of the Federal Public Service Commission "British Subjects" are only mentioned and not "of Indian domicile" ?

(d) What is the scope and significance of the two forms of advertisements ?

THE HONOURABLE MR. E. CONRAN SMITH : (a) Yes.

(b) to (d). I invite attention to the answer given on February 17th last by the Honourable Mr. Roy to part (b) of the Honourable Member's question No. 94.

ENFORCEMENT OF KHADDER (NAME PROTECTION) ACT, 1934, BY PROVINCIAL GOVERNMENTS.

125. THE HONOURABLE RAJA YUVERAJ DATTA SINGH : Have Government received any information from the Provincial Governments or otherwise to show which of them have put into force in their respective territories the provisions of the Khadder (Name Protection) Act, 1934, and from what date ?

THE HONOURABLE SIR MUHAMMAD YAKUB : According to the information received by the Government of India only the Government of Madras have so far brought into force in their Province the Khadder (Name Protection) Act, 1934, with effect from the 17th August, 1937.

PROPOSED APPOINTMENT OF MR. SALT.

126. THE HONOURABLE RAJA YUVERAJ DATTA SINGH : (a) Is it a fact that one Mr. Salt will be brought from England to India for research work

in entomology, with special reference to sugarcane pest? If so, was this post advertised in India? If not, why not?

(b) What are the special qualifications of Mr. Salt to study sugar; and what steps are being taken to prohibit the import of foreign sugarcane pest, if any, into this country, in the interests of the Indian sugar industry? Is there any evidence to show that foreign pest has been doing damage to Indian sugarcane crops?

(c) Is the Indian Agricultural Research Institute in receipt of any financial aid from Government and, if so, how much?

THE HONOURABLE KUNWAR SIR JAGDISH PRASAD: (a) The post is being advertised in India.

(b) The first part does not arise. As regards the second part attention is invited to the Destructive Insects and Pests Act, 1914, and the rules framed thereunder, copies of which are available in the Library of the House. The answer to the third part is in the negative.

(c) I am presuming that the Honourable Member has in mind the Imperial Council of Agricultural Research and, if so, it receives a running grant of Rs. 5 lakhs a year from the Central Government.

RULING RE IMPROPRIETY OF PREMATURE PUBLICATION OF QUESTIONS AND RESOLUTIONS.

THE HONOURABLE THE PRESIDENT: Perhaps it will be in the recollection of many of the old Members that in 1933 I brought to the notice of this Council the undesirability of the premature publication of questions and resolutions before they are placed on the List of Business. I am compelled again to refer to this matter as very recently there has been a flagrant contravention of the ruling I gave then, which is rather a sad matter. I cannot specify the resolutions here or name the proposers of those resolutions in the public interest. But I should like to repeat my warning again on this occasion for the benefit of new Members who are probably not aware of the existence of my ruling and the existence of two other rulings of the Central Legislative Assembly. This is a very important matter and as you all know the right of interpellation is a privilege and that privilege is to be exercised according to convention and rules. In the House of Commons it has been held an offence for an Honourable Member of the House to publish his resolution before it comes on the Order Paper. Order Paper means the list of business there and Speakers from time to time have seriously dealt with not only with members by ordering their exclusion from the House and sometimes by suspension but also they have taken serious notice of the press gallery who publish those questions in anticipation of being placed on the list of business. The same practice has been observed here. Such communications are opposed to public policy and in the nature of a breach of privilege. We have been trying to establish a convention and I shall refer to my own ruling as well as the rulings of the two most illustrious Presidents of the Legislative Assembly on this point. I know there are difficulties in the way. Partly it is the fault of the Honourable Members; partly it is owing to the representatives of the press having access to the notice room where questions and resolutions are put up for information

which have been ballotted for. But you must have noticed that in respect of those matters it is mentioned in the circulars that they are not admitted by the President. As you are aware the ballot takes place before even the President admits these questions in many instances and merely it is a notice of the resolutions which have been ballotted for; nothing more than that, not that they have been accepted or anything else. These questions and resolutions before they are admitted by me, as you are aware, have to be modified sometimes; sometimes some portions of them have to be deleted before I admit them and sometimes I am powerless in the matter and under the rules I have to refer the matter to His Excellency the Governor General for his order whether he would admit the question or not. Therefore you will see the great inconvenience and the anomaly of publishing these questions before the President sanctions them or they are permitted by the Governor General who in his discretion has the right also to withhold his sanction under rule 8 (2). This principle was laid down long ago in the Central Legislative Assembly by the first and most distinguished President of that Council, Sir Frederick Whyte. I will read the whole of that concise ruling which is to the point:

"The admission and disallowance of questions is placed by the provisions of Assembly procedure in the hands of Mr. President. The Governor General in Council has therefore no concern in the matter. I propose to answer this question in order to clear up doubts which appear to exist in certain quarters. A question, before it can be admitted, must satisfy the conditions laid down in the Rules and Standing Orders; and the Government of India have no concern with a question unless and until it is admitted. The Secretary to the Legislative Assembly, moreover, is only authorized to publish a question, i.e., to publish it on the Admitted List, when it has passed the scrutiny of the President. In the technical sense, therefore, publication only takes place when a question appears on the Admitted List. The convention referred to in this question clearly refers to this official practice; and it is somewhat misleading to suggest that any new departure has been made in establishing it. If any confusion has arisen over the matter, it is due to the fact that some Members of the Assembly give publicity to questions which they hope to ask before they have actually been admitted. Whether this ought to be regarded as an infringement of privilege is a question on which I need not pronounce at present."

Later, in 1933, I myself gave a ruling which I shall also read:

"Another matter I also wish to refer to with a considerable amount of disappointment and sorrow. I feel that a practice is steadily growing among Honourable Members immediately they send their questions to the Legislative Department to have them published in the newspapers. This is a very objectionable and reprehensible practice. Honourable Members are probably not aware that the publication of questions in the newspapers—and I hold in my hand today several questions which were disallowed by the Chair and have been published in the newspapers—is a practice which would not be tolerated for a moment in the House of Commons. I wish to draw the attention of Honourable Members to the important fact that until and unless the questions are admitted by the Chair and published in the List of Business they are of a confidential character and it is a breach of privilege to give publicity to such questions or resolutions. I also wish to point out that unfortunately the Chair has no power in this connection to deal with such infractions of privilege or duty. In the House of Commons both the House as well as the Speaker have the right to deal with such infractions and take notice of the conduct of Honourable Members and also deal with the offending editors and proprietors of newspapers. We have no such convention or practice here. The practice in the House of Commons has grown up under a convention and I would like very much that convention to grow up in this Council. I would therefore appeal to Honourable Members that they will see that both in respect of their questions and resolutions no publication in future takes place before these questions and resolutions appear on the list of business and I would leave it to their good sense and judgment to respect such well-established conventions which are observed in the House of Commons. I have no doubt the Honourable Members will endeavour their very best to see that this convention grows up in a salutary manner and I feel confident there will be no occasion for me hereafter to refer to this matter as the Honourable Members themselves are as anxious as myself to maintain the dignity and the traditions of this House."

[Mr. President.]

Again, another President of the Legislative Assembly, Sir Shanmukham Chetty, observed as follows :

" It is a well-established convention of the House of Commons that a Member who gives to the press for publication questions or resolutions before they are admitted by the Chair commits a serious breach of the privilege of the House. The House of Commons and the spokesman, the Speaker, of the House have got ample powers to deal with Members who do not observe that convention but unfortunately neither this House nor its spokesman have such powers. In the absence of such powers, the Chair can only appeal to the Honourable Members that this well-established convention, which is observed in the House of Commons, should also be observed as one of the conventions of this House ".

I myself am loth to go in for a modification or amendment of our Rules and Standing Orders, and I would leave the matter, after this warning, to the good sense and sound judgment of my Honourable colleagues who I am sure will for the dignity of this House maintain in future the convention which I have referred to.

As regards the press, I must also from this Chair give a distinct warning. Though I have no power whatsoever to stop the breach of privilege when committed by a Member, I have the inherent authority and power to remove from the press gallery any representative of a newspaper whom I find deliberately committing a breach of this privilege. I do not want to adopt the same procedure which Sir Evan Cotton in the Bengal Legislative Council established some years ago, by threatening to exclude all representatives from the press gallery of the newspapers which had been habitually guilty of the breach of this privilege. I earnestly hope the Press will co-operate with me in my attempt to establish a sound tradition by declining to publish communications of this nature. I think I have said enough on this occasion and I wish again to repeat that I hope I shall not on a future occasion have to refer to this matter again.

THE HONOURABLE MR. RAMADAS PANTULU : On a point of information, Sir, may I ask a question ? If our constituencies want us to bring before the House certain matters of public interest by way of a question or a resolution and our questions or resolutions are not admitted, what is the manner in which we have to communicate to our constituency that we have done our duty. There are many important matters in which we want to tell our constituencies that we have taken some steps to bring the matter to the notice of the House. What is our remedy ?

THE HONOURABLE THE PRESIDENT : Well, the practice in the House of Commons is as I have informed you, that no Member of the House of Commons whose question has been rejected by the Speaker and does not appear on the Order Paper is entitled to have recourse to the public press in order to communicate the information to his constituency. It is considered a violation of privilege and I think when a question is refused by the President of the House or by the Speaker of the House it must be for very good reasons. The Speaker must have exercised his statutory powers as defined in the Standing Order, Rules and Regulations, which are framed under the statutes of the House of Commons or the constitution of the Assembly. I personally think it would not be right on the part of the Honourable Members to communicate such information to the newspapers. The only possible remedy, if there is a remedy, is for the Honourable Member to come and see the Speaker, and

ask him privately why his question has been rejected, and I think probably in all cases the Speaker will be able to satisfy the Honourable Member.

THE HONOURABLE MR. RAMADAS PANTULU : The head of the Government in England does not disallow any questions or resolutions. So therefore the convention in the House of Commons, Sir, cannot apply here where the head of the Executive Government takes upon himself to disallow questions in what he considers the public interest.

THE HONOURABLE THE PRESIDENT : Well, a very distinguished President, Sir Frederick Whyte, who was a Member of Parliament for many years and was selected when the Montagu-Chelmsford reforms came into operation and sent out here as the first President, gave the ruling which I have quoted and which states that the principles and convention of the House of Commons ought to apply to the Legislative Assembly.

INFORMATION PROMISED IN REPLY TO QUESTIONS LAID ON THE TABLE.

MUSLIM WAQFS IN THE CENTRALLY ADMINISTERED AREAS.

THE HONOURABLE MR. E. CONRAN SMITH : Sir, I lay on the table the information promised in reply to question No. 205 asked by the Honourable Mr. Hossain Imam on the 29th September, 1937.

List of Muslim Waqfs in the Centrally Administered Areas governed by the Religious Endowments Act, 1863 (XX of 1863), together with details of their management.

Ajmer-Merwara.

(1) *The Durgah Khawaja Saheb, Ajmer.*—The endowment is managed by a committee appointed by the Provincial Government under section 7 of the Religious Endowments Act, 1863 (XX of 1863). The committee consists of five members, of whom two are representatives of the Khadims, one of the family of the Dewan, one of that of the Mutwalli, while the fifth, who is also the President, is an independent Muslim of Ajmer. As the Durgah Khawaja Saheb Act, 1936 (XXIII of 1936), has now been passed, a committee, to be elected in due course under this Act, will take over the management.

(2) *Durgah Meeran Sahab, Ajmer.*—The Waqf was managed by a hereditary Mutwalli till about 1905, when he was convicted under section 409 of the Indian Penal Code. It was then administered by the Court of Wards as Receiver, and thereafter by a committee consisting of three members, two of whom are elected by the Khadims of this Durgah and the third, who is also the President, is appointed by the Court from among independent Muslims. This procedure is prescribed by a scheme framed by the Court under section 92 of the Civil Procedure Code, 1908.

(3) *Chilla Bara Pir, Ajmer.*—This Waqf is managed by a hereditary Mutwalli.

The Religious Endowments Act is not in force in any of the other Centrally Administered Areas.

TRANSFER OF PROPERTY (AMENDMENT) BILL.

THE HONOURABLE MR. KUMARSANKAR RAY CHAUDHURY (East Bengal : Non-Muhammadan) : Sir, I beg to move for leave to introduce :

"A Bill further to amend the Transfer of Property Act, 1882."

Sir, various legislations have been passed for the protection of agricultural tenants from eviction from their holdings but no such law has yet been passed to protect tenants in non-agricultural lands, either in the mofussil or in municipal areas, where the Bengal Tenancy Act does not apply. The object of my Bill is to provide such protection for such tenants who occupy lands in non-agricultural tracts and in municipal areas from which the operation of the tenancy legislation is excluded. I therefore move, Sir.

The Motion was adopted.

THE HONOURABLE MR. KUMARSANKAR RAY CHAUDHURY : Sir, I introduce the Bill.

RESOLUTION *RE* STABILISATION OF THE PRICE OF WHEAT, COTTON, ETC.

THE HONOURABLE SARDAR BUTA SINGH (Punjab : Sikh) : Sir, I beg to move :

"That this Council recommends to the Governor General in Council that an expert committee be appointed to work out a scheme with the object of stabilising the price of wheat, cotton, gur, sugar and other agricultural products."

Sir, it is with some diffidence that I take the liberty of moving this Resolution. I wish somebody more competent and familiar with the subject had moved it. My only excuse for moving this Resolution is that I have experienced and the class that I represent has been effected by the fall in the prices of agricultural produce. The classes have suffered and the masses have been deprived of the little purchasing power they had. The effect of the less purchasing power is clearly reflected in the Government of India budget and Government reports. The income of those who depend on agriculture has been halved, to which publications of Government itself bear witness. I must repeat that I am not going to do more than draw attention to the gravity of the situation and leave to those who know to find ways and means to relieve the situation. I represent the patient, and can only describe the symptoms. It is for the financial physicians to suggest remedies. If they say that the patient must endure what can not be cured, they will only reveal the bankruptcy of their own pharmacopoeia and would stand condemned.

There is no civilized country large or small which has escaped the epidemic but all except India, have applied remedies which were considered expedient. It is only in India that we have been asked to accept without murmur the results of the financial policies of other countries without making any adjustments. Perhaps as the doctors are not directly effected their springs of sympathy are dried up by a spirit of self-satisfaction. For they have all they need, and are not effected in any direct way by the misfortunes of those of whose interests they are the custodians. It would be interesting to hear from the

spokesman of the Government his diagnosis of the disease, and the measure which they have worked out to meet it.

It is said that the prices depend on the world production and world markets. Perhaps Government will be able to throw some light on this aspect of the problem, and indicate what India has had to place in the markets of the world in the matter of gur, sugar, wheat, cotton and rice every year for the last ten years.

If England, America, France, Germany and even Sweden have adopted both preventative and prophylactic treatment, have the Government of India been the wisest in doing nothing and what are the fruits of this wisdom? Men like Sir Montagu Webb have cried and cried in vain for action but the Government have observed dead silence, content with the thought that the disease will kill or cure.

Sir John Russell was specially invited by the Government of India, and his findings on production of food and the nutrition required have direct bearing on the problem. He gives production figures per head of population for each province, in ounces, of all grains including pulses and oil-seeds. It is as low as 18 ounces per head per day for Assam, with nitrogen contents of 7 grammes and for the Punjab and United Provinces is 21 and 22 ounces respectively with nitrogen contents of 12 and 13 grammes. This gives a daily caloric value of about 2,000 and a nitrogen supply of 12 grammes. In Europe and America, it is held that 3,000 calories with 18 to 20 grammes nitrogen are required to give the people nutrition. It is clear that if people were properly fed, there would be no surplus food available for outside markets. My point is that India does not depend on foreign markets. It can consume all that is produced in the country itself. Autarchy can be more easily realized in India than in any other country, as we have the increasing population and large resources awaiting development.

The fall in agricultural prices represents a loss in purchasing power of about 50 per cent. which means a loss of millions of rupees.

The Government of India in its publication *India in 1934-35*, a report that is presented to the Secretary of State, speaks of the economic conditions. The wholesale index number which was 143 in September, 1929 touched the low water mark 82 in March, 1933, and though it fluctuated within two points above or below and mounted up to 94 but by the close of the year under report, had dropped to 87. I am not sure if it is not now at about 82. In *India in 1929-30* it was held that income per capita in rural areas was somewhere near Rs. 85. Taking the fall in prices given by the two index numbers, the fall in income per capita comes to about 48 or a loss of Rs. 37 per head, which multiplied by population comes to a huge figure of 1,095 crores. The sources of supply of money have dried up, while money demands on the purse of the people remains. Is it not the result of this that provinces have been forced to seek debt relief by legislation and the loss to the trade of England and India has been incalculable?

It was hoped that depression was passing. There was some improvement last year, but this hope has not been fulfilled. Cotton that rose up to nearly Rs. 240 a bale last year again went down to Rs. 150. Wheat which rose to Rs. 3 is again going down and is now in the neighbourhood of Rs. 2-8-0 a maund. Indian sugar price is ranging round Rs. 6-8-0 and Rs. 7 while imported sugar is Rs. 10. The price of gur, a very expensive crop to grow, on account of the low level of sugar price is selling at almost the same price as wheat. Rice

[Sardar Buta Singh.]

prices are similarly low. These are facts and must be within the knowledge of the Government of India.

I am only asking that the problem be examined by a small committee of experts, and I hope in the larger interests of the people, Government will accept my Resolution and I will receive the full support of the House.

THE HONOURABLE MR. M. W. YEATTS (Government of India: Nominated Official): Sir, this is the first time I address your House and I hope I will have its indulgence.

This Resolution has found a home in the Department of Education, Health and Lands because of the blessed word "agriculture". The three subjects which form the title of the Department I have the honour to belong to could it is true be held to cover the whole life of India. But in matters like this, this comprehensiveness leads to difficulties. If, for example, the Honourable Member had used the single word "commodities" at the close of his Resolution it would have put the departmental position in a much clearer focus, and incidentally it would have put his own Resolution and what I think he has in mind in much clearer focus also. For after all, what the Honourable Member has in mind could be better described as commodities than agricultural produce. Our endeavour as a Department is to make two blades grow where one grew before and where those blades carry grain to make them carry better and more grain. But there is a distinction between the plants in the ground and the transformed crop; broadly speaking the harvested crop becomes a commodity and once it does it enters a far wider field. It is not possible, for example, to mention sugar without an eye on Java and India's present heavy customs tariff. I have mentioned this instance in order to bring out the question that the matter of sugar stabilisation is inseparable from very serious considerations of tariff, and this would apply to practically all things produced in any quantity and the subject of general demand. It is true that some crops are more or less a monopoly, but even so, monopolies can be replaced by substitutes, and in taking any wide view of prices one must if one is wise bear in constant consideration also this matter of substitutes. I remember discussing the groundnut question some years ago with a member of a famous firm which handled groundnuts in great masses from the Madras Presidency. I had been talking of how Indian groundnut production compared with that elsewhere and the possibilities of competition or development. My friend remarked that so far as his firm was concerned, all they had in view was sources of fat; that is they looked on groundnuts merely as a source from which they could extract fat and Indian groundnuts therefore in their eyes had to compete not only with other countries' groundnuts but with all other sources from which fats could be taken. I mention this point to show how far the kind of action the Honourable Member has in mind would have to be taken to secure the end he has in view. Where a substitute or an alternative exists, it would hardly be possible and certainly not wise to consider stabilisation in its regard apart from the price level of the competing substances. And the efforts of science are being increasingly directed towards the search for alternatives.

The Honourable Member's object is, I take it, to devise some system that will give the ordinary cultivator of India some means of knowing more or less when he sows a crop what he can expect to get from it when it has been harvested. Government have every sympathy with this and have bent their efforts towards devising means of helping the Indian ryot and will continue

to do so. We have every sympathy with schemes designed to provide greater return to the producer and eventually to expand India's internal and external trade. It is desirable, however, to get things in proper sequence, and more efficient production and better marketing could be regarded as the necessary preliminaries to any effective stabilisation. Strictly speaking, these are matters in which it is for the Provincial Government to take action, for the power of legislation is in their hands, and it is a fact that, with regard to sugar for example, some Provincial Governments have undertaken legislation. It might be argued too that before we can stabilise prices we ought to stabilise qualities. The Government of India have appointed an Agricultural Marketing Adviser to design and co-ordinate marketing schemes and surveys have already been made in regard to a very large number of agricultural products. The Agricultural Produce (Grading and Marking) Act was passed just one year ago and several Provincial Governments are taking steps along these lines to improve marketing conditions. So this line of approach to improving matters for the cultivator is being actively followed up. Encouraging illustrations of the benefits this may bring are afforded, e.g., by tobacco where proper grading and marketing have resulted in Indian growers obtaining considerably better prices than hitherto. Developments of protection against deterioration, notably in the case of fruit and perishable crops, would add greatly to the cultivator's possibilities of gain and these points too are under investigation by us.

I think if one considers this question for a moment, stabilisation would be seen to be really inconceivable without control of production. Many hard things have been said about economists, some of them with reason, but there is an eternal value in their simplification of the supply and demand issue down to a division sum. I leave it to the House to imagine the dimensions that any all-India control over agricultural production would assume, quite apart from the political and other difficulties involved, and incidentally, the expense. There is a further major consideration that more and more it is world conditions that govern prices as the Honourable Member himself said. Even an Indian monopoly like jute is in competition already with substitutes. If world production is to be kept in mind, then clearly the treatment of outside commodities enters, and similarly the position of Indian commodities outside India arises at once; for it would be necessary always to provide for the exports finding a home; in other words it is the whole tariff and financial position of the country that enters. I do not propose to dwell on these points which fall outside the scope of the Department for which I speak. There are others on these Benches more qualified than I, but I am bound to mention them because of their bearing on the general position apart from their treatment in detail.

Stabilisation is, as I said, much in the air and possibly the Honourable Member has in mind the gigantic experiments taken in the U.S.A. But wherever outside factors beyond the immediate control of the country desiring stabilisation enter, the validity of stabilisation schemes is immediately affected. I may mention that the experience of other countries, however they may differ in other details, is identical in one respect, viz., that attempts to stabilise or raise the prices of agricultural produce without regulating production have been almost invariably costly. The best known instance is the action taken by the U.S.A. during the last few years to bolster up cotton prices. Enormous sums of money were spent and the whole scheme has now been defeated by a bumper crop in 1937. This was due only to a very small extent to an increase in area; the main cause was an absolute record yield

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per acre. The method now being adopted practically amounts to subsidies to the grower in order to secure a reduction of area and this whole case shows how difficult it is even for a very wealthy industrial country to continue such a process in the case of a commodity which is sold on world markets, even though America occupies a dominating position as a producer of cotton. One inevitable result of such activities, to which too little attention is apt to be paid, is that the result of restricted production and higher prices is to encourage increased production in other countries. In cotton this took place notably in Brazil and America has seen its share in the world's total production of cotton fall. Actually Indian cotton is not usually far from world parity price and often above it. It did not fall so much as in America and the recent achievement of parity was mainly because of an American rise. The efforts of our Indian Cotton Committee to improve quality and secure a better balance between the various staples grown and a variety of other activities have all in mind this very fact, the improvement of the grower's position.

The Honourable Member has referred to what has been done in other countries. I do not propose to give any kind of exposition of that, but broadly speaking in the United Kingdom the position is very different. There action has been taken with regard to commodities in which the home production is very very much smaller than the import, and payment is made on a limited and specified quantity. And in the case of sugarcane there is an actual limitation of area. In Germany the position is really that they have endeavoured not so much to raise prices as to keep them from going higher and the entire life of the country is directed to that end. I will not follow that, however, further, because I doubt if the Honourable Member himself would like India to go on that road and at any rate it is a very big question. Another point there is the all-important necessity of Germany to reduce imports. That again follows, or is mixed up with, her exchange position. I mention that to illustrate my point of how far the Honourable Mover's Resolution would take us.

Then, to mention certain other individual crops, there is the case of wheat. At present Indian wheat is close to export parity and future prices at Rs. 2-10-0 a maund are not so low as to call for serious comment. Indian production and consumption are nearly equated. The crop this year is estimated at 9½ million tons, practically all of which India could absorb. Actually nearly half a million tons have been exported, and I do not think it will be held that there is a serious case for stabilisation in wheat.

Gur is rather a different crop; it is consumed entirely within the country and the fall in prices is due entirely to over-production of sugarcane. To attempt to raise artificially the price of either wheat or gur would I think simply be to reduce consumption. An interesting point about gur is that due to improvements in sugarcane the actual yield of gur itself has been increased. In the United Provinces, for instance, it has reached 45 maunds an acre against the former 40.

Another crop that might be mentioned is, say, coffee. Now that is certainly experiencing lean times, but perhaps this commodity illustrates better than any other the potent influence of world causes and it is difficult to see how any scheme of the kind the Honourable Member has in mind could ever have any practical effect on such a commodity. Brazil's predominance is such that inevitably it tends to swamp all others.

The Honourable Member's Resolution refers to stabilisation, but I gather from what I heard that his object is rather the raising of prices?

THE HONOURABLE SARDAR BUTA SINGH: I want the Committee to find out whether prices should be higher or they should be kept at present levels.

THE HONOURABLE MR. M. W. YEATTS: That is taking us still further. Some one has to pay, but not all consumers or the most needy growers. At any rate we want to be clear what we are about and clear where we are going. I notice that he made a calculation reaching the astronomical figure of 1,095 crores loss. He got that by taking the highest and the lowest index figures and applying the percentage reduction shown by these to a figure of annual income. Since the latest index figure is 100 which is considerably above the minimum he took, he ought to have made provision for the fact that approximately 690 of the 1,000 crores have been got back on his own calculation. However, that is merely a point by the way.

One might say, the logical conclusion from the fact that it is world production that really dominates prices is that world production should itself be controlled and possibly in H. G. Wells' future we shall come to this! For the present, however, our only experience is in such matters as the international control schemes, of which we have had recent experience, but even where practically all the important producing countries are associated in such a scheme it is not always possible to maintain a given price level. A case in point is the recent drastic changes in the production quota made by the International Rubber Restriction Committee. It is true that this Committee does not fix prices: it controls production. But one of its main objects is price stabilisation and yet in the course of little over a year it has had to alter quotas drastically and even so the price of rubber is definitely below that at which by general consent stabilisation would be desirable. In fact "unilateral" action by any one country is becoming less and less a practicable solution of the difficulties which afflict the world.

I mentioned the American cotton position as due to an absolute bumper yield in a particular year. This illustrates one of the marked and continuing difficulties that arise when we are dealing with agricultural crops. Every crop has its own peculiarities, variations in quality, variations in the uses to which it is put and variations in marketing problems. In addition there are the vagaries of climate and pests and as I showed in one single year a crop by electing to give its maximum yield may upset all the predictions on which price schemes were based. It is essential to remember that in dealing with crops, we are dealing with an article which retains a pronounced degree of individuality. This individuality calls for specialisation in treatment and it is impossible to contemplate with equanimity a single Committee attempting to cover the range contemplated in this Resolution.

India is already well supplied with committees. There is an Indian Central Cotton Committee, and an Indian Central Jute Committee; the Imperial Council of Agricultural Research which includes virtually all the experts on all the crops in India, has its Wheat Committee, its Sugar Committee, its Rice Committee, and many others. It is true that these Committees do not work on stabilisation schemes in particular, but their whole object is presumably the same as that of the Honourable Mover, namely, to improve the return which the producer gets for his toil. The question of prices must always be in the forefront in the deliberations of these bodies and it is noteworthy that no general demand has come from them for stabilisation. I do

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not think it is correct to say—in fact it is not—that India has done nothing. To mention only one instance, some years ago when the wheat price slumped so much a prohibitive duty was put on which remained on for a considerable time and only came off not so long ago. But our action has been in the right direction of improving the quantity and quality and resistance of crops and figures which are available in public documents will show that.

I would like to mention one point which to me is of great personal interest. The Honourable Mover mentioned nutrition and gave figures of calories, etc. He said that India could consume all her crops—edible ones. Surely the answer to that is that by improving the strains and yields we are starting at the right end for that very purpose. Figures exist to show that roughly 81 per cent. of the sugarcane area, and 21 per cent. of wheat and cotton, are under improved varieties as a result of Government effort and these varieties give better quality and a higher yield, and following up this nutrition point, it might be held that the larger the amount of foodstuffs the better, for as I said before not all consumers are growers.

The Honourable Member asked for figures of India's production in various articles. These can all be found in documents which are in the Library. He referred to the pronouncements of Sir Montagu Webb. I am not very clear what he has exactly in mind unless it is Sir Montagu's ratio and bimetalism theories but I hardly think that everyone would share these views and in any case they are not really for me to speak of.

Briefly, Sir, I would sum up our position as that we are second to no one in desiring that the ryot should receive a proper outcome for his toil. We shall follow up every means whereby the quality of crops and the position of the grower can be improved. The production of crops is, however, a provincial matter and its control can only be done through provincial agency, not to mention the Indian States. In the crops which arouse main concern, the general tariff and financial position enters at once and with it problems of major importance. It is desirable that a great problem should receive adequate ventilation, but the Honourable Member's Resolution is not really practicable. It is not a question just of a Committee sitting down and drawing up schemes. We have to go much further in the way of investigation and experiment and the experience of other countries is a warning to go carefully, for the indications are that grandiose schemes of control have something in common with the will-o'-the-wisp; they are always pursued but never attained.

I shall close now, Sir. As it happens the Honourable Mover and I have been sitting side by side for the last day or two and I think even on this question we are not so far apart!

THE HONOURABLE RAI BAHADUR LALA RAM SARAN DAS (Punjab: Non-Muhammadan): Sir, from the speech of the Honourable the Mover of this Resolution I have not been able to see what actual steps he suggests to stabilise the prices of agricultural commodities.

THE HONOURABLE THE PRESIDENT: Is it humanly possible?

THE HONOURABLE RAI BAHADUR LALA RAM SARAN DAS: Yes, Sir, I quite agree with you that it is not humanly possible and that is what I want to come to. He has given no suggestions himself as to the nature of the enquiry which he proposes this expert committee to make. At what level is

the price of the commodity to be stabilised? Does he want a minimum price to be stabilised, because after all as a zemindar himself he will not like that the commodities should be sold at the lowest price. I think, Sir, his aim is that as the condition of the zemindars and the cultivators has considerably gone down economically he wants relief for them in some way or other. I myself hold, Sir, that Indian prices are not at parity with world prices and the chief reason is that the exchange ratio goes against India. On every export of any produce that we make to any foreign country, we get 12½ per cent. less in price because the payments have to be made in pounds sterling. Sir, I need not go into that question in detail for the people of India already know that by forcing on us the 1s. 6d. ratio India, and particularly the agriculturists, have been made to lose crores of rupees.

Then, Sir, another point is that the prosperity of any country depends on its exports. As far as wheat is concerned, the Honourable Mr. Yeatts has said, if I have understood him aright, that half a million tons of wheat has been exported this year. But notwithstanding that export, instead of prices going up they have gone down. At the time the export was going on fast, the price was in the vicinity of Rs. 3 per maund and now that the export has practically finished, the price has gone down to Rs. 2-10-0.

Sir, another point which the Honourable Sardar Buta Singh has made is that he wants that the prices should be stabilised and fixed at a certain level. In case that is his idea, 85 per cent. or more of the people of India live on agriculture, and if you stabilise the price at a lower level you will make them all lose but if you stabilise at a higher level they will gain. As the Honourable Mr. Yeatts has said, there are a good many commodities to which he has referred, such for instance as jute, cotton, groundnuts and a number of other things, which we do want to export, particularly cotton, and that in order to induce the exporters to buy these articles we must have prices at parity with world prices. Therefore, Sir, I would urge that the Government for the benefit of the agriculturists should consider and revise the exchange ratio.

In the second place, wherever any export from a foreign country forces the prices of foodstuffs or agricultural commodities to fall below the normal level, an import duty should be automatically imposed. The Government of India has been good enough in the past to impose an import duty on wheat which I think has done India a great deal of good. But, at the same time, our higher prices of wheat caused thereby have deprived India of the export of wheat and wheat flour which used to be supplied to the Persian Gulf and the Red Sea ports. Sir, I endorse what the Honourable the President said, that it is very difficult to stabilise prices. But the object underlying the Resolution of the Honourable the Mover can be achieved in the manner that I have suggested.

Another plea which the Government of India and the gifted Governor of the Punjab in order to ameliorate the economic conditions of zemindars has introduced a new system of revenue assessment in the Lyallpur district. When I visited the Dutch East Indies a few years back, I enquired into the question as to how revenue assessment was made there. I understood in recent years there had been a violent fluctuation of prices. I found there that at the time of assessment, the Government selected a field and another field was selected by the cultivators and the yield of both those plots was determined and the assessment was made on the average quantity and the then ruling price of the commodity. In that way the cultivator was always left a certain amount of margin of profit. What do we find in India, Sir? I can well speak of my own province. In the Punjab in a number of districts a 20-year settlement is

[Rai Bahadur Lala Ram Saran Das.]

made and in certain other districts a 30-year settlement is made and the revenue is assessed upon the average price of a certain number of years. In the Punjab wheat and cotton are the principal commodities which we produce. The price of wheat used to be in the vicinity of Rs. 4 to Rs. 5 some years back and now I know that the price of wheat in the rural areas has gone down as low as Rs. 2-10-0. The price fell to Rs. 1-4-0 per maund a few years back. I say for myself, Sir, as a landholder I had to pay land revenue out of my pocket for some years and I had to advance money to my cultivators because they had nothing left. So, I do feel the pinch that the Honourable Mover does. But, Sir, it is impossible to find a right solution. The only solution that can be found for the amelioration of the condition of the cultivating classes and the zemindars is for Government to revise the exchange ratio and revise their system of revenue assessment. The Honourable Mr. Yeatts has also spoken about the restriction of production in other countries of the world. Here, in India, we are doing otherwise. He himself has said that the Agricultural Department is trying to add to the yield. That is a very ticklish question. When prices are down we increase the production of commodities from the agricultural areas, and when there is over-production, prices are bound to fall because the supply exceeds the demand. So, Sir, the Government of India has to come to a decision as regards the question whether at the present time it is advisable to increase cultivation by colonising more land and by adding to the yield of agricultural produce. I am glad, Sir, that to various countries India has sent Consulars and Trade Agents. But, so far, I do not think there has been any material increase in our exports to those countries. I think the time will come when, through the efforts of those Consulars and Trade Agents, if their advice is accepted, better exports will result. So, the Government ought to tackle this question in another manner and solve the underlying object of the Honourable Mover of the Resolution.

12 NOON.

THE HONOURABLE SIR A. P. PATRO (Madras : Nominated Non-Official) : Sir, I congratulate the Honourable Mr. Yeatts on his maiden speech, which surveyed the conditions of the market and the steps the Government of India have been taking in order to assist the agriculturist. I am not a little surprised at the speech of the Honourable the Leader of the Opposition, which was characteristic of a capitalist and an industrialist and not that of an agriculturist. Obsessed as he is with large profits and obsessed as he is with conditions of wealth and capital, he is unable to see the market condition of the cultivator. He has not been able to bend low enough in order to see in what strait the agriculturist is. I am sure that he feels it, but he is not able to give expression to it. It is a great pity that the Leader of the Opposition should not be able to see the rationale underlying the Resolution of the Honourable Sardar Buta Singh. It is very necessary that there should be an attempt by the Central Government to stabilise the prices of both what are called the cash products and other agricultural products—the industrial crops as well as the food crops. I would draw the attention of the House to the condition of things in the provinces and in the rural areas. The majority Governments in the provinces feel that there should be not only Debt Conciliation Bills in order to improve the economic condition of the agriculturists and the cultivators, but they are also having Debt Redemption Acts passed and pressed in hot haste in several provinces in order to bring relief to the agriculturist and wipe out all the debts of the past and improve the conditions for the future. The circumstances which give rise to this necessity indicate that the condition of the agriculturist is in a very uneconomic state. Therefore, the majority Governments in the

provinces feel that their first duty is to wipe out all debts of the agriculturists incurred for the purpose of helping themselves at a time when the prices were very low.

THE HONOURABLE RAI BAHADUR LALA RAM SARAN DAS : Have they not suffered owing to the prices of produce being very low ?

THE HONOURABLE SIR A. P. PATRO : I do not know what the Honourable the Leader of the Opposition means by the interruption because I do not think that he really understands the point which I am making. The point which I make is this. The agricultural situation in the rural areas is such that a close examination of the reasons which have led to the present position is very necessary.

THE HONOURABLE THE PRESIDENT : That is a matter for the provinces.

THE HONOURABLE SIR A. P. PATRO : Yes. I am coming to that. It is therefore necessary to examine the conditions which have led to this, and hence this Resolution. Fall of prices is one of the things which this Resolution says requires to be attended to. It is not a case of only provinces. It is the case for the whole of India. The Central Government has to take up the problem of regulating the prices of the various commodities. It is through the agency of the Central Government that this could be done better. Take, for instance, the groundnut crop, which was referred to by the Honourable Mr. Yeatts. If you take the price of groundnuts for the last five years, and the restrictions on import and export, you will find there are now only three firms which purchase groundnuts from the Madras Presidency, one from Calcutta and two in Madras. They are the persons who dictate the price, who control the price and the market. A large part of the Ceded Districts and the Northern Sircars produce the groundnut crop. It is not a question of competition with South African groundnut that enters the European market. But the internal market here is regulated and controlled by these three purchasing firms. It is in such cases that the Government could intervene and say what should be the price. Now, internally, the groundnuts could be consumed. Recently, many mills have been started for the purpose of drawing oil and *punnak*, which are now being used for cultivation of the sugarcane crop. The oil is used for many purposes—for lubricating purposes. Therefore, encouragement of the internal consumption of the groundnut crop is one of the functions of this Government. The Resolution suggests that a committee should be appointed with a view to see that the provinces take up the question properly. With regard to paddy and rice, for instance, the price of rice varies in different markets. It is not merely a question of supply and demand, but it is a question of a few capitalists having the whole monopoly and controlling the rice market. It is this that the Resolution suggests should be regulated and the prices standardised. In the case of rice, in the southern districts, the price is standardised at a particular rate. Now the same merchants forming a sort of syndicate come up to the north and regulate the prices in that locality. Therefore it is in order to avoid control by such capitalist agencies and in order to benefit the ryot that this intervention on the part of the Central Government is necessary. I quite realise that the factor of supply and demand and production has very much to do with regard to prices in local areas. But so far the Government spokesman has not indicated whether they accept the Resolution or reject it. They have a diplomatic way of saying things but we are matter-of-fact people and we want to know whether it is "Yes" or "No". The Government say they have been

[Sir A. P. Patro.]

doing things in the way of agricultural investigation and that several sub-committees are working which have an eye to prices and therefore it is not necessary that this *ad hoc* committee should be appointed. I realise that they are investigating conditions of production, but not so much in regard to regulation of prices, and therefore it is necessary that there should be a committee to regulate and stabilise prices throughout India of agricultural commodities. How is the condition of the agriculturist to improve unless he can sell his produce at a proper price. The cost of production and the price must at least be equal. Today the cultivator is not able to realise that. How should Government help him? That is the whole problem. The solution rests with the Governments, perhaps most with the Central Government, who can advise the Provincial Governments as to how to regulate prices. They cannot do this by passing these Conciliation Acts. They are all temporary. Today you may wipe out the debt of the cultivator and tomorrow he will again go to the *sahukar* and borrow perhaps at a higher rate. You may regulate interest, but the cultivator will effect a secret and private arrangement whereby, instead of Rs. 100, he will get Rs. 60 and Rs. 40 will be deducted initially for interest and profits by the *sahukar*. Therefore these are temporary palliatives, and what is necessary is that the economic condition of the agriculturist should be improved by giving him an adequate price for the produce which he raises.

THE HONOURABLE MR. G. S. MOTILAL (Bombay : Non-Muhammadan) : Sir, I have profound sympathy with the Resolution and I appreciate the interest and solicitude which the Honourable Mover has displayed for agricultural interests. I also realise the sympathy which the Honourable Mr. Yeatts has expressed. The Resolution as framed is such that not only the Honourable Mr. Yeatts but every Mr. Eats and every Mrs. Eats will have sympathy with it, for it seeks that prices should be stabilised and if they are stabilised every person who uses the commodities—and we all use agricultural produce—must welcome it. It is a very modest request which the Honourable Mover has made. He wants prices to be stabilised, he does not say that they should be stabilised at this or that level. I assume that he wants they should be stabilised at an economic level, which will pay the producer for his labour and leave him some margin.

THE HONOURABLE THE PRESIDENT : But will that level always continue to exist?

THE HONOURABLE MR. G. S. MOTILAL : That is exactly what I am going to deal with presently. He wants that we should find out some economic level. As these commodities are world products the question is whether any attempt can be made and how far it can succeed in stabilising prices. Attempts have been made in different countries and so far they have met with very little success.

THE HONOURABLE THE PRESIDENT : Have you fixed the level of cotton in Bombay?

THE HONOURABLE MR. G. S. MOTILAL : He does not want an absolute level.

THE HONOURABLE THE PRESIDENT : And will that level apply to all provinces?

THE HONOURABLE MR. G. S. MOTILAL : We are at a disadvantage if we have to argue with the Chair.

THE HONOURABLE THE PRESIDENT : I am just helping you to clarify the position.

THE HONOURABLE MR. G. S. MOTILAL : Yes, Sir. The Chairman of the French Chamber so helps the discussions, and if you will help us we shall be very much obliged to you. To resume the thread of my speech what I wish the House to realise is that the Honourable Mover of the Resolution does not ask for an absolute level of prices but a level which will pay the agriculturist for his labour and leave him some margin. Of course we know the difficulties, but when the committee is appointed it will consider this question, and as these are world produce, they will realise that there must be a certain amount of fluctuation. But the real point is, should any steps be taken to improve the prices? That, as the Honourable Mr. Yeatts also understood, is what the Honourable Mover wants, *viz.*, that the prices should be improved and stabilised. All he wants is a committee to be appointed for this purpose. We have been told that Government have made various efforts and those efforts were made through various committees, but so far as I have been able to gather their efforts have been directed towards improving the quality of the produce and the quantity per acre of the land on which they are sown. But those committees have not, useful as their work has been, tackled the problem of improving prices, at any rate in regard to their relative level with world produce. If prices can be stabilised at a relative level with world produce it will help the agriculturist who is in a very sad plight. As another Member who very rarely supports popular propositions has out of his appreciation and understanding of the difficulties of the cultivator pleaded that some effort should be made by the Central Government in this respect, we are, Sir, in sympathy with this Resolution for the reasons I have given.

THE HONOURABLE MR. RAMADAS PANTULU (Madras : Non-Muhammadan) : Sir, the Resolution raises a very difficult question and one of great complexity. I may at once say that the House must feel thankful to the exceedingly helpful survey of the situation made by the Honourable Mr. Yeatts. We do not doubt the interest the Government of India takes in regard to the promotion of the agricultural interests of this country, especially after we have been told this morning in answer to a question that the Government of India are bringing a Mr. Salt to study sugar in India!

Sir, the question of stabilisation of prices is one which is being tackled by every country. It is no doubt a very difficult question. Everybody understands that fluctuation of price levels is the greatest disturbing factor in the economic conditions of any country. Now, what is happening today? The low price of agricultural products is resulting in the transfer of wealth which ought legitimately to belong to the agriculturist to the pockets of those who have got cash incomes. The agriculturist has to sell a large quantity of produce to procure the same amount of money. Therefore the classes who have got steady cash incomes are being benefited uneconomically at the expense of the agriculturist. If prices rise abnormally the opposite will happen. What ought legitimately to belong to those who have cash incomes will go into the pockets of agriculturists. That was what happened when prices rose abnormally during the Great War. Therefore a serious fluctuation of price either way will lead to an economic disturbance in the condition of the people.

[Mr. Ramadas Pantulu.]

Therefore every country is tackling that problem and whatever may be the difficulties we have also got to face it in India. I think the Honourable Sir A. P. Patro has done less than justice to my Honourable friend Lala Ram Saran Das in regard to what he has said. It is true that price levels depend to a large extent on the law of supply and demand; but they also depend, as everyone knows, upon the value of money itself. The price of commodities has a bearing on the value of money itself. Therefore my Honourable friend Lala Ram Saran Das has pointed out that the manipulation of currency and exchange is a very vital factor in determining the price levels of commodities of a country and therefore he pleaded for a more equitable manipulation of currency and exchange in this country in the interests of agriculturists. That is a perfectly understandable position. Again, though the law of demand and supply governs the price levels, everybody knows that much depends also on the purchasing power of the consumer. The agriculturist who is the largest consumer in this country must have enough in his pocket to purchase the articles produced in this country and therefore my Honourable friend Lala Ram Saran Das has emphasised upon the land revenue policy of the Government and the need for reform of that policy in such a manner as to leave more money in the pockets of agriculturists who consume these products. Therefore land revenue policy and the manipulation of currency and exchange have a very vital bearing on the price levels in any country and so in India too.

There are other Central policies of the Government which have an equal bearing on this. The Honourable Mr. Yeatts is no doubt right in saying that the Provincial Governments can do something in this matter; but what I feel is that the Central Government can do more than anything that the Provincial Governments may be able to do in this matter if they take a very progressively national view of the situation. For instance, industrial policy has a great bearing on the price levels. If they help the agriculturist and the agriculture industry to have their products processed in India and to minimise the exports of raw products from this country, a great deal can be done to stabilise the price levels. My Honourable friend Sir A. P. Patro rightly referred to the necessity to have oilseeds produced in this country crushed here in order to minimise the export of oilseeds and promote the oil industry. That is only one example. Therefore a progressive and a nationalist industrial policy will also have a bearing upon the price levels. So also the transport policy of our Railways on which I need not now dwell. Again, a great deal can be done to regulate the import and export trade of this country by a tariff policy entirely conceived in the interests of this country. Again, the Government of India can help the agriculturist to stabilise prices or to improve prices by their trade agreements with other countries. When they negotiate with other countries in regard to trade with India they can stipulate for favourable conditions for the purchase of our raw products by other countries in return for the manufactured goods from other countries. I am not discussing now whether they are or are not doing these things. I am only saying that more lies to be done at the Centre than in the provinces. An investigation into these and allied matters will be helpful.

Sir, with regard to one of the products mentioned by the Honourable Mover, namely, sugar, we in India are not satisfied that the Government have done what they should have done. Their hasty conclusion of the International Convention, for instance, has given a setback to the promotion of the sugar industry in this country. I think that India could have produced more sugar to export to other countries but for this Convention and we have now to wait

for five years in order to manufacture more sugar than will merely suffice our internal consumption. With regard to the statement I heard more than once in the course of this debate, namely, that these products being world products much will depend on world markets, I am bound to say, as a humble student of economics, that the internal prices and the world prices do not always move together. I have had occasion to go into this matter in dealing with the Sugar Convention. In the countries which have got a quota for sugar export to free markets under that Convention the internal price of sugar has no relation to the external price or the world price of sugar. I can quote the instances of various other commodities in which the internal price of a commodity in the country of production and the world price do not move together. That is an elementary principle which I think any student of economics can vouch for. They have of course some relation; they do not always or necessarily move together. Therefore to make a fetish of it and say we can do nothing here because these are world products is not a proposition to which I can subscribe. Therefore, Sir, a great deal can be done by the Government of India by their currency and exchange policy, by their industrial policy, by their transport policy and their tariff policy, to stabilise prices in India.

There is just one thing which I should like to say with regard to the attempts made to improve marketing by the Provincial Governments. I have some knowledge of the marketing surveys made by the officers of the Government of India as well as the Provincial officers. A very vast amount of useful work has been done and I know, as one connected with some of the marketing associations in the co-operative movement, that agriculturists have been helped to some extent by those surveys; but their progress is very very slow I must say. It is some years since they have started and whenever we ask for information and when our marketing societies ask for help, the reply is that the matter is still under investigation. The Marketing Officers are instructed apparently—I do not know whether by the Local Governments or by the Government of India—not to make any information available till their surveys are complete and final orders have been passed by the authorities concerned on the results of that investigation. At least if the investigation in regard to each product is isolated and results published separately and we get information about particular commodities without waiting till other commodities are taken up and investigations completed, it will be very useful. For instance, in regard to fruit marketing when we ask for information we are told: "We have finished some varieties of fruits but we have not finished one or two varieties; therefore we cannot now give the information." Therefore the results of these surveys, good as they are, are not made available to the agriculturist and to the marketing organisations, which are engaged in helping the agriculturist. I think something should be done to make these results available to us as quickly as possible. One other handicap which we feel in regard to raising of prices is the absence of storage or warehouse accommodation. Products can be held up for a favourable market and agriculturists can be helped to get higher prices, provided there is suitable warehouse accommodation. Most of the agriculturists have no facilities for storing their produce for a favourable market. They generally have to sell it at a time when the Government kist is paid and the market is glutted with agricultural produce from all sides. I think Provincial Governments and the Government of India between themselves ought to do something to create warehouse and godown facilities for agriculturists. A loan by the Provincial Government or the Central Government for capital expenditure on the construction of godowns will not be a bad business proposition. It will pay its way. The agriculturist can be asked to pay a reasonable amount of rent for these godowns and I am

[Mr. Ramadas Pantulu.]

sure if a suitable scheme is devised and the marketing officers are made to interest themselves in warehousing schemes, their labours will bear better fruit.

Sir, I do not wish to take up more of the time of this House. I have great pleasure in supporting this Resolution. All that it asks for is that the advice of an expert committee should be taken. But I hope that when such a committee is appointed, whether it be in pursuance of this Resolution, if it is accepted, or not, that the Government will see that it is composed of Indians who are familiar with conditions in this country and with the position of our agriculturists and not of experts from England—not a case of a Salt from England coming out to study sugar in India!

THE HONOURABLE KUNWAR SIR JAGDISH PRASAD (Education, Health and Lands Member): Sir, my Honourable friend Sardar Buta Singh belongs to that class, somewhat long-suffering and patient, the class of landholders; and I think what he feels is that on account of the slump in prices since 1931 the income of this very deserving class has been very considerably reduced, and in his despair he has framed this Resolution and has got somewhat involved in economic phraseology. I think his object is that as the income of the agricultural classes has been considerably reduced, something should be done to improve their financial position. In his despair he has thought of a committee of experts. He failed to realise, I am afraid, that the class to which he belongs is in somewhat bad odour at present and I should not be at all surprised if this expert committee, faced with a problem of such magnitude, of such complexity, and finding no easy way out of it, suggest that the easiest solution is to abolish the landlord altogether! I have a sort of suspicion that my Honourable friend Sir A. P. Patro considers the villain of the piece to be the capitalist and that if this gentleman could be got rid of things would be very much better for the farmer! So that I am a little doubtful even from the point of view of the landholders about this expert committee. But apart from that, I think in the very lucid and very exhaustive survey which my friend Mr. Yeatts made in his maiden speech, on which I congratulate him, he showed the difficulties of dealing with a large number of agricultural commodities, how other countries very much better organised than ourselves had found it difficult, and he showed that this is a problem which has baffled others and that the line of advance lay in other directions.

My Honourable friend Mr. Ramadas Pantulu in dealing with this question emphasised the point that the Central Government could do more than the provinces. I think that was the burden of his argument. Well, I do not propose during the course of this discussion to go into the many big issues that he has raised; the question of the industrialisation of the country, the question of currency, the question of the way in which an international agreement should be made, and so on; but I should like to emphasise for a moment that even at the present prices, we find that between the producer and the man to whom the article is sold the margin is very great, that there is a good deal which disappears in the process by the time that the product is sold and that a great deal could be done even at existing prices to improve the position of the producer. The whole question of improving the standard of living of the cultivator is involved: communications, education, health, marketing. All these, even with existing prices would improve his condition. Then, there is the question of land tenancy, there is the question of land settlement, there is

the question of dealing with debts, there is the question of providing the cultivator with proper finance and there is also the question of making his attitude such that people may be willing to lend him money, that is to say, that he should be credit-worthy. All these are questions, as Honourable Members will realise, essentially for the provinces, and I am glad to say that the provinces are tackling these questions in all seriousness. We have a number of most important legislative measures which are either before the Provincial Legislatures or which are about to be discussed; measures dealing with the relations of landholders and tenants, measures dealing with their indebtedness, and so on. Therefore, the point that I wish to emphasise is that the great bulk of the work has to be done in the provinces. So far as the Government of India is concerned in the Agricultural Department—and I do not propose to deal with questions which are outside my own Department—Mr. Yeatts has shown that through the efforts of researchers in the past, both the quality and the yield of certain crops have very considerably increased. For instance, in sugarcane nearly 81 per cent. of the area now sown is under a better type of sugarcane. As regards wheat and cotton, over 21 per cent. of the area is now under the improved varieties. With regard to marketing reports, I quite agree with Mr. Ramadas Pantulu that it is desirable that the reports should deal with separate articles. That is exactly what we are doing. But the reason why information is sometimes not communicated at once is that we want to make sure that the information that we give is accurate, that we do not publish things which may be found on subsequent investigation to be incorrect, and that is the reason that there has been a certain amount of delay in issuing the reports. As this is a new venture in this country, naturally it takes a little time and there is no use publishing reports on which little reliance can be placed. I think the general sense of the House is that a committee will really do no good. The matter is much too complex for a committee to deal with. It is unnecessary for me to say, as I am myself a fellow-sufferer with the Honourable the Mover of the Resolution, that nobody would be happier than myself, if the class to which I belong survives the present storms and alarms and excursions, if the price of agricultural produce could be raised, but I do not think that the remedy he has suggested of an expert committee is going to help us. I therefore must, with regret, oppose his Resolution.

THE HONOURABLE SARDAR BUTA SINGH: Sir, I have listened with deep interest to the debate that has taken place on my Resolution. It has followed the lines which I anticipated. Those Honourable Members who are in touch with the realities of the situation have given me their support and I am very grateful to them. I will content myself with affirming simple facts. A man has the right to obtain enough from his work to support himself and his family in some comfort. He ought to get an adequate price for his produce and the prices of agricultural produce should be related to all other prices so that agricultural wage may correspond with the cash wage which is paid by other industrial concerns. The fact is that wrong prices are at the bottom of the depression; the stagnation of agriculture and other industries is reflected by our money in circulation. I am not sure but it is my impression that no silver has been coined for years and many crores have been withdrawn from circulation. Perhaps, my Honourable friend the Finance Secretary—he is not here at the present moment—will be able to say if the circulation of money is at a higher level than it was before 1929. If not, then there can be no stronger evidence of stagnation. My simple request to appoint a committee is turned down. I would be content and ask for no examination of the problem. If the Honourable Mr. Yeatts or the Leader of the House could give me an assurance that prices will adjust themselves both for the raw and manufactured

[Sardar Buta Singh.]

articles in the course of a year or so (*An Honourable Member*: "How can they possibly do it?") I think it is the duty of all those who represent the people to have the problem examined by the appointment of a small committee to increase prices, on which the agricultural interests should find full representation.

THE HONOURABLE RAI BAHADUR LALA RAM SARAN DAS: Then you press for the Resolution?

THE HONOURABLE SARDAR BUTA SINGH: From the reply given by the Honourable Mr. Yeatts, it appears that Government do not see their way to accede to my modest request. I have therefore no alternative but to leave my Resolution to the good sense of the House.

THE HONOURABLE THE PRESIDENT: Resolution moved:

"That this Council recommends to the Governor General in Council that an expert committee be appointed to work out a scheme with the object of stabilising the price of wheat, cotton, gur, sugar and other agricultural products."

Question put and Motion negatived.

RESOLUTION *RE* INCREASE IN NUMBER OF CADETS ADMITTED TO THE INDIAN MILITARY ACADEMY, DEHRA DUN.

THE HONOURABLE MR. V. V. KALIKAR (Central Provinces: General): Sir, the Resolution that stands in my name runs thus:

"That this Council recommends to the Governor General in Council that the number of cadets admitted in the Military Academy, Dehra Dun, be raised from 60 to 120."

Sir, the House is aware that the Defence Sub-Committee of the Round Table Conference in their Resolution recommended that the pace of Indianisation in the Army in India be accelerated and for that purpose they recommended the appointment of an expert committee to work out the details for establishing a Sandhurst for India. The Defence Sub-Committee of the Round Table Conference, in their Resolution, clearly stated that the defence of India is to be to an increasing extent the concern of the Indian people and not of the British Government alone. Sir, this particular part of their Resolution clearly indicates what was in the mind of the Sub-Committee then. They wanted a substantial improvement over the position as it then existed, and if I may say so, they wanted to accelerate the pace of Indianisation of the officer ranks in the Indian Army and make the army self-sufficient within a very short period and therefore they clearly said that the defence of India is to be, to a great extent, the concern of the Indians and not of the British Government alone. Let us see what steps were taken by the Government of India and the Expert Committee which was appointed after the passing of the Resolution by the Defence Sub-Committee. For a few minutes I would like to take the House through a summary of the discussions that took place before the Defence Sub-Committee. In a sentence, I would say that almost all the delegates of India who sat on the Defence Sub-Committee, gave out in clear terms—especially Mr. Jinnah—that the Committee should lay down definitely the period during which the officer ranks of the Indian Army should be Indianised. It was

unanimously agreed (Mr. Jinnah dissenting) that this proposition as laid down by the Defence Sub-Committee would certainly give an incentive to the Government of India to accelerate the pace of Indianisation of the officer ranks. Now, Sir, immediately afterwards, a Committee was appointed on which Sir Philip Chetwode, the then Commander-in-Chief, presided. At the very first meeting of the Committee, Sir Philip Chetwode gave out his views on the number of cadets to be admitted annually to the Military Academy at Dehra Dun. He told the Committee at the very beginning that the Government of India with the consent of the British Government had decided to take annually 60 cadets, 30 by open competition and 30 from army officers. The non-official members of the Committee, especially the Honourable Sir Abdul Rahim and Sir Sivaswami Aiyar, resented this declaration of the Commander-in-Chief, as they thought that the Committee had full rights to decide the number to be taken annually and that it was not the concern of the Government of India or of the British Government. Dissenting notes were written by Sir Sivaswami Aiyar, Sir Abdul Rahim and others on this proposal but the Committee with a majority decided finally on this point and the College was started.

After that this House in 1933 on the Resolution of my Honourable friend Mr. Maharaj Pandit discussed this question. The then Commander-in-Chief Sir Philip Chetwode declared in that debate that the requisite type of young men were not available and therefore he could not give serious consideration to this point. The same Resolution was again discussed in this House in 1935 and at that time Sir Philip was more frank and to some extent we thought he had some sympathy with us but he had certain limitations and therefore he could not agree to our proposal. Of course we on this side of the House could not subscribe to his view that a vast sub-continent like India could not produce the requisite type of young men to the extent of 60 annually. India has a glorious past tradition in military matters and therefore we could not bring ourselves to think that the view taken by Sir Philip Chetwode was correct. But, assuming for argument's sake that what he said then was correct, this House discussed another Resolution when the present Commander-in-Chief gave us to understand that he was satisfied with the type of men that come up for the examination for entry into the Military Academy, Dehra Dun, but that he wanted a larger number of young men to compete for each vacancy. I would just like with your indulgence to read one sentence of what His Excellency then said when this question was discussed in this House in another form. He said:

"In short it is the quality and not the quantity of the candidates that is in issue and I welcome this opportunity of letting this Council know what we have been doing in this matter."

He further said that there was no need of appointing a committee to find out ways and means to give an incentive to the proper type of men to come to the Military Academy, Dehra Dun, and that the officers who would come out of the Academy would themselves encourage young men in India to take to this career. He further said that he was satisfied with the quality and with the type of men passing out of the Academy. However, Sir, His Excellency on our request appointed an *ad hoc* committee and though we made certain recommendations some of the more important of those recommendations were not given effect to by Government on account of alleged administrative difficulties. Then the question before us is whether we can get the right type of men for admission to the Military Academy from this vast sub-continent, and if we do then have the Government a real desire to take the people of India into their

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confidence and make them share the responsibility of defending India and encourage young boys to take up a military career for the defence of their country.

Now, I should like to state briefly why I chose this year again to repeat this Resolution. Two points struck me when I made up my mind to table this Resolution. The remarks of the Skeen Committee that the position should be reviewed in 1938 about accelerating the pace, and the remarks of Sir Philip Chetwode before the Indian Military College Committee that the position should be reviewed again in 1938 when the authorities would decide whether to increase the pace of Indianisation by allowing more cadets into the Dehra Dun Academy encouraged me to table this Resolution this year. Sir, in order to show to the House the stand taken by Sir Philip Chetwode at the time when the Indian Military College Committee was in session about the pace of Indianisation, I will read a sentence from his speech. He said :

1 P.M. "At the present moment the young Indian officers in the eight units have seven years' service. That is obviously not long enough for us to tell whether they are going to be fit to administer and train a unit in peace and lead it in war. In seven more years, however, they will have had fourteen years' service, and by that time, I feel pretty certain we shall be able to give a definite opinion whether they are going to be a complete success or not; and we need not wait until a further period of seven years."

In 1931 he made those remarks and this is exactly the period when the Government have to decide on this point one way or the other. This is the remark not of an armchair politician but of an expert of the British Government and I hope it deserves serious consideration by the present Government—whether the Government of India or the British Government. Then, Sir, when they fixed the number at 60, as I said, there was resentment. Some of the non-official Members of the Chetwode Committee stated definitely in their notes of dissent that the Committee had even rejected the proposals made by the Government of India Committee in 1922 about the annual intake of cadets in Dehra Dun. That Committee, Sir, had fixed a period of 30 years for Indianising the officer ranks of the Indian Army and they divided that period of 30 years into three periods and according to them for the first period of 14 years an annual average of 81.4 of officers ought to have been commissioned; for the second period of nine years they recommended that an annual average of about 182 officers per year was necessary; and for the third period they recommended that an annual average of about 227 officers was necessary. If the figure that was supplied to the Defence Sub-Committee about the number of officers of the Indian Army, that is 6,854, is correct, then, Sir, according to the recommendations during the first period, the Government of India ought to have taken over 81 cadets and during the second and third periods they should have increased that number. These recommendations were ignored by the Chetwode Committee, and the result was that there was a lot of agitation throughout India and an impression was created in the country that the Government of India or the British Government do not want Indians to share the responsibility of the defence of their country; but the Government of India and the Committee did not like to take into confidence the public men of India and they did not attach any importance to their views. Now, Sir, when the question was discussed in the year 1935 an argument was trotted out that the requisite type of material exists in India but it is not coming forward. Then we on this side of the House said if really the requisite type of material exists but is not coming forward "Please suggest some ways." We said that the number that appear for the entrance examination has been increasing, that a large number

of young men of the requisite type have been coming forward for the last five or six years and so the Government ought to reconsider the situation and decide to agree to my humble request made in this Resolution. Sir, I know it will be rather boring to the House, but I have to mention some facts in this connection and I shall state them as briefly as possible. In October, 1933, 200 candidates appeared for the examination for entering the Military Academy. The House knows that there were only 15 candidates to be taken and for those 15 vacancies 200 candidates appeared. In March, 1934, 91 candidates appeared before the Board. I know that the number is small but the reason for the number being small was and is that in March the young men have to appear for their academical examination, so a large number do not come forward. Then, Sir, in October, 1934, 201 candidates appeared for the examination. In October, 1935, 131 candidates appeared in March, 1936, 89 appeared; in October, 1936, 120 appeared; and in March, 1937, 72 candidates appeared. So, from these figures the House will know that a large number of candidates appear before the Board for examination. Now, Sir, I want to cite the remarks made by the Interview and Record Board. In 1933, they stated as follows :

"In the present case, the Board had the satisfaction of having before them a small number of candidates whom they regard as exceptionally suitable and to whom they award the maximum of marks. Following these came a considerably larger number of good first class candidates, the best of them not much inferior to the best ones, and, thereafter, a somewhat smaller number of what might be described as good second class."

Then, Sir, in 1935, the Interview and Record Board stated that

"On the whole the standard had risen, that is, that there were more good candidates up, and that the best were rather better than before. They found further evidence, too, of the growing desire of the respectable business and professional classes to launch their sons on a military career. There is no doubt that this section of the population is becoming more alive to the advantage of the soldier's profession and are trying more and more to shape their sons' education and outlook so as to incline them to and fit them for it. There were many youths of this class who made a highly favourable impression on the Board, having clearly worked hard to fit themselves for life in the army and being animated by a genuine interest in a military career and military subjects. Some of these youths were given very high marks."

Those are the remarks, Sir, that I wanted to bring to the notice of the House in regard to the quality of the material that is coming before the Board. Now, Sir, it may be asked as to why I have fixed the number at 120. Why not more? Sir, I have fixed this number 120 because the information that was supplied to the members of the Defence Sub-Committee of the Round Table Conference contained a statement about the annual wastage of officers and it was stated there that the annual wastage is about 120. If I remember aright, Sir, Mr. Jinnah then stated definitely that we should fix this number of 120 for annual admission into the Dehra Dun Academy. But, Sir, that question was not clearly decided by the Sub-Committee and so now, Sir, taking a hint from that discussion, I have fixed the number at 120.

So, Sir, the position is this; that you have got the right type of material and the material is coming forward, and people who were not taking an interest before in a military career for their boys, have begun to take an interest in it and you are getting a large number of the requisite type of men for your army. It is you now who have to decide as to what action should be taken in this connection. Sir, there is a feeling in the country—and I think the feeling is justified—that the narrow scope of Indianisation on which the Government has launched—and I am referring to the scheme for the Indianisation of one division only—is also in some extent responsible for there not being many candidates for one vacancy. Though the number that is coming forward is quite sufficient, I must admit

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Sir, that, if they decide upon increasing the number, a large number of young men who are quite fit for a military career will come forward.

Finally, Sir, I would give a piece of information to the House which I gathered on my personal visit to Dehra Dun last year. I had a talk with the staff of the Dehra Dun Military Academy, and I was extremely glad to find, Sir, that the teachers there certified to the fine quality and the industrious habits of our young boys. I put a straight question to the staff whether they noticed less industry in Indian boys as compared with British youths and I was extremely glad to hear from them that our boys were quite up to the mark. In short the position is this. The experts have decided that the type of material you get is quite excellent, and the number you get is overwhelming and increasing every year. You are pledged to a policy of accelerating the pace of Indianisation of the officer rank of the army. Where is the hitch in increasing the number now? If any financial considerations come in your way, we, the elected Members of the House, will certainly support your demand if you want more money for taking more numbers in the Military Academy.

THE HONOURABLE THE PRESIDENT: Please bring your remarks to a close.

THE HONOURABLE MR. V. V. KALIKAR: One word more and I have done. I appeal to His Excellency the Commander-in-Chief at this particular moment that he should not only take credit for giving support to my proposition but he should also give encouragement to the young people of India by telling them that they have a responsibility for the defence of their country and that they must come forward to take up that responsibility.

With these words, Sir, I move my Resolution.

The Council then adjourned for Lunch till a Quarter to Three of the Clock.

The Council re-assembled after Lunch at a Quarter to Three of the Clock, the Honourable the President in the Chair.

THE HONOURABLE THE PRESIDENT: Mr. Kunzru, you have an amendment which is rather in the nature of a substitute Resolution, but you can move it now.

THE HONOURABLE PANDIT HIRDAY NATH KUNZRU (United Provinces Northern: Non-Muhammadan): Mr. President, I move:

"That for the words and figures 'the number of cadets admitted in the Military Academy, Dehra Dun, be raised from 60 to 120' the following be substituted, namely:

'the minimum number of cadets admitted annually to the Indian Military Academy be 120 and that if qualified candidates are forthcoming in larger numbers they should be admitted up to the limit of the requirements of the Indian Army'."

"Sir, we are all desirous of quickening the pace of Indianisation in the army of our country, the expenditure on which is defrayed entirely from our revenues. The only difference between the Resolution and my amendment consists in the fact that I ask immediately for a recognition of the principle that there should be no artificial restrictions on the employment of Indians in the higher ranks of the army. If Indians of the proper qualifications are not forthcoming in requisite numbers appoint other men in their place by all means, but so long as qualified Indians are forthcoming there is no reason whatsoever for saying to them: "Thus far shall you go and no further". Let me also remove a misapprehension and make it clear that I am not asking that the quality of the

cadets should in any way be lowered or that if cadets of the requisite qualifications cannot be had they should still be selected for admission to the Academy. I ask in the first instance that the number of cadets to be admitted annually into the Academy should not be less than 120. I mention this figure simply because we have to let the public know that there is a definite number of cadetships in the Academy which Indian boys can compete for. We cannot simply say to the public: "Send up your sons for the competitive examination, we shall take as many as are successful". You have to fix some number in order to give definiteness to your decision. But when that has been done you can make it clear that this number is not to be something which will last for all time or which will even be a bar to the admission of qualified Indians immediately should they be forthcoming in larger numbers.

Having explained the meaning of my amendment I would venture to bring a few salient facts to the notice of the Council. At present 60 candidates are admitted into the Military Academy, 30 of whom are chosen on the result of a competitive examination. Honourable Members will recollect that the Skeen Committee had practically recommended that the number of cadets for training at Sandhurst should be raised from 10 to 30. Since that Committee recommended it has been decided that in the units to be Indianised there shall be no Viceroy's commissioned officers and that their places shall be taken by the commissioned officers of a higher rank. This decision has led practically to the doubling of the higher officers in a battalion. Consequently where 30 officers were wanted formerly 60 are wanted now. The Chetwode Committee therefore in raising the number of cadets to be admitted annually to the Indian Military Academy from 30 to 60 has by no means shown any generosity. The position is exactly what it was when the Skeen Committee submitted its Report. I draw the attention of the Council to this important fact because it has been said here time and again that the number of cadets has been largely increased and that it is up to Indians now to show that they can fill the places accorded to them with youths possessing the necessary physical and educational qualifications. Another fact which the House would do well to remember is that it is admitted that the required number of candidates can be obtained every year. His Excellency the Commander-in-Chief is not fully satisfied. I shall deal with his point a little later, but for the time being it is sufficient for us to remember that the number of candidates wanted by us annually is forthcoming. And a third fact we should bear in mind is that these cadets obtained by competition have received high praise at the Indian Military Academy both from Sir Philip Chetwode and the present Commander-in-Chief. The question then naturally arises whether the number of cadets admitted to the Academy should not be raised? You are getting the requisite number of cadets annually now and they have been found to be of the proper stamp at the Academy. What is there to prevent you then from going forward? My Honourable friend Mr. Kalikar pointed out that both the Skeen Committee and Sir Philip Chetwode practically stated that the position should be reviewed a few years, probably five years, after the establishment of the Indian Military College. That time has now arrived and judging by the opinions expressed both by the highest Military authorities and the Commandants, the past and present Commandants of the Indian Military Academy, we need have no fear now with regard to the quality of Indian youths who may be admitted to the Academy.

His Excellency the Commander-in-Chief, while admitting two years ago that there was no difficulty in obtaining 30 cadets annually, pointed out that there was not sufficient competition. He wanted that the

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number of candidates possessing high qualifications should be much larger than it is at present so that there might be keen competition between them. I should ask the House to remember in this connection that not long ago only 10 Indian cadets were selected every year and we were told that even that number was not forthcoming. Notwithstanding this objection on the part of the Military authorities, the number was raised to 30 and we have been able to provide suitable young men up to this number. Need we have any fear then that if the number is increased now youths of requisite qualifications will not be available? Had the theoretical objections raised by the Military authorities been regarded as valid there would have been no advance at all: we would still have had to be content with the selection of 10 cadets annually. The increase in the number has, however, justified itself and I think we may feel fairly certain that if there is another increase it will not be found to be beyond the resources of India in the matter of supplying well qualified youths for military training.

Our critics, however, say that there is a great contrast at present in the number of young men offering themselves for admission to the Military Academy and those appearing for competitive examinations relating to the various civil services, particularly the I.C.S. That is so. The people are familiar with the civil services and some of them, particularly the I.C.S., have enjoyed a prestige much above that of the other services. But apart from this, Sir, India is not the only country where the requisite number of men or officers may not always be available. Take England itself. We know that both the Regular Army and the Territorial Army are below strength at present. According to the Report of the Army League Committee, the army had to find 47,000 new recruits and 1,000 officers during the year to bring its actual strength up to that of its authorised establishment of 168,000. The Regular Army in England is thus more than 25 per cent. below its sanctioned strength. If there had been a foreign Government ruling in England, it could well have said that the people of England did not seem to have any martial spirit at all and it was necessary therefore that men of other races should be brought there for military service. But there is a national Government in England. It is doing all it can to make up the deficiency as quickly as possible and I understand from the papers that the special efforts that have been made in this direction have been very successful. Now, if the Military authorities will be as sympathetic to the aspirations of Indians as the national Government in England is alive to the need for rousing the martial spirit of the English people I have no doubt whatsoever that any increase that they might make in the number of cadets to be chosen annually would be thoroughly justified. If I may give one more illustration in this connection I would refer to the "Dufferin" cadets. A maritime career is far more new to Indian boys than a military career. Yet there has been no difficulty in obtaining young men for training on the "Dufferin" and it has been stated by the highest authority that these young men have proved thoroughly efficient.

THE HONOURABLE THE PRESIDENT: Your time 15 minutes is already up.

THE HONOURABLE PANDIT HIRDAY NATH KUNZRU: If, however, Sir, the Military authorities still feel doubtful about the ability of India to furnish a large number of cadets annually, it is up to them to take steps which would increase the number of men qualified for a military career. With this object in view I made certain proposals last September, but not one of them met

with the approval of His Excellency the Commander-in-Chief. The U.T.C., or rather the University Division of the Officers Training Corps, is regarded as a valuable ground for the supply of officers in England. I suggested that something might be done in India to develop the U.T.C. on the same lines and in particular that steps should be taken to remove the disabilities under which the U.T.C. labours at present. I asked that the warrant and non-commissioned officers of the U.T.C. should be declared eligible for nomination to the Indian Military Academy. His Excellency could not accept this. I asked that the "B" certificate examination should be instituted in order to add to the efficiency of the U.T.C. cadets. Even this was looked upon with disfavour by His Excellency. Then I asked that at any rate the recommendations of the Shea Committee should be carried out and the introduction of military drill and the formation of cadet corps in schools be encouraged. This too was resisted by His Excellency. If the Military authorities doubt the capacity of India to supply a larger number of cadets and at the same time refuse to take the steps which would naturally result in increasing that number, then I say that the responsibility for the present state of things rests with them.

I will deal with just one criticism of His Excellency the Commander-in-Chief. In objecting to young men being chosen from the U.T.C. for admission to the Indian Military Academy, he said he saw no reason why they should not enter the Academy through the door of competition. Well, let us consider for a moment what the practice of the British Government is in regard to the selection of candidates for important services in India. Not long ago, Sir, all recruits for the I.C.S. were chosen by competition. It was found, however, that the number of British recruits desired by the British Government was not forthcoming. Consequently, a number of young men will now be admitted through the door of nomination so that the number of Indians might not increase. Take again, the I.M.S. There too, the competitive examination has been stopped and it has been laid down that two-thirds of the annual recruits must be British. Now, if nomination can be resorted to by the British Government in the case of these important services, what objection can there be to His Excellency nominating a few men qualified men from the U.T.C., men who have been reported on favourably by their officers, to the Indian Military Academy? The U.T.C. would be a valuable source of supply and it should be fully utilized by the Military authorities.

Before I sit down, Sir, I would like to remind the Military authorities once more of their own responsibility in connection with the present state of things. When the Army was reorganised after the Mutiny, we all know there were only six or seven officers in a battalion. Since then, the number has been practically doubled and what has been the result? Indians who could formerly command squadrons and battalions have been deprived even of the limited opportunities which they enjoyed of rising to positions of trust and responsibility. It is up to the British authorities, therefore, to undo the injustice that they have done us. They have done all in their power practically to crush the martial spirit of the country. We have been told time and again that we can do nothing without British officers, that such achievements as the Indian Army has to its credit are due to the splendid lead given to it by the British officers. We have in every way been impressed with an exaggerated sense of our own deficiencies. If Englishmen were to be placed in that position, would they be able to give as bright an account of themselves as they do now when they are encouraged in every possible way and supported by every authority from the highest to the lowest. Sir, the Military authorities ought to have a little

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sympathy and imagination. If they will only be a little more liberal minded and courageously make up their minds to make India self-supporting in matters of defence, I have no doubt that any appeal which they make to the youth of India will meet with an immediate and enthusiastic response.

THE HONOURABLE THE PRESIDENT: Amendment moved:

"That for the words and figures 'the number of cadets admitted in the Military Academy, Dehra Dun, be raised from 60 to 120' the following be substituted, namely:

'the minimum number of cadets admitted annually to the Indian Military Academy be 120 and that if qualified candidates are forthcoming in larger numbers they should be admitted up to the limit of the requirements of the Indian Army'."

The debate will now proceed simultaneously both on the original proposition and the substituted Resolution.

THE HONOURABLE RAI BAHADUR LALA RAM SARAN DAS (Punjab: Non-Muhammadan): Sir, I rise to support the amended Resolution. The Honourable Mr. Kunzru and the Honourable the Mover of the original Resolution have dealt exhaustively with the subject. Before, Sir, I take part in the debate I would ask His Excellency the Commander-in-Chief to kindly let us know how many Viceroy's commissioned officers retire every year and how many qualified cadets from the Dehra Dun Military Academy are taken in their place and how many other places are being filled by promotion from the army?

THE HONOURABLE THE PRESIDENT: It is unusual for you to put so many questions when making your speech. You should make your points and let His Excellency the Commander-in-Chief reply to them.

THE HONOURABLE RAI BAHADUR LALA RAM SARAN DAS: Very well, Sir, then I will go on the information I have and speak subject to correction by His Excellency the Commander-in-Chief. My information is, Sir, that about 4,000 officers enjoy the Viceroy's commission, and that even in case we take five per cent. of them to retire every year it will mean that 200 of them will retire yearly. So, Sir, in order that the pace of Indianisation of the officers of the army be accelerated, we expect that as Viceroy's commissioned officers retire every year, they should all be replaced by qualified cadets from the Dehra Dun Military Academy. Sir, I understand that due encouragement is not being given to qualified cadets of the Military Academy. In the first instance, Sir, their status was lately reduced owing to racial discrimination. Sir, I deplore that even the Government of India should adopt the policy of racial discrimination. The self-respect of the Indians is now fast reviving and any racial scheme which differentiates discriminates or adversely affects their position is now vehemently resented. Sir, when you have reduced the status of the qualified cadets of the Dehra Dun Military Academy, where is the justification for your charging the same amount for their training as is the case at present? If I mistake not, a heavy sum of about Rs. 4,000 or more are charged for a cadet's training. I consider it a just demand that as their status has been lowered, their high cost of training should also be lowered. Also, in case the Government of India really wish to make India military-minded, as was the case in the past they ought to increase the pace of Indianisation in the army. Some time back His Excellency told us that a good number of suitable candidates could not be had. I should like to know from His Excellency what solution he has found for this and how that solution has worked? My Honourable friend Mr. Kunzru has observed that due encouragement is not given to U.T.C. candidates. I gave the other day an example of how these candidates

were being treated, and I should certainly endorse what the Honourable Mr. Kunzru has said on this point. A certain number of nominations ought to be made from members of the U.T.C. who are well reported on and who are found efficient in their army career. As regards martial tribes, I observed the other day that it was simply a question of training, and that military service makes one military-minded. I explained certain facts and said that sons of shoemakers and tailors were given the King's commission. His Excellency the Commander-in-Chief, the other day, challenged my statement. I did not like to reply then, because I wanted to be sure of the names of some of them and I can now state on the floor of the House that one Mr. Roberts, son of a shoemaker of Lahore, is a King's commissioned officer, another Mr. Ruck, son of a Lahore tailor, is also an officer in the Royal Air Force—all direct recruitment from England—and then, another, Mr. Phelps, also son of a tailor, is a King's commissioned officer. I do not object to the granting of commissions to such classes but I say that in case you give proper training to anybody, whether he is a cobbler or sweeper or from martial tribes or is anybody else, he can prove a success in his army career. So, when people of all British classes from the high to the low become competent army officers, how on earth is it impossible that Indians recruited in that manner should not be a success? Sir, the present number of recruits from the Dehra Dun Academy is so small that it will take centuries before Indians can in the near future be put in fair number as commanders of various units. My information is that my gallant friend Lt.-Col. Sir Hissamuddin Bahadur who is sitting here, has successfully commanded an Indian regiment, although he began his life as Viceroy's commissioned officer if I mistake not.

THE HONOURABLE THE PRESIDENT: Order, order. Under the Standing Orders, you must not make any personal reference.

THE HONOURABLE RAI BAHADUR LALA RAM SARAN DAS: Sir, I am only relating a fact. I am not making any personal reflection.

THE HONOURABLE THE PRESIDENT: No reflection or even comment or any personal charge is allowable.

THE HONOURABLE RAI BAHADUR LALA RAM SARAN DAS: I gave that name simply to show that even Viceroy's commissioned officers have proved as successful commanders and that is a great credit to that service. Unfortunately, Government have seen their way to abolish these commissions. India holds that that is a very bad sort of reward which has been given by Government to the martial tribes which comprise most of that service.

With these words, Sir, I support the amendment.

THE HONOURABLE SIR A. P. PATRO (Madras: Nominated Non-Official): Sir, if I rise at this moment, it is only to make a few observations with a view to elicit some information from His Excellency the Commander-in-Chief. The principle underlying both the Resolution and the amendment is the policy of the Government of India, which was declared unmistakably in the Despatch of the Government of India on the White Paper. It was stated therein that the defence of the country is the increasing concern of Indians themselves. That being the policy and that being the goal to which the defence policy would be directed, my question is, "What is it that the Defence Department have done to realise the important principle which they enunciated so unmistakably?" Before the Despatch, the Government of India was aware of the

[Sir A. P. Patro.]

facts ascertained and matters recommended by two Committees, the Skeen Committee first and the Shea Committee later. These two Committees had gone into the matter thoroughly. There were dissenting minutes also from the Indian non-officials. It was made clear that an increasing recruitment of Indians was absolutely necessary. Now, Sir, the object of this Resolution is that admissions to the Academy should be raised from 60 to 120, and that of the amendment is that the minimum should be fixed at 120 and, later on, if necessary, further admissions should be made. This is a very modest request in view of the circumstances and the speeches made before that Indians would be given opportunities of being trained so that they may be responsible for the defence of their own country. It is the legitimate desire of every Indian that he should be in a position to defend his country and his people. What has been done in order to assist Indians in that matter? The training that is now afforded in the Dehra Dun Academy is such as qualifies him to be an officer. If 60 be increased to 120, or if 120 is made the minimum, where is the cost to come from? I am sure, Sir, that the increased expenditure in this direction would be gladly borne by India and India herself. At the present moment, when nationalism is so very strong, and when it has occupied such a strong position in men's minds, it is not to be expected that the Legislatures would demur to such increased expenditure. In all the three defence arms, the army, the navy and the air force, India desires that her sons should be trained gradually, consistently with quality and efficiency. Such a desire must be realised. Now what has been the case in other countries. Sixty years ago what was Japan? British officers and German officers trained the people there; the French have trained them and experts of other nations gave them their training. They were as uneducated as some of the people in India are today. In spite of that, in the course of 60 years they have acquired such efficiency that Japan is the wonder of the world, and it is an Eastern country. It is the admiration of the civilized nations. What then is wanting in the Indian character that its material cannot be developed and improved in the same way as was done in another Eastern country and enable it to form a strong army? We want the British element, we want the British association to help us and guide us in this matter, and we want our own men to be trained up to the standard and efficiency which is absolutely necessary for modern warfare. We understand, Sir, that modern war is absolutely different to what it was a few years ago. But I have knowledge of men who have retired from the army, subadar-majors and subadars, who belong to the depressed classes. These men who are despised as untouchables by the higher castes have attained to those ranks and rendered yeoman service in the army and have been commended by their superiors and received the highest encomiums and certificates. And those are men of the depressed classes, some of whom have retired and others are still serving. Therefore it is not a question of caste or creed. It is only the way in which the men are handled and prepared. It is the training that you give and the capacity that you discover in the course of training, therein lies the way of success in preparing men for the future. And this Academy is the training ground and more men should be admitted, when proper young men are available. We have seen the figures; large numbers of competitors apply for admission, but only a few are selected, according to the capacity of the officers available for training them. What is necessary is that you should broaden the basis of recruitment; arrange accommodation in such a way that there may be room for more of them. Employ more staff to give them the necessary training. Therein lies the solution. But expenditure may be great. India is prepared to shoulder the bill in that regard.

It is an absolute necessity. Times have changed and the spirit is running strong in the country. You cannot resist it very long. It is necessary that you should get hold of it and train that current in such a way that you can divert it into proper and fruitful channels. Statesmanship lies in that, and not in running counter to the national aspirations.

Sir, it has been said from where would the material for admission come? It was suggested that the U.T.C. men who are approved by their adjutants may be admitted into the Academy. That is one source. Another would be the regularising of what is now the Irregular Reserve of Officers. These men have been trained but they are kept apart from the Regular Army. Why cannot they be admitted into the Academy and there given the necessary training to qualify them as officers? The position is that the recruitment of men and officers is absolutely necessary. I do not only advocate the recruitment of officers, but men of all castes and classes ought to be recruited to the army, the sole criterion being their efficiency and education. The ground of cost and on the ground of non-availability of suitable candidates for admission to the Academy are not sustainable.

It will be a great disappointment if this simple Resolution which really embodies the aspirations of Indians for opportunities of training for defending their own country should not be accepted. I am sure that the difficulties, if any, could be overcome, without any detriment to the principles of the army. It is not for us to run away from difficulties but to face them and modify things in such a way that they may be converted to the best advantage of the country. His Excellency the Commander-in-Chief has got much experience of other countries and other men. He knows the material in this country whether it can be trained as in any other country. It was pointed out that recruitment for the army even in England was not up to the standard. But there every one is interested in the defence of the country and is going about preaching and encourage recruitment for the army. See how the armament preparations are going on now. And why is that? Because the people feel their responsibility. Similarly we see danger to our own country, danger from the East and danger from the West. And we know that we cannot for ever depend upon the British forces, the British Army and the British Navy to protect us. Not always can we be children. We are growing up into manhood and we must stand on our own legs today or tomorrow or the next year. The time must come when we will have to stand on our own legs. It is absolutely necessary therefore that the British Raj which has been helping us all through should help us now with a view to train us and make us into soldiers for defending our own country. It is our legitimate right. Therefore, Sir, I have great pleasure in supporting the principle underlying this Resolution, namely, that recruitment to the Academy should be enlarged even at great cost. It is a matter on which I feel very strongly, that we should not have been given the opportunity till now in spite of the recommendations of committees with experts in their personnel who knew this country very well and with non-officials who knew the aspirations of the people. But here is an opportunity for His Excellency to mark his regime in this country by having this Academy strengthened and improved so that Indians may have greater opportunities of being trained and made fit to hold their own when the time comes.

HIS EXCELLENCY THE COMMANDER-IN-CHIEF: Sir, the Honourable Member's Resolution represents a renewed attempt to accelerate the pace of Indianisation. As has been stated, a similar Resolution was discussed in this House five years ago and the speech of my predecessor on that occasion clearly showed his anxiety that the great experiment should be successful. He said, however, that there was not the slightest good in blinking the

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fact that those responsible for the safety of India were taking some considerable risk in this matter and mentioned the fact that there was not yet in India a large supply of educated young men with long traditions of service in the army behind them and with traditions of leadership and public school experience. Now, in this connection I must remind the House—and you will see the importance of this point which no one so far has mentioned—that the wastage among King's commissioned Indian officers who at that time were all we had to go by, has been abnormally high.

THE HONOURABLE RAI BAHADUR LALA RAM SARAN DAS: Why, for what reason?

HIS EXCELLENCY THE COMMANDER-IN-CHIEF: I am afraid I can not answer that question. I do not rule the wastage of officers. Presumably they did not want to stay. Indeed, since my predecessor made his speech in 1913 many have disappeared from the army. This has been a distinct disappointment to me and it has tended to show that a life-long military career has not in practice appealed to many of those who in the first instance took it up with apparent enthusiasm. I earnestly hope that the same will not be found to be the case with the remainder of the King's commissioned Indian officers and especially with the new officers from Dehra Dun, but it is obviously still too early to come to a decision. In this connection I may state that at present the competition for the vacancies offered is not what I could describe as very keen. In fact only 60 reasonably good candidates a year is just about all we are getting at present and I suggest that my Honourable friend the Mover of the amendment should have recognised these facts seeing that he himself was a member of the last Interview and Record Board in which, incidentally, he did very good work for which I am most grateful to him. We are not therefore yet justified in going beyond the present policy which is directed towards the Indianisation of the officer ranks of a complete infantry division and cavalry brigade with the full artillery and all ancillary services required for these formations. The present intake of 60 cadets a year is sufficient for this purpose. If we were to increase the intake we should have to agree to the Indianisation of additional fighting units of the Army in India before we are really able to judge the efficiency of those which are now being Indianised and in which the process is by no means yet complete. The first output of Indian commissioned officers from the Indian Military Academy (these are the ones we are getting now), has now only four years' commissioned service and though many of them are doing well and showing great promise, it is not possible to say definitely at this stage whether they will be able to train troops in peace, lead them in war and above all obtain the full confidence of the men they command.

THE HONOURABLE PANDIT HIRDAY NATH KUNZRU: How long will you have to wait for it?

HIS EXCELLENCY THE COMMANDER-IN-CHIEF: May I just finish? Further—and this is a most important point to which I have already referred—we are not yet in a position to say that the majority will be content to serve on in the army until they have reached a stage at which their real worth in responsible and independent command can be gauged. In the British Service no decision is given that an officer is fit to command a battalion until he has

had from 20 to 24 years' service. To increase the pace of Indianisation at this stage would be to prejudice the issues on insufficient data and I am afraid I cannot agree to it. I have now in mind, however, the possibility of increasing the opportunities for Indian commissioned officers for serving in what we call the Services and Departments with a view to affording them a greater diversity of military employment and training provided that this can be done without detriment to the overriding claims of the fighting formations to which they are posted.

I propose now, Sir, to answer some of the points raised in the speeches that I have heard. I have not had very much time to consider them, so I must apologise for the meagreness of the answers. I will first refer to the points raised by the Honourable Mover. He indicated that many more candidates present themselves for examination than are admitted. I would remind him that the criterion is the number that are fit to enter and not the number who wish to enter. In this connection the percentage of those who qualify compared with those who sit is as follows; over the last four years 35 per cent., and over the last three years 29 per cent. As regards those who enter I am delighted to hear that the Honourable Mover has received such satisfactory reports about them but the fact that this is so is due to the way they have been selected. To take his second point. I am quite aware that in the past certain tentative figures were given as regards the future progress of Indianisation. These were obviously provisional and without any experience upon which to base them. We have since had this experience and we are bound to give full weight to that factor.

I come now to the third point. The Honourable Mover stated that announcements have been made that this question would be reviewed about 1938. I may say that this has indeed taken place and the question has received the most earnest consideration; the decision of Government in the matter is as indicated in my main speech.

The last point raised by the Honourable Mover that I have noted is this. He appealed to me to give these aspirants my personal encouragement. Surely the preparation of would-be entrants is hardly my job; it is I maintain much more that of the Honourable Mover.

The next point I should like to mention is a point raised by my friend the Mover of the amendment. He has brought my name into his excellent speech more than once and has accused me of very unsympathetic treatment of certain proposals he made last session. I can assure him that I have not in any way been unsympathetic, I have made due note of them all. But as I have already indicated, the time has not yet arrived to use these facilities for producing more aspirants. When and if the occasion arises, I am quite sure that the suggestions made by my Honourable friend may prove most useful.

Another point is one raised by Sir A. P. Patro. I am very glad to hear that if and when I want more money for this purpose, it will be available.

Now, as regards the availability of candidates in larger numbers; I would draw my Honourable friend's attention to what he said, I think, only two or three days ago. I have no doubt that I could get any amount of people but you cannot get captains and majors and colonels in two minutes. That is the trouble. He himself the other day pointed out that everybody wanted to be captains and majors straightaway. That is not possible; you cannot progress with this great experiment until you get a regular gradation.

Now, the final remark in my digression is that I must emphasise two points. To make this experiment a success we not only want efficient candidates,

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but those who are determined to stick to their job when they have got their commission and to maintain their efficiency when they reach the higher ranks. Unless these two points are assured, there is, so far as I am concerned, no way of judging of the success of the experiment as a whole. That is where I want your help. Assist me to get hold of these lads and get them to go into the army; tell them to stick to their profession and not abandon it when they have got four or five years' service. In this way you can help me; there is no question of my not helping you.

Finally, I must say, and I would remind the House, that I and my officers are doing our utmost to ensure the success of this great experiment which is intended to produce a cadre of officers drawn from all races and creeds and widely differing types of family and circumstance all over this great country, and so to weld it together that all differences will become immaterial and a single spirit of loyalty and service will animate the whole. Those of you who have visited the Indian Military Academy at Dehra Dun will, I am sure, admit that nothing has been left undone to give these lads the finest possible start as officers in His Majesty's army. When they have obtained their commissions no pains are spared to guide them and instruct them in the way in which they should go in order that the new Indian Army may hold its own with the old in loyalty, efficiency and devotion to duty. It follows, Sir, from what I have said that I have nothing to add on the subject of the amendment, which goes far beyond the terms of the original Resolution. I hope that the Honourable Mover and the House generally will agree that the difficulties in pace of a rapid and incautious advance are real and that they can be solved only by the constant labour, skill, care and forethought of all concerned. I have no option, Sir, but to oppose the Resolution, though I do so with regret and with understanding and sympathy for the Mover and for his object. I also, Sir, oppose the amendment.

*THE HONOURABLE MR. HOSSAIN IMAM (Bihar and Orissa : Muham-madan) : Mr. President, the speech which His Excellency the Commander-in-Chief has just delivered has been disappointing in certain respects. We had thought, Sir, that the door had not been bolted, that there was some hope of better sense prevailing in the counsels of the Government of India. But we now find that we were hoping against hope and we thought the impossible would take place. The basis of fixation of the numbers was that the Government at that moment stated that they were unable to throw open the doors to Indianisation in the same manner as they had done in the case of the I.C.S., where there used to be formerly only competitive examinations and afterwards a fifty-fifty basis was fixed. The Indian element would have liked to have a similar provision in the military service. But we have been assured—and for that we have the Report of the Indian Military College Committee—that His Excellency the Commander-in-Chief's predecessor, Field Marshal Sir Philip Chetwode, thought that 60 would be a suitable number to start with and that within seven years, as has already been mentioned by the Honourable Mr. Kalikar, the question would be looked into again. It was no doubt a distinctly backward step compared to the Report of the Skeen Committee. Nevertheless, it held out some hope, but we have just now been assured by His Excellency the Commander-in-Chief that the matter has already been examined and it was found that we could not proceed further. I wish this statement had been

* Speech not corrected by the Honourable Member.

made by the British Government at the time when the number was fixed. Then we should have known once for all that this is the absolute maximum which the Government is prepared to consider for 20 years. Are we, Sir, to think that words do not convey the meaning which is ordinarily found in the dictionary, and that statements are made when it is known that for 20 years you cannot form an opinion? His Excellency the Commander-in-Chief was quite explicit on this point that you cannot know whether an officer is capable of commanding a battalion or not until he has served at least between 20 and 24 years. Why not tell us this at the beginning in 1931? Why give us false hopes? Words are made to convey other meanings than are ordinarily to be found in the dictionary. Sir Philip Chetwode, in that note on page 20, has said that ordinarily the period required is 14 years, but that in the case of Indians in seven years more they will have had 14 years' service, and by that time he was pretty certain that they will be able to give a definite opinion whether they are going to be a complete success or not. I want that statement to be made by His Excellency, whether it has been a failure or a success? We are not content with the statement that nothing definite can be said now. How long are we to remain in expectation of your finding out the state of affairs? Would the Heavens fall if a few more Indians are admitted into the Army? We had the war block if you had more officers in certain services than you could possibly find places for, and you offered them voluntary terms of retirement. Cannot that be done for Indians also? If Indians are found incompetent, cannot you have recourse to that method? Have a block, and do not permit them to go after a certain stage. Say that promotion after that stage is on a selection basis, and is not on the basis of seniority. Again, you have another method by which you can keep out undesirable people. I refer to the age limit. You can say that after a certain age people cannot get command of battalions. That is why I ask His Excellency the Commander-in-Chief to tell me the reason why there has been wastage in the higher ranks of Indian officers? When they found that they could not command and that people younger than they were being put in, they gave up their commissions.

I should like to refer, with some emphasis, to the dearth of material available. We have been so long deprived of a military career that it is impossible to produce any record of our service. All that we can do is to come up in the examinations, oral as well as written, as high as is possible for you to expect. We have been handicapped, not by our own action, but by the fact that Government closed the doors of officer ranks to us. India in the past had commanders, and commanders of high repute, and we all hope that in the future, if opportunities are given to us, we will come up to that standard, if not to a better standard. In England, after such a long period of military education and military traditions, in the entrance examination, a minimum is fixed which is much lower than the figure fixed by the Government of India. The minimum figure fixed in 1931 was 175 for the Interview and Record Board and 33 1/2 per cent. or 500 for the written examination. That gave us 675 out of a total of 2,000 marks. In England, for the best examination, that is, for Woolwich, the percentage out of 1,700 is 660 and for Cranwell it is 510. That is the minimum pass mark. Initially, we fixed our figure at 675, that is, higher than the highest. Not content with the plea that the supply is not greater than the intake, and in order to camouflage the facts and to state that there is not enough competition, the Military Department have increased the minimum marks from 500 to 900 for the written examination plus 175 for the oral. So, the minimum pass mark in India now is 1,075, and I find from the Report of the Civil Service Commissioners that on this basis, in England, only four boys have passed

[Mr. Hossain Imam.]

out of 100 boys who were admitted to these three Colleges. That is the pass mark which our students are expected to obtain and they obtain those marks and still are rejected, and yet it is said that a sufficient number of boys are not forthcoming! Now, is the number 60 sacrosanct? His Excellency the Commander-in-Chief complains that there is a wastage and that people go out before they have completed their service. That is all the more reason why you should increase the number. The basis on which you built your whole hope was that you will continue to have 60 officers every year. Now you are not getting, you say, those 60 officers. Any prudent man, any man who was willing to do what he said would at once take into account the wastage that is taking place and would increase the intake in order to maintain that we always have 60 men available. If there is a wastage of 10 per cent., then the number should be increased to provide for that. If there is a wastage of 20 per cent., the number should be increased by that much. The great difficulty that His Excellency trotted out was that if he increased the intake of Indians, he would have to Indianise further units. Is that such a great calamity that it cannot be looked in the face? Is that such a preposterous demand that it cannot be met? Is that so outrageous a thing that it cannot be considered for a minute? Are you not seeing that the world is going in a topsy-turvy manner? The world is advancing by strides. We have during the last few days seen how the tables are turned and re-turned, and things which would have been thought impossible in the past have become every-day occurrences in the world and in India? Is it no reason why your decision of 1931 should not be revised? This statement which I have made about the past would explain why there has been a fall in the number of the candidates qualifying from 35 per cent. to 29 per cent. to which His Excellency referred just now. The minimum has been increased by nearly 60 per cent., from 675 it has gone up to 1,075.

Now, Sir, I come to a matter which is not of great concern but it may in some way help the consideration of the question. I refer to the fact that in India there is a distinction between the martial and non-martial classes. Though it is not said in so many words, I think there is an implied meaning that because the officers' rank is open to all there is a possibility that undesirable elements are entering in the officers' rank and that people who are really not capable of leading the army are getting into the army in that rank. That is implied in the distrust which is expressed on the official side. Now, out of the numbers you take in, half are from the army itself and they belong to the martial classes and they have their military traditions. Men of that class have risen even to the rank of colonels and have been found satisfactory by the Defence Department. The question then only arises about the remaining half who are taken by open competition. In that half, as it is not closed to the martial classes, a good few of the martial classes do come in. Therefore the largest unreliable element which can be entering is not more than 25 per cent. of the officers rank about whose record you can say you have no knowledge. The 75 per cent. are people whom you know and found capable of serving in and, if need be, of leading the army. But my contention is that even that 25 per cent. are not open to question, and my reason is that His Excellency the Commander-in-Chief has the right to nominate a certain number of candidates from those who appear in the open competitive examination. I am informed that, barring one or two instances, since 1932 His Excellency has not exercised that power of nomination. All the people in the order of merit in which they appeared in the examination have been

taken in by the Commander-in-Chief. That shows that His Excellency has complete confidence that the examination gives the best possible result and there is no necessity of using what has been technically called his individual discretion.

Knowing, Sir, that the opinion of the Official Bench is not going to change, we cannot by our arguments convince it that a change is necessary. But at least we can convince our own constituents that we have done our best.

Sir, I support the Resolution.

THE HONOURABLE MR. G. S. MOTILAL (Bombay : Non-Muhammadan) : Sir, I listened with very close attention to the speech of His Excellency the Commander-in-Chief. I must confess that the impression it left on me is that the same old note has been running throughout his speech, a note of sympathy and encouragement so far as words go, but the same old policy of specious pleas and smooth excuses when we come to facts. The Resolution and the amendment which our friends on the right moved was so modest that we were expecting that since year after year Government have been making promises and holding out hopes of recruiting more and more Indian officers they will accept it. But it has been argued that it is not possible to increase the number of cadets. Sir, where there is a will there is a way and where there is no will there is no way. To be told that Indians who make good soldiers cannot make good officers is something which is very difficult to appreciate. Various military authorities have borne testimony to their valour and capacity as soldiers, but when it comes to increasing the number and making them officers we are always told that there are not a sufficient number of men of the calibre required. This is an argument which has been repeatedly advanced and rebutted every time it has been put forward. Left to themselves Government, I am afraid, might continue to advance the plea for another century. They claim the exclusive right to judge the pace of Indianisation of officers ranks in the defence forces of the country. We question their right. Sir, it has been admitted that a large number of young men did come forward for the required examination. To this the Government's answer is that it is not the number of persons who wish to qualify themselves that counts, but it is the fitness of candidates which is the deciding factor. This point has been effectively disposed off by the Honourable Mr. Hossain Imam. As he pointed out, the qualifications fixed were so high that it made it practically impossible for Indians to satisfy those tests. I would, in this connection, recall what Mr. Lloyd George observed in his War Memoirs. Though I do not remember his exact words, the substance of what he said was, that it was not only the old officers in the army but the new officers, who were freely recruited without applying strict tests, proved equally successful in the war. Had they been asked to satisfy the high percentage of marks fixed for candidates in the Dehra Dun Academy, as stated by the Honourable Mr. Hossain Imam, they would have been certainly rejected.

Sir, I support the amended Resolution.

THE HONOURABLE MR. V. V. KALIKAR : Sir, if there is any impression created by my speech that I want to impair the efficiency of the army by taking a large number of cadets in the Military Academy, I should at the very outset say, Sir, that I do not subscribe to that view. The efficiency of the army must be maintained at any cost. The point is, whether we do get the right type of men or not? His Excellency the Commander-in-Chief has testified to the good work done by our colleague Mr. Kunzru, and therefore, Sir, I would like

to ask my Honourable friend Mr. Kunzru whether as an examiner he could not find the right type of men for entrance to the Military Academy at Dehra Dun ?

THE HONOURABLE THE PRESIDENT : His opinion in that capacity does not count here for the present. Will you proceed ?

THE HONOURABLE MR. V. V. KALIKAR : Sir, I am very sorry to hear those remarks from you, but his opinion has counted with experts.

THE HONOURABLE THE PRESIDENT : You cannot ask a Council Member for his private personal opinion. You are making your speech. Say what you have to say.

THE HONOURABLE MR. V. V. KALIKAR : I submit I am not asking his private opinion. His opinion is incorporated in the Report of the Interview and Record Board. I maintain, Sir, that I am not stating before the Council his private opinion, but the opinion which is incorporated in the Report of the Board and which is supplied to us. That is a published document. So, it is no use now telling us that we do not get the right type of men. They say about the wastage. My Honourable friend Mr. Hossain Imam has tried to demolish that argument completely. I have heard complaints for the last four years about the ill-treatment that is being meted out to the Indian commissioned officers, but I did not myself believe it. I did not take notice of it. But then, Sir, the Leader of the Opposition and Mr. Hossain Imam have clearly stated that the wastage is due to some sort of racial discrimination. If that is so, Sir, we are not responsible for it. The question is whether you want to trust us and whether you think that India is fit for her self-defence or not ? Your experts have given clear opinion on the point long ago during the war, that our officers and the rank and file of the Indian Army that went abroad proved very successful and quite up to the mark. After that you say that the scheme which I referred to in the beginning of my speech was a provisional scheme. That scheme was prepared not by laymen like me but by your colonels and lieutenant-generals who have experience of the army for a very long time and who could judge of the merits and demerits of the scheme. Further the extract which I read from Sir Philip Chetwode's speech which he made before the Indian Military Committee clearly shows that 14 years' time was quite sufficient for you to make up your mind. He says clearly in that speech that we need not wait more. If that is so, the stand you now take is quite inconsistent with your previous declarations. You should state straight off that Indians cannot be trusted for the defence of their country. All these pious declarations that you have been habituated to make for such a long time are not kept up ; and you do not keep up the pledges which you have given in the past. Sir, it is a cause of great agitation in India. Times have changed. My Honourable friend Sir A. P. Patro has said that times have changed. There is re-armament in every country. They may sacrifice Mr. Eden or they may sacrifice Sir Samuel Hoare, but times have changed and you ought to look to the situation. During the war you started schools at Indore and some other place which I do not exactly remember now and you had to train temporarily officers for serving your purpose. I submit India is ready not only for the defence of her country but for the defence of the Commonwealth of Empire and it is in your own interest to train Indians for that very purpose. I therefore submit that you are committing a grave error in not revising the policy at this time. This sort of distrust of Indians you have been showing for a very long time. People have come to recognise now that you are not honest and free in your statement. Sir, I thank all the Honourable Members who have supported my cause—in fact this is the cause of the youth of India. I am very

sorry, Sir, to see the attitude—whether of the Government of India or Whitehall I do not know—but I am very sorry to find that even a modest proposition like this is not supported at the proper time when it was said long ago by an expert that this was the time for reviewing the position. I, therefore, Sir, have no other alternative but to move my Resolution and press it to a division.

HIS EXCELLENCY THE COMMANDER-IN-CHIEF : With your permission, Sir, I want to make one point clear. Since I made my main speech, the Honourable Mr. Hossain Imam has raised a point with which I particularly wish to deal. He indicated that it would be many years before anything further happened. This is not what I said, nor is it what I intended to convey. I wish to make it quite clear, without attempting to pose as a prophet, that, provided the senior King's commissioned Indian officers serve on, maintain their efficiency, and, in due course, are found fit to hold command, the units which are now in the process of Indianisation will begin to be totally Indianised in about seven years' time. The Honourable Mr. Hossain Imam said that it would be necessary to wait 20 years. This is not the case. It is always dangerous to prophesy, but I wish to make it quite clear to the House when it is thought that Indianisation on the present basis will begin to be complete.

THE HONOURABLE THE PRESIDENT : I will first place before the House for their consideration and vote Pandit Kunzru's substituted Resolution :

"That this Council recommends to the Governor General in Council that the minimum number of cadets admitted annually to the Indian Military Academy be 120 and that if qualified candidates are forthcoming in larger numbers they should be admitted up to the limit of the requirements of the Indian Army."

Question put : the Council divided :

AYES—14.

Buta Singh, Hon. Sardar.
Hossain Imam, Hon. Mr.
Kalikar, Hon. Mr. V. V.
Kunzru, Hon. Pandit Hirday Nath.
Mahtha, Hon. Rai Bahadur Sri Narain.
Motilal, Hon. Mr. G. S.
Muhammad Hussain, Hon. Haji Syed.

Niamatullah, Hon. Chaudhuri.
Pantulu, Hon. Mr. Ramadas.
Ram Saran Das, Hon. Rai Bahadur Lala.
Ray Chaudhury, Hon. Mr. Kumarsankar.
Roy Chowdhury, Hon. Mr. Susil Kumar.
Sinha, Hon. Kumar Nripendra Narayan.
Yuveraj Datta Singh, Hon. Raja.

NOES—23.

Akram Husain Bahadur, Hon. Prince
Afsar-ul-Mulk Mirza Muhammad.
Charanjit Singh, Hon. Raja.
Chinoy, Hon. Sir Rahimtoola.
Commander-in-Chief, His Excellency the.
Conran Smith, Hon. Mr. E.
Das, Hon. Rai Bahadur Satyendra Kumar.
Devadoss, Hon. Sir David.
Ghosal, Hon. Sir Josna.
Govindachari, Hon. Rao Bahadur K.
Haider, Hon. Khan Bahadur Shams-ud-
Din.
Hissamuddin Bahadur, Hon. Lt.-Col.
Sir.

Intisham Hyder Chaudhury, Hon. Khan
Bahdur Syed.
Ismail Ali Khan, Hon. Kunwar Haji.
Jagdish Prasad, Hon. Kunwar Sir.
Khurshid Ali Khan, Hon. Nawabzada.
Menon, Hon. Diwan Bahadur Sir Ramunni.
Mitra, Hon. Mr. D. N.
Muhammad Yakub, Hon. Sir.
Mukherjee, Hon. Rai Bahadur Sir Satya
Charan.
Nixon, Hon. Mr. J. C.
Roy, Hon. Mr. S. N.
Russell, Hon. Sir Guthrie.
Yeatts, Hon. Mr. M. W. M.

The Motion was negatived.

THE HONOURABLE THE PRESIDENT: I shall now put to the Council the original Resolution of Mr. Kalikar:

"That this Council recommends to the Governor General in Council that the number of cadets admitted in the Military Academy, Dehra Dun, be raised from 60 to 120."

Question put: the Council divided:

AYES—14.

Buta Singh, Hon. Sardar.
Hossain Imam, Hon. Mr.
Kalikar, Hon. Mr. V. V.
Kunzru, Hon. Pandit Hirday Nath.
Mahtha, Hon. Rai Bahadur Sri Narain.
Motilal, Hon. Mr. G. S.
Muhammad Husain, Hon. Haji Syed.

Niamatullah, Hon. Chaudhuri.
Pantulu, Hon. Mr. Ramadas.
Ram Saran Das, Hon. Rai Bahadur Lala.
Ray Chaudhury, Hon. Mr. Kumarsankar.
Roy Chowdhury, Hon. Mr. Susil Kumar.
Sinha, Hon. Kumar Nripendra Narayan.
Yuveraj Datta Singh, Hon. Raja.

NOES—23.

Akram Husain Bahadur, Hon. Prince
Afsar-ul-Mulk Mirza Muhammad.
Charanjit Singh, Hon. Raja.
Chinoy, Hon. Sir Rahimtoola.
Commander-in-Chief, His Excellency the.
Conran Smith, Hon. Mr. E.
Das, Hon. Rai Bahadur Satyendra Kumar.
Devadoss, Hon. Sir David.
Ghosal, Hon. Sir Josna.
Govindachari, Hon. Rao Bahadur K.
Hajdar, Hon. Khan Bahadur Shams-ud-
Din.
Hissamuddin Bahadur, Hon. Lt.-Col.
Sir.

Ihtisham Hyder Chaudhury, Hon. Khan
Bahadur Syed.
Imail Ali Khan, Hon. Kunwar Haji.
Jagdish Prasad, Hon. Kunwar Sir.
Khurshid Ali Khan, Hon. Nawabzada.
Menon, Hon. Diwan Bahadur Sir Ramunni.
Mitra, Hon. Mr. N. D.
Muhammad Yakub, Hon. Sir.
Mukherjee, Hon. Rai Bahadur Sir Satya
Charan.
Nixon, Hon. Mr. J. C.
Roy, Hon. Mr. S. N.
Russell, Hon. Sir Guthrie.
Yeatts, Hon. Mr. M. W. M.

The Motion was negatived.

RESOLUTION *RE* INDO-BRITISH TRADE AGREEMENT.

THE HONOURABLE THE PRESIDENT: Honourable Mr. Hossain Imam, please read your Resolution so that you may not lose your priority. You can discuss the Resolution on the next non-official day.

THE HONOURABLE MR. HOSSAIN IMAM (Bihar and Orissa : Muhammadan): Sir, I move:

"This Council recommends to the Governor General in Council to give notice of termination of the present Trade Agreement with Britain, if His Majesty's Government do not accept the terms offered by India on the advice of non-official advisers."

STATEMENT OF BUSINESS.

THE HONOURABLE KUNWAR SIR JAGDISH PRASAD (Leader of the House): Sir, with your permission, I propose that the following official business which is pending before the House may be taken up on Wednesday, the 2nd March and I therefore request that you may be pleased to direct that a meeting be held on that day for the purpose.

(1) Motions for the consideration and passing of the Manœuvres Field Firing and Artillery Practice Bill.

(2) Motions for the consideration and passing of the Destructive Insects and Pests (Amendment) Bill.

(3) Resolution regarding the Draft Convention and Recommendation concerning safety for workers in the building industry.

THE HONOURABLE THE PRESIDENT: I may also mention that on the 2nd March, I shall give my ruling on the question of supplementaries.

The Council then adjourned till Half Past Five of the Clock on Saturday the 26th February, 1938.

COUNCIL OF STATE.

Saturday, 26th February, 1938.

The Council met in the Council Chamber of the Council House at Half Past Five of the Clock, the Honourable the President in the Chair.

CUTCHI MEMON BILL.

THE HONOURABLE MR. ABDUR RAZZAK HAJEE ABDUS SATTAR (West Bengal : Muhammadan) : Sir, I beg to present the Report of the Select Committee on the Bill to make it obligatory for all the Cutchi Memons to be governed in matters of succession and inheritance by the Muhammadan Law.

PRESENTATION OF THE GENERAL BUDGET FOR 1938-39.

THE HONOURABLE MR. J. C. NIXON (Finance Secretary) : Sir, framing a budget—and especially the receipt side of it—for the Government of India is seldom a task which one undertakes with confidence and in recent years there have been many internal and external factors to render the process even more difficult.

As usual I have to give some account of three different years :—

- (a) the past year which finished on 31st March last, 1936-37,
- (b) the current year about to end, 1937-38, and
- (c) the year ahead, 1938-39.

In February last I stated that our revised estimates for the year 1936-37 were expected to lead to a deficit of Rs. 197 lakhs, which would be reduced by Rs. 5 lakhs by the collection during the month of March, 1937 of the enhanced duties on silver and sugar. The actual deficit for that year came to Rs. 179 lakhs. The excise duty on sugar amounted to Rs. 29 lakhs more than we anticipated, while there was an increase of Rs. 18 lakhs (net) from the export duty on jute and a similar increase from the duties on motor spirit. But in the other direction, import duties on non-British cotton fabrics fell Rs. 35 lakhs below our figure and silver imports furnished Rs. 12 lakhs less than we had counted on. Currency and Mint produced Rs. 21 lakhs more than we expected but our interest receipts were down by about the same amount. There were other minor variations one way and the other.

The closing months of 1936-37 had exhibited a decided advance in railway receipts and, despite a still further deterioration under imported cotton piece goods and a slowing up of silver imports, a marked general improvement in customs receipts.

The budget for the current year 1937-38, after taking credit for the whole Rs. 184 lakhs of the Revenue Reserve Fund created out of the surplus of the year 1935-36, resulted in a small surplus of Rs. 7 lakhs. The revised estimates

[Mr. J. C. Nixon.]

show an increase of Rs. 390 lakhs on the receipt side and Rs. 323 lakhs on the expenditure side leading to a net improvement of Rs. 68 lakhs. Hence we shall require only Rs. 109 lakhs from the Revenue Reserve Fund and shall carry forward the remaining Rs. 75 lakhs.

The progress in railway returns to which I have alluded continued till the autumn of 1937, after which the gross receipts fell actually below those of the previous year. On the supposition that this decline will be somewhat arrested in the remaining weeks of the present year, we have assumed, as the House now knows, that we shall receive in the current year a contribution of Rs. 283 lakhs from the Railways.

Under Customs and Central Excise duties a net improvement of Rs. 191 lakhs is now anticipated. Motor spirit is expected to produce Rs. 45 lakhs, motor vehicles Rs. 41 lakhs and machinery Rs. 42 lakhs more than the budget figures, and there are smaller increases under a large number of other heads. However, non-British cotton fabrics (owing mainly to the China-Japan war) are expected to be down by Rs. 70 lakhs, while, despite this apparent opportunity, the prices of cotton fabrics of British manufacture still seem to be out of the reach of the Indian consumer, and we are likely to realise Rs. 59 lakhs less than we had reckoned on under this head. Further, the large imports of silver continued to slacken off in the current year and we expect to get Rs. 128 lakhs less in customs duties on that account. These reductions reflect a continuance into the current year of the declines which had already shown themselves towards the end of 1936-37.

The proceeds from Taxes on Income in 1937-38 are expected to amount to Rs. 15 crores in place of the Rs. 14 crores 30 lakhs budget figure, suggesting that, despite the fall in imports during 1936-37, business on the whole in India was on the upward trend.

We now expect an additional Rs. 10 lakhs from salt duties and an extra Rs. 17 lakhs from Mint receipts—the latter due to an increased absorption of small coin.

In the other direction the effects of section 33 (6) (c) of the Reserve Bank Act, inserted for the purpose of preserving the liquidity of the Bank's sterling assets, have, as a consequence of the low yields on short dated sterling securities been more severe than we had expected and have reduced the surplus profits payable to Government by nearly Rs. 40 lakhs below our anticipations. There is also a reduction of Rs. 9 lakhs under "Payments from Indian States" representing a decision to remit any tribute in excess of 5 per cent. of its total revenue payable by a State to the Central Government. This contention is one of some years' standing and the circumstances of the current year, in which, as I shall describe later, we are relinquishing part of the Income Tax receipts to provinces, render it difficult to resist it any longer irrespective of the Federation issue.

Under Posts and Telegraphs we anticipated a small surplus of Rs. 4 lakhs in 1937-38. Owing partly to the postponement of the Empire Air Mail scheme but still more to increased receipts, especially from telephones and stamps, the accounts of the department as maintained in the past are now expected to show a favourable balance of Rs. 43 lakhs.

I turn to the expenditure side of the revised estimates for 1937-38.

Of the total increase of Rs. 322 lakhs, the defence services account for Rs. 260 lakhs, of which the main item, amounting to Rs. 176 lakhs, is of course

the cost of the Waziristan campaign. Incidentally, the abandonment of the Lahore abattoir is likely to cost the taxpayer of India an unremunerative Rs. 26 lakhs instead of the Rs. 50 lakhs at one time feared. Other substantial items which have contributed to the anticipated excess on defence estimates are :—

- (a) an additional Rs. 10 lakhs allotted in advance for the reconstruction of Quetta ;
- (b) Rs. 10 lakhs to meet rises in prices ;
- (c) Rs. 8 lakhs towards the cost of the re-organisation of the British cavalry and infantry ; and
- (d) Rs. 16 lakhs net representing the cost of various improvements granted by His Majesty's Government in the conditions of British troops in order to stem a falling off in recruitment.

Returning to the civil side of the budget for 1937-38, we have to meet an extra Rs. 72 lakhs under interest, mainly on account of maturing post office cash certificates carrying a comparatively high rate of interest. This is partly due to heavier encashments last year which depleted the special fund created for the purpose by Rs. 36 lakhs more than was anticipated, and partly, to the extent of Rs. 35 lakhs, to an actual increase in certificates presented for encashment this year. Fortunately the certificates maturing in the years ahead carry a lower rate of interest, but on the other hand the special fund is now exhausted.

The only other large variation on the expenditure side of the estimates of 1937-38 to which I need specially refer is Rs. 25 lakhs extra under Tribal Areas connected with the construction of roads in Waziristan following on the military operations. Actually over Rs. 49 lakhs will have been expended on these objects but the balance of the money previously set aside for roads in Tribal Areas was also utilised for this purpose.

There are certain variations in the budget figures for 1937-38 arising out of the various adjustments with provinces effected at the introduction of the new Act. More accurate calculations in the light of later figures show that we shall receive Rs. 18 lakhs less from Burma the earlier and rougher figures indicated. The extra 12½ per cent. of jute duties assigned to provinces, consequent on an increase in the yield of the duties themselves, amount to Rs. 3 lakhs more than the budget figure, while debt adjustments with the provinces are costing about a crore instead of the Rs. 90 lakhs in the budget.

There is one matter arising out of the consolidation of the debts of provinces which it will be convenient to refer to at this point. The capital portion of the repayment instalments of debts due to the Government of India is normally taken to "reduction of debt" outside the budget, and really forms an addition to the Rs. 3 crores provided for this purpose within the budget. An unforeseen consequence of allowing the provinces to choose half yearly dates convenient to themselves for repaying their consolidated debts is that the capital element in the initial year 1937-38 will be greater and the interest element smaller than will correspond to a period of a year. We propose to adjust this by making a reduction of Rs. 48 lakhs in the budget provision for 1937-38 for the reduction or avoidance of debt. Honourable Members need not be apprehensive, as I can assure them that this is merely an adjustment and does not mean that a smaller total sum will in fact be devoted to the reduction or avoidance of debt than was intended at the time of framing the budget.

[Mr. J. C. Nixon.]

I now turn to a topic which some will regard as the most important of the year. Most of the provinces and practically all of those who spoke and wrote for them, seemed to regard the Niemeyer formula as meaningless in practice during the first five years of its operation. We ourselves a year ago certainly did not anticipate that it would prove to be operative during the current and first year. As I have already said, we now anticipate a gross return of Rs. 15 crores under Taxes on Income during 1937-38. After deducting from this figure super tax on companies, the taxes collected in centrally administered areas and on salaries paid from central revenues—which belong intrinsically to the Centre—and the cost of collection, what may be called the sharing balance is expected to amount to Rs. 11 crores 55 lakhs. To this figure has to be added the anticipated surplus, Rs. 283 lakhs, of railways. Of the total of Rs. 14 crores 38 lakhs, the Centre is entitled during the first five years to retain Rs. 13 crores, leaving Rs. 138 lakhs of Taxes on Income for distribution to the provinces in 1937-38. The provinces will receive credits before the end of March on the basis of the latest estimates we can at that stage make. Until the recession in railway receipts began to occur, it looked as if the sum to be assigned to the provinces would be greater than Rs. 138 lakhs. However, the eventual amount is not for the Government of India to decide. It will be calculated by the Auditor General when the accounts are complete and any necessary adjustments will be done in 1938-39.

I would like at this stage to recount the additional resources which have been given to provinces from central—or at any rate previously central—revenues in comparatively recent years :—

	Rs. Lakhs.
(a) Cash subventions to Sind, Orissa, Assam and the U. P. in 1937-38	212
(b) Debt cancellations	100
(c) Jute duties (1937-38)	273
(d) Road fund grants (1937-38)	141
(e) Various small grants	16
(f) The present devolution of Income Tax	138

These total nearly Rs. 9 crores, not to mention the nearly Rs. 10 crores of Meston contributions eventually remitted in favour of the provinces. And in addition to these burdens which the central budget has had to digest, there is the Rs. 2½ crores loss on the separation of Burma.

I shall make one further digression before describing the estimates of the coming year and say something about our ways and means estimates.

The Government of India have not entered the regular borrowing market this year, but next year we have the option of redeeming about Rs. 19 crores of debt carrying 5½ per cent. interest. We have however in the current year, through the agency of the Reserve Bank, done something towards diminishing our external debt obligations (at the same time as we have made a little profit) by purchasing and cancelling over Rs. 2½ crores of Indian sterling terminable securities, and by the issue of rupee paper to the extent of a little over another crore in place of non-terminable Indian sterling securities purchased in England. Further, sterling railway debentures of the value of about 1½ millions sterling have been redeemed this year while we hope to retire a further £4 millions in the coming year.

We also expect to have transferred about 4 millions sterling to the Family Pension Funds Commissioners before the end of the present year leaving a further 6 millions sterling or so to complete the transactions, we hope, by the end of 1938-39. Apart from these transfers also reducing India's external liabilities, they will also save us something in the way of interest.

We issued Rs. 5 crores of treasury bills to the Reserve Bank last April in return for silver rupees under the terms of section 36 (I) of the Reserve Bank Act, and we shall almost certainly be called upon to do the same in 1938-39. Despite these transactions, and the others which I have described in connection with the reduction of our sterling obligations, the amount of treasury bills outstanding at the end of the next year should not be more than about Rs. 40 crores. We expect about Rs. 2½ crores more cash certificates to be presented for payment this year than we counted on last February, and we are assuming that a net Rs. 3½ crores will be retired next year. This is to some extent a natural, and in some senses a not unwelcomed, consequence of the reduction in the rate of interest.

In our revised estimates we are assuming that savings bank deposits will increase this year by about Rs. 4½ crores instead of the Rs. 8 crores entered in the budget, while next year we assume that the increase will be Rs. 5 crores.

I am now able to come to the estimates for the year 1938-39 immediately before us. I shall be able to mention only the larger and more important elements and figures. There are many other relatively small variations, one way or the other, entering into the aggregate figures.

There are, as I have already suggested, special difficulties at the present time in estimating the likely receipts next year under the important heads, customs and central excise duties. In America conspicuously, and in Britain to a less extent, the Indexes of trade activity are less favourable at the moment than they were six months ago. The recession in the earnings of Indian Railways provides a pointer to general trading conditions in India which cannot be overlooked. The latest customs returns themselves show that the earlier strength of import business is not being fully sustained. The Indian cotton grower, certainly at the moment, has less to spend than he recently had. In the long run, imports are paid for by exports. The year 1936-37 was a good year for Indian exports and this is reflected, with the usual lag, in our increased import duties during 1937-38. But 1937-38 has not been so favourable a year for exports, and the likelihood is that our customs returns in 1938-39 will be affected. Also, around the beginning of the current year there was a marked rise in price levels, while the more recent tendency is downward. As most of our customs duties are on an *ad valorem* basis, this factor also is likely to lead to lower customs revenue. On the other hand some of the items in our customs schedule are less dependent on general trade conditions and, for instance, we anticipate in 1938-39 a continuing increase of revenue from motor spirit.

However it would be foolish to ignore the trend disclosed by the latest returns although it is perhaps not necessary to take a pessimistic view of the future. Taking, as far as we are able, all these factors item by item into account, we estimate our revenue next year from Customs and Central Excise duties at Rs. 60 lakhs below the revised estimates of the current year. But when Honourable Members come to study their budget papers they will notice that the difference appears to be only Rs. 10 lakhs. This apparent discrepancy is due to two accounting changes. In the first place, the share of the match duty paid to Indian States was formerly deducted in the accounts from the revenue

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[26TH FEB. 1938.]

[Mr. J. C. Nixon.]

side. It has now been decided that it is more correct to show the proceeds gross and to exhibit the amount to be paid to the States—Rs. 32 lakhs in 1938-39—as expenditure. Another change results from a decision to bring the Defence Services into line with the general practice of Government and not to remit, as formerly, the duty payable on the petrol and kerosene used by those services. This adds a sum of Rs. 18 lakhs to both the revenue and expenditure sides of the budget.

As for Taxes on Income, the House is aware that it is the intention of Government to introduce an amending Bill this session. The increased revenue expected thereby will of course not accrue before the year 1939-40. But in view of the trade activity during the main part of the current year, and of the various administrative measures which we are taking and are about to take, we are budgeting for an improvement of Rs. 25 lakhs in 1938-39 over the revised figures of the present year. If this estimate is fulfilled, and if the expectations of a surplus of Rs. 256 lakhs in the Railway Department are realised, the amount of Income Tax to be distributed to the provinces next year will be Rs. 128 lakhs.

May I at this stage remind Honourable Members that practically the whole of any increased yield from Taxes on Income resulting from the amending Act will for the first two or three years accrue almost entirely to the provinces and thereafter one half of the benefit. And I hope I may anticipate that the House will bear prominently in mind the interests of provincial revenues in deciding the attitude they will adopt towards that measure.

Burma's payment on account of Indian pensions will be about Rs. 5 lakhs less in 1938-39 than in the current year, while Burma will, under the monetary agreement between the two countries, be due to receive in 1938-39 about Rs. 6½ lakhs on account of the profits on subsidiary coinage earned in 1937-38 and of the profits of the Reserve Bank for 1937. In the other direction there is an increase of about Rs. 8 lakhs under the interest head.

I now intend to deal at somewhat greater length with the figures of the Posts and Telegraphs Department. The postponed Empire Air Mail Scheme will be in operation in 1938-39 and is expected to add Rs. 11 lakhs net to the cost of the Department. But there are two other elements which will affect the accounts of 1938-39. The Public Accounts Committee last year correctly recommended that the amounts provided for the commutation of pensions (which constitute as regularly recurring an item as any other pensionary charge) should be met directly from current revenues and not in the first instance from capital. This is particularly pertinent in regard to departments like the Posts and Telegraphs and Railways which purport to maintain their accounts on commercial patterns, as otherwise they will not be meeting their full current liabilities. It has therefore been decided to make the change in these two departments, which will increase the charges of the Posts and Telegraphs Department by Rs. 18½ lakhs next year. It would have been more appropriate had the Posts and Telegraphs Department undertaken this liability at the time of their deciding to disburse their pensionary charges direct instead of by way of a contribution. The second matter bears on an outstanding liability of the Posts and Telegraphs Department amounting to Rs. 204 lakhs representing accumulated losses on press telegrams. Telegraph administrations in practically all, if not all, parts of the world have to bear this charge.

It has now been decided that the Posts and Telegraphs Department shall extinguish a half of this liability out of the unnecessarily high balance in the Renewals Fund, which repayment will be treated in the civil accounts as a capital receipt.

Another portion will be liquidated by part of the surplus of the current year, and the rest will be discharged by annual payments. The present cost to the department, including loss of interest on the Renewals Fund, will be Rs. 13½ lakhs a year.

With these changes, the accounts will very much more accurately represent the true financial position of that department than in the past, and, after making these provisions, the receipts and expenditure of the Posts and Telegraphs Department during 1938-39 are expected roughly to balance. I may mention also at this point that we are introducing from 1938-39 a change in the manner of providing the capital for what is proving a very remunerative expansion of Telephone services.

I will at this stage dispose of various comparatively minor elements on the expenditure side of the budget for 1938-39 before dealing with Defence Estimate.

Under Interest, owing to various causes operating one way and the other, there will be a decrease of about Rs. 22 lakhs as compared with the revised estimates for the present year. A sum of Rs. 32 lakhs payable to States as their share of the match excise will, as I have explained previously, appear for the first time as expenditure with a corresponding increase on the revenue side. There is expected to be a larger allocation to the Road Fund by Rs. 20 lakh, an automatic consequence of an anticipated increase in the consumption of motor spirit. The payments to the States of Cochin and Travancore under the Cochin Port agreement are expected to increase by Rs. 16 lakhs following the increase in Customs collections. Disbursements against the earmarked portion of the sugar excise will be about Rs. 10 lakhs heavier in 1938-39 than in this year. There will be a considerable reduction of course in the provision for roads in Waziristan, but this is partly offset by the amount provided for the first substantial start on civil reconstruction in Quetta. I have been necessary to provide about Rs. 18 lakhs more for the expanding Civil Aviation and Broadcasting Departments, to add Rs. 5 lakhs on account of the scientific departments, increase by Rs. 12 lakhs the allotment to the Stationery and Printing Department, to provide for such new items as the Federal Court, and to furnish something of the order of Rs. 10 lakhs extra for strengthening the revenue producing departments. Taking all these elements and the minor changes into consideration the civil expenditure estimates are expected to be Rs. 124 lakhs higher than the corresponding current year's revised figure.

I now come to Defence Estimates for 1938-39 for which we are providing Rs. 45 crores 18 lakhs. This is Rs. 204 lakhs below the revised estimate for the current year, but it is Rs. 56 lakhs above the budget figure. Eighteen lakhs of this, as I have observed previously, is on account of petrol and kerosene and is accompanied by an increase on the revenue side. This leaves an increase of Rs. 38 lakhs. But owing to shortage of British troops in India there is expected to be a reduction of expenditure under the ordinary heads, after meeting the cost of improved conditions of service of which I have already spoken, of about Rs. 90 lakhs in 1938-39. Hence there is really a sum of Rs. 128 lakhs to account for.

[Mr. J. C. Nixon.]

I must again make a break in my narrative to speak of two recent arrangements with His Majesty's Government in regard to Defence Expenditure in India. It has been arranged that we shall in future retain the sum of about Rs. 17 lakhs a year which we used to pay in one form or another to His Majesty's Government as a sort of Navy contribution, and devote it specifically to the development of the Royal Indian Navy. It is a condition of this arrangement that we shall continue to maintain a sea-going fleet of not less than six vessels to co-operate with the British Navy in the defence of India's shores and in addition that we shall continue our responsibility for the local naval defence of India's ports.

The other arrangement with His Majesty's Government was announced last November, and I need only remind the House that towards the sum of about Rs. 2 crores which will be spent in mechanising British cavalry and infantry in India, His Majesty's Government has agreed to contribute Rs. 80 lakhs over three years, of which sum Rs. 27 lakhs will be received in 1938-39. Incidentally, the change when completed will reduce the maintenance charges of these units by about Rs. 16 lakhs a year.

Hence I must add Rs. 27 lakhs to the Rs. 128 lakhs which I previously mentioned, leading to a total increase of Rs. 155 lakhs to explain.

A part of this, to the extent of about Rs. 70 lakhs, represents an increase in what are called standing charges, of which the most important elements are Rs. 21 lakhs under Ordnance Services and the restoration of cuts amounting to about Rs. 24 lakhs made last year in the sinking funds provided for the Royal Indian Navy vessels and for mechanical transport vehicles. The balance of Rs. 85 lakhs will be devoted to the mechanisation scheme. However, even this does not complete the account of our defence expenditure for next year. We intend to appropriate an unearmarked balance of Rs. 35 lakhs in the Defence Reserve Fund, and to supplement this to the extent of Rs. 45 lakhs by drawing temporarily on other earmarked portions of the Reserve Fund which are not immediately required. Among the objects on which these additional resources will be spent are measures for coast defence, the construction of a factory in order to render India self-sufficient in the supply of high explosives, and the mechanisation of certain Indian units of the Army.

Last year, I voiced some of the fears of His Excellency the Commander-in-Chief as regards the serious inadequacy of the provision for the Defence purposes of India, and the House is not unaware of Government's belief that the level of Defence expenditure in recent years has been maintained only by a dangerous curtailment of defence services, many of which could at the best be regarded only as postponements. In the face of the world situation of today and of the enhanced expenditure on armaments in practically all countries, it must have been borne in upon Honourable Members that an increase in the Defence estimates of India was inevitable. In the circumstances of the moment it might be regarded as a matter for congratulation that the actual increase is, comparatively speaking, so modest and can be to this extent achieved without serious budgetary consequences.

I am in a position now to bring together the total figures for 1938-39. Apart from the Revenue Reserve Fund, but taking into account the anticipated distribution in both years of income tax to provinces the revenue side of the budget is expected to be Rs. 37 lakhs less than in the current year. Under Defence Rs. 204 lakhs less are being provided than in the revised estimates of the current year, but other expenditure is estimated to be up by Rs. 124 lakhs.

The net decrease on the expenditure side is therefore Rs. 80 lakhs. Hence taking into account the Rs. 75 lakhs from the Revenue Reserve Fund we get :—

	Rs. Crores.	Rs. Lakhs.
Revenue	85	92
Expenditure	85	83
Surplus		9

This, one must confess, is a very different picture from the somewhat roseate estimates which have been indulged in by some of the newspapers. But in extenuation of their optimism it has to be acknowledged that they have not access to such recent returns as Government have, while we ourselves, had we been so venturesome as to have made predictions at an earlier part of the year, might have anticipated a better final result. But the fact has to be faced that, despite the taxation measures of last year, we have not yet, by something between a half and three-quarters of a crore, achieved budgetary equilibrium. It is evident that if we are to continue to fulfil our obligations to the provinces under the Niemeyer Order-in-Council the greatest care will need to be exercised in conserving central resources. Although differences of opinion naturally enough arose during the recent informal conference of Finance Ministers, the friendly exchange of views did prove, we believe, an acceptance of the essential unit of British India and the need for mutual understanding. And the Government of India believe that their proper contribution at the moment to the success of provincial autonomy is to endeavour to maintain the efficiency of the services for which they have been made responsible, and to ensure their meeting the various other obligations, largely to the provinces, imposed on them by or under the new Act.

The Council then adjourned till Eleven of the Clock on Wednesday, the 2nd March, 1938.

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The Council then adjourned till Eleven of the Clock on Wednesday, the 2nd March, 1938.

COUNCIL OF STATE.

Wednesday, 2nd March, 1938.

The Council met in the Council Chamber of the Council House at Eleven of the Clock, the Honourable the President in the Chair.

MEMBER SWORN :

The Honourable Mr. Frederic Hale Puckle (Government of India : Nominated Official).

QUESTIONS AND ANSWERS.

TRANSPORTATION CHARGES AND AVERAGE TOUR OF DUTY IN INDIA OF BRITISH COMBATANT UNITS.

127. THE HONOURABLE MR. V. V. KALIKAR (on behalf of the Honourable Rai Bahadur Lala Ram Saran Das) : (a) Will Government state for how many years generally British combatant units serve in India ? How are their transportation charges when transferred abroad met ?

(b) Whether the Government of India pays such charges ? If so, why ?

(c) What is the average cost of such transportation ?

HIS EXCELLENCY THE COMMANDER-IN-CHIEF : (a) and (b). I lay on the table a statement showing the average tour of duty in India of British combatant units. The transportation charges are borne by India as this is one of the conditions on which British troops are lent to this country.

(c) The average cost of sea transport is Rs. 60 lakhs per annum and of inland transport Rs. 14 lakhs per annum.

(i) Royal Artillery—

(a) R. H. A. batteries 6 years.

(b) Medium brigades 10 years.

(c) Field brigades 10 years.

(ii) Cavalry 5-6 years.

(iii) Infantry 17 years.

(iv) Royal Air Force, Engineers, Signals and Royal Tank Corps.—The relief of these units is not carried out on a unit basis but by individual reliefs.

MECHANISATION EQUIPMENT OF BRITISH COMBATANT UNITS LEAVING INDIA AFTER THEIR TOUR OF DUTY.

128. THE HONOURABLE MR. V. V. KALIKAR (on behalf of the Honourable Rai Bahadur Lala Ram Saran Das) : Will Government state whether or

not mechanising equipment of British combatant units serving in India will be retained in India when any of such units is transferred abroad from India? If not, why not?

HIS EXCELLENCY THE COMMANDER-IN-CHIEF: The equipment will be retained in India.

REASONS FOR THE PAYMENT OF CHARGES BY GOVERNMENT FOR MECHANISATION OF BRITISH COMBATANT UNITS, ETC.

129. THE HONOURABLE MR. V. V. KALIKAR (on behalf of the Honourable Rai Bahadur Lala Ram Saran Das): Will Government state the reasons for the payment of charges by the Government of India for the mechanisation of British combatant units which are lent to the Army in India for a short period?

HIS EXCELLENCY THE COMMANDER-IN-CHIEF: The question appears to be founded on a misunderstanding. The units concerned are not lent to the Army in India for a short period, but are a permanent part of it. When the time comes for one to be transferred it will be replaced by another, but this applies to personnel only. The equipment will be taken over as it stands by the relief, and is the permanent property of the Government of India.

Mechanisation of the units concerned was necessary in order to conform with reorganisation of the British Army, and was also militarily and financially advantageous to India, as explained in my answer to question No. 1 asked by the Honourable Raja Yuveraj Datta Singh on the 14th February last.

THE HONOURABLE PANDIT HIRDAY NATH KUNZRU: May we take it that this reorganisation has taken place primarily owing to the needs of the British Army?

HIS EXCELLENCY THE COMMANDER-IN-CHIEF: I have answered that. The mechanisation of the units concerned was necessary in order to conform with the reorganisation of the British Army and was also militarily and financially advantageous to India.

MILITARY TRAINING FOR INDIANS.

130. THE HONOURABLE MR. G. S. MOTILAL: Will Government state what steps they propose to take to train the people of India to play their part in the defence of the country and in the protection of their common interests?

HIS EXCELLENCY THE COMMANDER-IN-CHIEF: I refer the Honourable Member to my speech of the 21st February, 1938, on the Honourable Mr. Susil Kumar Roy Chowdhury's Resolution regarding full military training to all Indians between the ages of 21 and 30.

THE HONOURABLE MR. G. S. MOTILAL: Can he add anything to that speech at present?

HIS EXCELLENCY THE COMMANDER-IN-CHIEF: Nothing.

RATE WARS BETWEEN SHIPPING COMPANIES IN THE WEST COAST AND PILGRIM TRADES.

131. THE HONOURABLE MR. V. V. KALIKAR (on behalf of the Honourable Rai Bahadur Lala Ram Saran Das): Will Government state what steps they are taking to stop the uneconomic rate war that is going on between shipping companies plying on the coast of India and in the Red Sea? If none, why?

THE HONOURABLE SIR MUHAMMAD YAKUB: The Government have no statutory power to interfere in a matter like this but on receipt of a representation from one of the parties they have recently addressed the Companies operating on the West Coast of India, who are understood to be engaged in a rate war there, asking them whether they are willing to submit the matters in dispute to arbitration, and are awaiting the Companies' replies. As regards the Companies plying in the pilgrim trade to the Red Sea, Government have received no representation and have taken no action.

GOVERNMENT OF INDIA PUBLICATIONS.

132. THE HONOURABLE MR. G. S. MOTILAL: (a) Will Government state which of the Government publications that are placed in the Assembly Library are not for sale?

(b) How many copies of each such publication are printed?

(c) Will Government state the reasons why they are not sold even to the Members of this House?

(d) Will Government further state whether the Honourable Members of this House have the same facilities and privileges as the Members of the British Parliament in regard to the obtaining of Government publications?

(e) Do Government contemplate the sale of these publications to the Members of the Legislature?

THE HONOURABLE SIR MUHAMMAD YAKUB: (a) and (b). I would refer the Honourable Member to the annual "List of Non-confidential Publications not included in the General Catalogue of Government of India Publications" which contains the desired information. Copies of this list are available in the Library of the Legislature.

(c) and (e). Copies of some of these publications which are of special interest are distributed free to Members in accordance with the rules regulating the supply of official non-confidential publications of the Central Government to Members of the Central Legislature. The rules also provide for the supply of certain classes of publications to Members having any special responsibility for the subject and departments have been given discretion to supply a copy of those publications to any Member making a specific application to that effect. Government do not propose to make any change in the existing procedure which is considered adequate to meet the needs of Honourable Members of the House.

(d) The rules referred to above were framed in the light of the practice followed in the United Kingdom regarding the supply of Government publications to Members of Parliament.

THE HONOURABLE PANDIT HIRDAY NATH KUNZRU: May we take it that any of those publications which are found in the Library will be supplied to Honourable Members if they ask for them?

THE HONOURABLE SIR MUHAMMAD YAKUB: Certainly.

CONCESSION TICKETS AND OTHER FACILITIES TO BE GIVEN BY RAILWAYS TO PILGRIMS DURING THE KUMBH Mela.

133. THE HONOURABLE MR. G. S. MOTILAL: (a) What railway facilities do Government propose to give to pilgrims moving to and from Hardwar during the Kumbha Parab in the shape of concession tickets, provision of greater accommodation to passengers, the running of more trains, booking office facilities, provision of clean and pure food in restaurants at stations and other comforts?

(b) How many persons do the Railway authorities expect will visit Hardwar and use the Railways?

(c) How much additional income do the Railway authorities hope to make from this Kumbha traffic?

THE HONOURABLE SIR GUTHRIE RUSSELL: (a) I am laying a statement on the table giving particulars on the points referred to.

(b) The local civil authorities anticipate a gathering of about 900,000 to a million pilgrims, out of which it is estimated that the railway will carry between four and five lakhs.

(c) It is not practicable to make any estimate of the additional revenue likely to accrue.

1. Concession Tickets.

Easter Holiday concession return tickets will be issued to Hardwar only from 10th March to 18th April, 1938 available for the completion of the return journey up to 2nd May, 1938. The basis of charge for these tickets is as follows:—

1st, 2nd and Inter class	101 miles and over	At one and one-third single journey fares.
Third class	101 miles to 150 miles	At one and three-fourth single journey fares.
	151 miles to 250 miles	At one and two-third single journey fares.
	251 miles to 300 miles	At one and half single journey fares.
	Above 300 miles	At one and one-third single journey fares.

The N.W.R., B.B.&C.I.R. and G.I.P.R. are also allowing similar concessions.

2. Accommodation.

For the clearance of passenger traffic during the inward rush, it has been decided to duplicate the following trains during the period shown against each:—

Train Nos.	Period.
75-Up and 76-Down	15-3-38 to 25-4-38.
33-Up and 34-Down	1-4-38 to 25-4-38.
1. L.D. and 4 L.D. extended to and from Najibabad	1-4-38 to 30-4-38.
9-Up and 10-Down between Lucknow and Hardwar	6-4-38 to 12-4-38.
Additional train between Moradabad and Hardwar	6-4-38 to 12-4-38.

Besides this, special trains will be run according to requirements from all directions to Hardwar for clearance of third class passengers only.

For the outward rush, arrangements have been made to run 36 special trains and four duplicate trains—a total of 40 additional special and duplicate trains—24 above Saharanpur, three to Saharanpur, ten to Delhi and three to Moradabad side. Special trains will carry only third class passengers. Apart from this, for Rikhikesh traffic, arrangements have been made to run six special trains, in addition to three regular trains daily. With these additional train facilities it is expected to clear daily 50,000 to 60,000 pilgrims from Hardwar to different directions.

3. Booking facilities.

Twelve additional booking offices have been provided with 29 windows. To facilitate passengers purchasing tickets and getting on to the right trains, symbols of common objects will be used, each symbol signifying a certain direction. Similar symbols will be repeated in the passenger enclosure and on the train for the particular direction.

Three enquiry offices are also being provided in the circulating area at Hardwar to assist passengers desiring information.

A separate booking office for ladies unattended by male passengers is being provided in the third class passenger hall.

Staff is being arranged to help passengers in purchasing tickets and in being directed to the correct enclosures and to the correct trains.

4. Catering.

Special arrangements are being made to extend the refreshment rooms and vendors' stall. Adequate supervision of the railway medical staff has been ensured for the supply in the mela area of pure and wholesome food.

5. Miscellaneous.

All necessary conveniences in the way of proper shelter in passenger enclosures, supply of cool drinking water, provision of necessary urinals and sanitary latrines in the circulating area, provision of hospital and first aid posts at the station and in the circulating area are being provided.

RETURN TO INDIA OF LALA HARDAYAL.

134. THE HONOURABLE MR. B. N. BIYANI: Will Government please state:

(a) Has the attention of Government been drawn to a reply given in the Punjab Assembly to a question put by Deshbandhu Gupta about the return to India of Dr. Hardayal, a political exile?

(b) Has Government seen the statement of Sir Tej Bahadur Sapru and Mr. C. F. Andrews testifying that Dr. Hardayal's political views had undergone a definite change and no harm could result if he was allowed to return?

(c) Has the enquiry of the case as given out in reply in the Punjab Assembly been completed?

(d) If yes; with what result?

(e) If no; how long will it take to come to a decision?

THE HONOURABLE MR. F. H. PUCKLE: (a) and (b). Government have seen the statements in question and a press report of the answer given recently in the Punjab Assembly to a question about Hardayal.

(c), (d) and (e). I have nothing to add to what was stated on the subject on the 17th February in reply to the Honourable Raja Yuveraj Datta Singh's question No. 82.

RAILWAY AND STATE COLLIERIES.

135. THE HONOURABLE MR. HOSSAIN IMAM: Will Government lay on the table the following information in respect of the Railway and State

collieries : the names, rates per ton for coal cutting and handling ; the dates of termination and period of the contracts ; the reasons for differences in rates ; and the method of inviting tenders and giving contract ?

THE HONOURABLE SIR GUTHRIE RUSSELL : The information is being obtained and will be laid on the table of the House in due course.

INDO-BURMA FINANCIAL ADJUSTMENT.

136. THE HONOURABLE MR. HOSSAIN IMAM : Will Government state the attitude taken by them on the question of dead assets and part earned pensions in the settlement of Indo-Burma financial adjustment ?

THE HONOURABLE MR. J. C. NIXON : The manner of dealing with these two elements as set out in the press communique issued on the 15th of February, 1938 is that advocated by myself in the first instance in the Howard-Nixon Memorandum and opposed by Sir Henry Howard. It was that proposed at the instance of the Government of India by me before the Amery Tribunal and objected to by the representatives of the Government of Burma.

The Amery Tribunal recommended an evaluation of the two elements. But when Mr. Sanjiva Row, the representative of the Government of India on the Application Committee, came to consider the problem again, he concluded that it was practically impossible to make any even approximate evaluation. He placed the practical difficulties before the representative of the Government of Burma on the Application Committee and urged the acceptance of my original idea of a pairing off of the two elements. The Burma representative and the Government of Burma eventually acquiesced in the suggestion. A joint recommendation to this effect was made to the Secretary of State for India and accepted by him. It has now been embodied in the Interim Report of the Application Committee.

INDO-BRITISH TRADE NEGOTIATIONS.

137. THE HONOURABLE MR. HOSSAIN IMAM : Will Government state the position with regard to Indo-British trade negotiations ?

THE HONOURABLE SIR MUHAMMAD YAKUB : The Government of India have for the present nothing to add to the information contained in the Press Communique on the subject dated the 6th January, 1938, a copy of which is in the Library.

NAMES, PERIOD OF CONTRACT, CAPITAL INVESTED, ETC., OF LINES WORKED BY STATE-MANAGED RAILWAYS.

138. THE HONOURABLE MR. HOSSAIN IMAM : Will Government lay on the table a statement showing the names, period of contract, capital invested, amount paid during the last three years, and the method of termination of the present contract of lines worked by the Indian State Railways ?

THE HONOURABLE SIR GUTHRIE RUSSELL : I lay on the table a statement giving the information required by the Honourable Member. The dates mentioned in the statement are the dates on which the agreements may be terminated in the normal course. Most of them contain also provision for their termination in certain special circumstances.

Information on this and other points can be found in the History of Indian Railways, a copy of which is in the Library of the Legislature.

QUESTIONS AND ANSWERS.

Working Agency.	Name of worked lines.	Amount of Capital invested upto end of 1936-37.	Amount paid during last three years.						Period of contract and the method of termination of present contract by "notice of purchase" or otherwise.
			1934-35.		1935-36.		1936-37.		
			Net earnings.	Rebate (a) or Subsidy (b).	Net earnings.	Rebate (a) or Subsidy (b).	Net earnings.	Rebate (a) or Subsidy (b).	
1	2	3	4	5	6	7	8	9	10
A. B. R.	Chaparmukh Sighat Railway.	35,01,593	85,926	32,907(b)	77,547	43,655(b)	82,396	38,760(b)	31st March 1948 or at the end of any subsequent period of 10 years by giving 12 months, previous notice.
	Katakhal Lalabazar Rly.	17,19,233	23,230	36,672(b)	23,101	27,423(b)	21,151	42,247(b)	31st March 1954 or on the 31st day of March in the last year of any subsequent period of 10 years by giving to the Company 12 months' previous notice.
	Mymensing Bhatrab Bazar Rly.	1,24,12,292	4,13,657	32,704(a)	4,26,44	21,396(a)	4,68,315	11,757(a)	31st day of March 1948 or at the end of any subsequent period of 10 years by giving 12 month's previous notice.
B. N. R.	Mayurbhanj Rly.	24,74,469	63,815	36,735(b)	74,221	69,883(b)	73,401	58,244(b)	31st day of March 1950 or on the 31st March in the last year of any subsequent period of 10 years on 12 months' notice.
	*Parlakimedi Lt. Rly.	25,86,490	13,326	...	22,405	...	9,119	...	31st December of any year on three months' previous notice.
B., B. & C. I. R.	*Jaipur State	76,62,319 (Upto end of 1935-36.)	4,74,680	...	5,28,721	...	Taken over by Jaipur Durbar.	...	31st day of March, 1932 or at the end of any subsequent period of 10 years on 12 months' notice. The option was not exercised on the 31st March, 1932.
	Tapti Valley Rly.	1,37,14,014	11,73,854	...	11,69,915	...	12,66,089	...	

* Owned by Indian States but worked by State-owned Railways.

Working Agency.	Name of worked lines.	Amount of Capital Invested upto end of 1936-37.	Amount paid during last three years.								Period of contract and the method of termination of present contract by "notice of purchase" or otherwise.
			1934-35.		1935-36.			1936-37.			
			Net earnings. 4	Rebate (a) or Subsidy (b). 5	Net earnings. 6	Rebate (a) or Subsidy (b). 7	Net earnings. 8	Rebate (a) or Subsidy (b). 9	10		
B. R. & C. L. R.— <i>contd.</i>	Ahmedabad Prantij	38,06,480	3,52,116	...	3,89,726	...	3,97,299	...	31st December, 1946.		
	Guzerat-Champaner-Sitrapur-Pani Lk. Ry.	21,05,806	--27,978	1,41,673(a)	--28,734	1,40,712(a)	366	1,11,442(a)	31st March, 1944 or on the last year of any subsequent period of 10 years on 12 months' notice.		
	Guzerat-Godhra-Lunavada.	14,19,636	4,135	72,320(a)	19,696	55,488(a)	31,784	43,591(a)	Ditto.		
	Guzerat-Nadiad Kapadvanj.	16,29,655	40,886	47,132(a)	83,370	3,175(a)	1,20,598	--34,072(a)	Ditto.		
	* Nagda Ujjain	22,83,817	2,84,375	...	3,17,472	...	357,648	...	On one year's notice from either party expiring on the 31st March in any year.		
	* Pedad-Cambay Ry. (Anand Tarapur Section).	14,60,794	1,77,506	...	4,21,531	...	2,09,582	...	} Either party at any time determine the agreement on giving 12 months' notice to the other.		
	* Pedad-Cambay Ry. (Tarapur Cambay Section).	9,38,237	45,146	...	47,309	...	52,046	...			
	* Dhrangadra .	15,09,824	1,15,316	...	1,09,553	...	1,06,087	...	Either party may at any time determine the agreement on giving 12 months' notice to expire either on the 30th September or the 31st March in any year.		
	* Palanpur State	5,94,580	40,186	...	4,253	...	53,012	...	The terms of the working agreement are under consideration.		
	* Pipri Dargad	9,76,927	36,397	...	30,133	...	35,874	...	As under Rajpipla State Railway below.		

QUESTIONS AND ANSWERS.

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*Rajpipla State Ry.	19,89,680 (The capital expenditure on Jhagadia Netroang Ry. not known from the Durbar.)	51,546	...	65,650	...	75,600	...	The agreement may be determined on giving 12 months' notice from either side expiring on the 31st March of any year.
E. B. R.								
Sara Shirajganj	97,90,816	3,23,451	1,98,591(a)	3,99,217	1,15,251(a)	4,41,124	80,938(a)	30th September, 1946 (r on the 31st March in the last year of any subsequent period of 10 years, on 12 months' notice. The agreement is terminable on six months' notice from either side.
*Ooth Bihar	21,74,181	1,89,221	...	2,05,615	...	2,08,968	...	31st March, 1948 or at the expiry of any subsequent period of 10 years on 12 months' notice.
Khulna Bagerhat Ry.	8,95,015	45,792	...	45,365	...	47,617	...	31st December, 1919 or on the 31st December in the last year of any subsequent period of 10 years on 12 months' notice. The option to purchase was not exercised either on the 31st December, 1919 or on the 31st December, 1929.
E. I. R.								
Hardwar Dehra Ry.	35,87,728	3,84,303	1,89,680 (Surplus profits.)	3,75,989	1,84,595 (Surplus profits.)	3,82,981	1,37,815 (Surplus profits.)	30th June, 1919 or on the 30th June in the last year of any subsequent period of 10 years' on 12 months' notice. The option to purchase was not exercised either on the 30th June 1919 or on the 30th June 1929.
South Bihar	From 1st January 1908 the South Bihar Ry. Coy. leased its line to the Government for a yearly sum of £30,000 payable by half yearly payments of £15,000. Separate data are not readily available.							
G. I. P. R.								
Dhond Baramati	12,59,421	55,157	13,821(a)	66,653	2,325(a)	64,778	4,200(a)	30th September, 1944 or on the 30th September in the last year of any subsequent period of 10 years on 12 months' notice.
Ellichpur Yeotmal including Pulgaon Arvi.	93,71,859	3,29,684	1,53,688(a)	3,28,791	1,54,198(a)	3,22,033	1,61,085(a)	31st March 1947 or on the 31st March in the last year of any subsequent period of 10 years on 12 months' notice.

Owned by Indian States but worked by State-owned Railways.

* Owned by Indian States but worked by State-owned Railways.

Working Agency.	Name of worked lines.	Amount of Capital Invested upto end of 1936-37.	Amount paid during last three years.						Period of contract and the method of termination of present contract by notice of purchase " or otherwise.
			1934-35.		1935-36.		1936-37.		
			Net earnings.	Rebate (a) or Subsidy (b).	Net earnings.	Rebate (a) or Subsidy (b).	Net earnings.	Rebate (a) or Subsidy (b).	
1	2	3	4	5	6	7	8	9	10
G. I. P. R. —contd.	Pachora Jammu Rly.	17,81,706	38,026	55,755 (a)	39,171	59,841 (a).	34,820	42,910 (a)	31st day of March, 1949 or on the 31st March in the last year of any subsequent period of 10 years on 12 months' notice.
	*Bhopal Ujjain	82,05,842	10,33,911	...	11,52,876	...	12,75,444	...	The various agreements are terminable on the expiry of 10 years from the dates of opening of the respective sections to public traffic throughout on the 30th June or 31st December in any year on 12 months' notice by either party.
	*Bina-Gooma Baran	1,02,14,568	3,41,466	...	3,15,244	...	4,45,226	...	As under Bhopal Ujjain Railway except in the case of Chhabra Baran section where the agreement dated 25th February, 1939 is terminable on the 31st March or 31st September in any year on 12 months' notice by one party to the other.
M. & S. M. R.	*Kolar Gold-Fields Rly.	12,47,469	55,073	...	55,532	...	66,384	...	Six months' notice expiring on the 30th June or 31st December of any year after 31st December 1937.
	Tenali Repali	15,98,514	75,223	...	77,597	...	78,756	...	The terms of the Agreement are under consideration.
	Alnavar-Dandoli	8,86,762	—3,902	...	—7,061	...	—11,454	...	The line is owned by the Government of Bombay. The Agreement for working can be terminated on six months' notice by either side.

Beawade-Manalipatan.	25,15,553	3,85,174	...	4,91,294	...	7,17,206	...	The line which was owned by the District Board Kistna, has been purchased by Government on the 4th February 1938.
*Kolhapur State	23,60,047	1,85,163	...	1,65,346	...	1,51,802	...	The working agreement is terminable upon six months' notice from either party.
*Sangli State	2,04,314	31,332	...	27,916	...	29,767	...	The working agreement is terminable at the end of any year upon six months' notice from either party.
West of India Portuguese (Owned by Portuguese Government).	...	11,29,799	...	8,31,316	...	10,61,552	...	The working agreement has been extended to the 31st December, 1945.
*Bangalore Harihar (including Hindupur Yavatpur).	2,09,33,347	15,00,814	62,991 (Co's share of surplus profits)	14,36,542	59,764 (Co's share of surplus profits)	14,88,946	62,286 (Co's share of surplus profits)	Taken over by the Mysore Government on the 1st January 1938.
Hochkhar Doab, Jullundur Mukherlan Phagwara Bahon.	36,50,942	1,08,228	(a) 91,238	1,06,635	(a) 91,289	1,18,814	(a) 87,514	31st March, 1946 or on the 31st March in the last year of any subsequent period of 10 years on 12 months' notice.
	28,80,647	1,41,883		1,44,254		1,36,041		
Mandra Bhaun	27,59,304	90,109	(a) 58,161	95,922	(a) 52,630	1,04,147	(a) 44,473	31st March, 1947 or on the 31st day of March of the last year of any subsequent period of 10 years on 12 months' notice.
Slalokt Narowal	31,67,145	2,26,398	29,446 (surplus profits)	2,15,747	23,175 (surplus profits)	2,26,243	27,490 (surplus profits)	31st March, 1946 or on the 31st March in the last year of any subsequent period of 10 years on 12 months' notice.
Jacobabad Kashmir	24,55,562	78,535	(a) 51,109	75,767	(a) 54,075	81,827	(a) 48,288	31st March, 1945 or on the 31st March in the last year of any subsequent period of 10 years on 12 months' notice.
Larkiana Jacobabad	30,68,825	1,32,499	(a) 27,881	1,32,444	(a) 30,444	1,44,195	(a) 17,556	31st March, 1954 or on the 31st March in the last year of any subsequent period of 10 years on 12 months' notice.

* Owned by Indian States but worked by State-owned Railways.

Working Agency.	Name of worked line.	Amount of Capital Invested upto end of 1936-37.	Amount paid during the last three years.						Period of contract and the method of termination of present contract by .. or .. notice of purchase .. or otherwise.
			1934-35.		1935-36.		1936-37.		
			Net earnings.	Rebate (a) or Subsidy (b)	Net earnings.	Rebate (a) or Subsidy (b)	Net earnings.	Rebate (a) or Subsidy (b)	
1	2	3	4	5	6	7	8	9	10
N. W. R. —contd.	*Jind Pasipat	17,56,439	60,029	...	56,508	...	60,218	...	The working agreement can be determined on 12 months' previous notice by either party to the other.
	*Jammu and Kashmir.	11,68,468	54,180	...	59,274	...	55,815	...	The working agreement can be determined on giving 6 months' notice by either party to the other.
	*Khanpur-Chachran	14,36,057	6,115	(a) 36,940	9,614	(a) 33,468	15,479	(a) 27,603	The working agreement can be determined on the 1st January or 1st July of any year after 1935 on six months' previous notice.
	*Indhiana-Dhuri-Jakhal.	49,70,738	4,76,661	...	4,72,964	...	5,33,631	...	The working agreement can be determined on the 1st January or 1st July in any year by giving six months' previous notice by either party to the other.
	*Rajpura-Bhatinda	79,87,013	7,58,185	...	9,16,561	...	9,11,608	...	The working agreement can be determined on the 1st January or 1st July in any year on six months' previous notice by either party to the other.
	*Sirhind-Rupar	31,60,972	80,775	...	76,932	...	75,210	...	The terms of the working agreement are under consideration.
	*Bahawalnagar Fort Abbas-Kut-Al-Jamra Ry.	93,58,994	72,129	...	92,473	...	1,26,786	...	The terms of the working agreement are under consideration.

S. I. R.

*Shoranur-Cochin Ry.	1,05,05,775	5,80,375	5,16,563	...	5,04,378	...	...	The working agreement can be determined on 12 months' notice expiring on the 30th September or before the 31st of March in the succeeding year.
Porlam-Karakul Ely. (owned by French Government).	7,26,660	31,614	9,211	...	2,567	...	...	The working agreement can be determined on 12 months' notice expiring on the 30th June or 31st December in any year.
Podanur-Pollachi	15,06,312	1,03,825	66,003	...	58,376	...	...	The terms of the agreement are under consideration.
Tinnevely-Thruchendur.	27,10,877	1,42,452	97,923	...	90,466	...	...	The terms of the agreement are under consideration.
Pondichery	5,88,030	53,080	42,400	...	58,630	...	...	The working agreement can be determined on the 31st December, 1945 on six months' notice expiring on the 31st December in any year or on the determination of the S. I. R. Co.'s agreement with the Government.

* Owned by Indian States but worked by State-owned Railways.

INCOME-TAX COLLECTED ON THE PROFITS OF COMPANIES IN BURMA.

139. THE HONOURABLE MR. HOSSAIN IMAM : Will Government state the amount collected as income-tax from companies having head offices in Burma in the years 1936 and 1937 ? Have their Indian offices been assessed for the profits of 1936-37 when Burma was part of India ?

THE HONOURABLE MR. J. C. NIXON : The income-tax collected on the profits of companies in Burma, irrespective of whether they had branches in British India or not, was Rs. 41.30 lakhs in 1935-36 and Rs. 67.74 lakhs in 1936-37. Information in respect of such companies as have branches in British India is not available. The reply to the second part is in the affirmative.

EXTENSION OF SERVICE TO THE EDUCATIONAL COMMISSIONER WITH THE GOVERNMENT OF INDIA.

140. THE HONOURABLE PANDIT HIRDAY NATH KUNZRU : (a) Has the Educational Commissioner with the Government of India been granted a year's extension ? If so, will Government state the reasons for extending the period of his service ?

(b) Did Government try to select a suitable Indian before extending his service ?

(c) Do Government contemplate giving preference to qualified Indians over Britishers in selecting his successor ?

THE HONOURABLE KUNWAR SIR JAGDISH PRASAD : The extension was given to Mr. Parkinson in the interests of the public service. I am very glad that the extension was given because Mr. Parkinson has rendered me the most useful service and I am very glad to retain his services.

With regard to the second part of the question, Government are not prepared to make any statement at present as regards his successor.

UNITED STATES FARM BILL.

141. THE HONOURABLE MR. G. S. MOTILAL : (a) Will Government state whether their attention has been drawn to the press report regarding the United States Farm Bill passed by the Senate of the United States of America ? Are Government in a position to give more information as to the main provisions and features of the Bill ?

(b) What will be the effect of the Bill on the prices of agricultural commodities in India ?

THE HONOURABLE KUNWAR SIR JAGDISH PRASAD : (a) Government have seen a press report regarding this Bill, but have no information beyond what is contained in that.

(b) The circumstances, as the Honourable Member will perhaps agree, do not permit of such prophecy at present.

SALUTING BY MILITARY AND POLICE GUARDS OF VISITORS TO THE VICEREGAL RESIDENCES AT NEW DELHI AND SIMLA.

142. THE HONOURABLE MR. V. V. KALIKAR (on behalf of the Honourable Rai Bahadur Lala Ram Saran Das) : (a) Will Government state whether any instructions have been given to the military and police guards on duty

at the entrances to the Viceregal Residences at New Delhi and Simla regarding the saluting of visitors who go there ? If so, what are they ?

(b) Are Government aware of the resentment felt by Indians against whom discrimination has been shown ?

THE HONOURABLE MR. F. H. PUCKLE : (a) No.

(b) Does not arise.

ACTION TAKEN OF THE REPORT OF THE GHEE COMMITTEE.

143. THE HONOURABLE MR. V. V. KALIKAR (on behalf of the Honourable Rai Bahadur Lala Ram Saran Das) : Will Government state what action they have taken on the Report of the Ghee Committee which enquired into production, marketing and sale of ghee ?

THE HONOURABLE KUNWAR SIR JAGDISH PRASAD : A statement is laid on the table.

Since the Report of the Ghee Conference held in Simla in September, 1937, was issued, experimental grading and marking stations have been established for ghee along with the Central Control Laboratory. So far over 7,500 maunds of ghee at six centres, mainly in the United Provinces, have been analysed and passed as being of the standard required in accordance with rules which have been drafted under the Agricultural Produce (Grading and Marking) Act. In view of certain representations made at that conference another conference was held in January at Bombay to consider points of technical difficulty in standardisation of Kathiawar ghee and certain modifications in the proposals made at the Simla conference are under consideration.

RULING *RE* SUPPLEMENTARY QUESTIONS.

THE HONOURABLE THE PRESIDENT : Honourable Members, it will be in your recollection that on the 22nd and 28th September last I made an appeal to Honourable Members to be reasonable in the matter of putting supplementary questions till I have given a formal and authoritative ruling after gathering all available information on the right, extent and scope of putting supplementary questions. I am now in a position to review the entire subject and give my final and authoritative decision. I regret the delay in doing so as I had some difficulty in collecting the information required. In order to enable the Honourable Members to thoroughly understand the extent, right, and the principle involved in asking supplementary questions, I am obliged in some measure to refer to the right and scope within which original questions can be asked as the principle in each case is inter-dependent. I shall therefore review as completely as possible the practice and procedure prevalent in both the Houses of Parliament and in the Central Indian Legislature.

In the House of Lords the procedure regarding questions is a somewhat novel one and not quite in keeping with the practice prevailing in the House of Commons. Before the commencement of public business questions are addressed to Ministers of the Crown concerning various matters, such as, proceedings pending in Parliament or matters of administration or public affairs for which any particular Minister is responsible. Within such limits members may seek information or explanation of the intentions of Government ; but they are not permitted to obtain an expression of Minister's opinion upon matters of policy. In the House of Lords on the submission of a question a debate is permitted by asking and replying to questions and also in commenting upon them without any actual motion being proposed in the House.

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When a question is meant to be asked for information only and not for the purpose of raising a debate or discussion an asterisk is prefixed to such question. The decision as to certain questions should be debated or not is left invariably to the decision of the House and not to the Lord Chancellor. Under such conditions important debates are frequently initiated. There they try to attain by initiating discussion on questions what we in India achieve by moving Resolutions in the Central and Provincial Legislatures. A general debate is permitted which dispenses with the necessity of putting supplementary questions, and it may be said that the supplementaries therefore become superfluous or unnecessary. In the practice prevailing in the House of Lords we therefore cannot obtain any information or clue regarding the exact right and the extent of the privilege of asking supplementaries. The main function of the House of Lords is the despatch of legislative business or judicial and other formal work which comes up for consideration before it. I may also point out that if the answer be refused by a Minister the Member is not entitled to insist on an answer and there the matter ends.

On the other hand, there is a great deal of similarity between the practice prevailing in the House of Commons—the Mother of Parliaments—and the practice prevailing in the Central Legislature and the Provincial Councils and Assemblies. Rather than the practice now prevailing in Indian Legislatures has been substantially borrowed from the practice in vogue in the House of Commons. The number of questions put in the House of Commons steadily grew ever since the first recorded question was asked. The Honourable Members can form a better idea of the nature, extent and manner of asking question in the House of Commons if I quote a passage in extenso at page 124 from a book entitled “An introduction of the procedure of the House of Commons by G. F. H. Campion” instead of stating my version :

“Most of these authorities agree also that the privilege of asking questions is liable to abuse and that the number of questions has increased inordinately. We shall come in a moment to the rules of order governing the form and subject-matter of questions, which have grown almost as rapidly as questions themselves (page 127). How rapidly questions have grown is shown by the following facts and figures. The first recorded question was asked in 1721 by Lord Cowper in the House of Lords : “whether there was any ground for a certain rumour” (a form of question which would now be out of order). For more than a century questions were infrequent and looked at somewhat askance as an irregular form of debate. In 1835 a notice of a question was first printed. In 1849 a special position was assigned to them on the Order Paper. In the session of 1847 there were 129 questions, or an average of one a day. In 1880 there were 1,546 or 13 a day. In 1900 there were 5,106 or 41 a day. After 1902, when the system of answering certain questions non-orally was introduced, and although the principle was adopted of restricting Members at first to eight, then to four, and finally in 1920 to three daily, the numbers still continued to rise until in 1923 the daily average was 109. Since then the numbers have declined somewhat, but probably the check is only temporary.”

It will be seen from the above that even in the House of Commons the authorities agree that the privilege of asking questions has been abused in the past and the number of questions have inordinately augmented. Not unlike in the case of the House of Lords questions addressed to Ministers should relate to the public affairs with which Ministers are officially connected and to proceedings pending in Parliament or to any matter of public interest or administration which the Ministers are responsible for. Within the limits prescribed above a Member can seek for any information regarding the intention of the Government, but he is restricted from seeking an expression of the Minister's opinion upon matters of public policy. Rules and Standing Orders have been framed for the purpose of regulating and formulating questions, but an appeal cannot be made to the Chair by a question except on points of order as they

arise or on a matter which immediately concerns the proceedings of the Chamber. If the Minister refuses to answer the question no Member can insist on his giving an answer nor the refusal of the Minister to give a reply to any question cannot be raised as a matter of privilege. It has been held in England that the plain and ordinary purpose of a question is to seek information from a Minister and not to supply information either to him or to the House and a question must not contain statement of facts unless they be necessary to make the question intelligible and easily understood. It is laid down both by conventions and rules that the reply should be confined to the points contained in the question with such remark or observation which renders the answer intelligible. It has been also the practice in the House of Commons that further questions may be asked which are necessary for the elucidation of the answers that the Ministers have given without any comment or debate. Invariably, the Speaker of the House when such further questions have been put has called the attention of the House to the delay, inconvenience and obstruction of the legitimate work of the House that may arise from an excessive demand for further replies. The Speaker has likewise occasionally felt it necessary to stop the asking of further questions by calling upon the Member in whose name the next question stands upon the notice paper to put his question, and the Speaker has for the same reason advised the Members not to ask supplementary questions and in many cases has suggested Ministers that lengthy answers should be circulated with the official report instead of being given orally. The Speaker has gone even further and ruled that a supplementary question in the House cannot be based upon a printed answer. The Speaker has also restricted questions on purely local matters and in dealing with individual cases.

It is evident from what I have stated above that the Member asking the original question is entitled to ask a supplementary question or questions, strictly arising out of the original question or reply and the speaker keeps a vigilant watch on the practice of putting supplementary questions so as to safeguard the rights of Members who have questions to ask later on in the list as the time prescribed for interrogatories is only one hour at the commencement of the work of the day. All the authorities agree in stating that only within due limits which are necessary for the elucidation of the answers that supplementary questions can be asked. It is apparent that the elucidation of the answers points definitely to the clearing up of any ambiguity or any unintelligible statement or any *lacuna* in the answer or any doubt or difficulty that may have suggested to the Member. I have searched in vain the text books and various authorities to find out that the supplementary questions may be extended to questions remotely or distantly connected with the answers given by Ministers or even with the original questions. The Speaker has infrequently adopted the odious duty of stopping the Member of putting supplementary questions by unceremoniously calling upon the Member in whose name the next question stands to put his question—a practice if regularly adopted in India may cause some resentment and even dissatisfaction among Members ; but any President should be shirking his duty if he failed to adopt such a course if any Member persisted in putting a succession of superfluous and irrelevant questions after repeated warnings given to him, and such a course would doubtless be justified in the interest of the House from a disciplinary and business point of view.

I will now endeavour to ascertain the practice prevailing in the Council of State. At present we are not directly concerned with the Lower House of the Central Indian Legislature nor with Provincial Councils which have enacted

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special rules and standing orders under the Government of India Act of 1915 though they are more or less drafted on similar lines. The printed proceedings of the Council of State furnish no adequate information or reliable guide; but at any rate there is no direct ruling on the point and so far as I can ascertain it has never formed the subject of serious controversy till I gave my first ruling in this House. In the proceedings of the Central Legislative Assembly we find some rulings as to the scope within which supplementary questions can be asked and also on kindred matters. It has been ruled that the Honourable Member may put a question, but he must not make a speech in putting his question (page 49, 25th August, 1925). It was also held there that in the course of supplementary questions put after an answer had been given that the Member putting the question must not argue (page 441, 28th January, 1926). On another occasion when the President remarked that the Honourable the Government Member is perfectly entitled to say that the question does not arise the late Honourable Mr. V. J. Patel who was a Member of the Assembly then asked whether the Government Member could say so without the President's ruling. Thereupon the President Sir Frederick Whyte said that it required no ruling. (Page 2366, 30th May, 1924). At a later date it was ruled that any Member is at liberty to submit whether the particular Question does or does not arise out of the original question (page 798, 7th September, 1925). There are several rulings of the Assembly where in the course of certain supplementary interrogatories, questions were asked which did not arise out of the answers given. Whereupon the Speakers have invariably pointed out that the Honourable Member should put a specific question arising out of facts disclosed in the answer to the questions. The Speaker Mr. (now Sir) R. K. Shanmukham Chetty said :

"Supplementary questions are intended to elicit further information arising out of the answers given by the Honourable Members of Government and supplementary questions are not intended to be utilized to enable Honourable Members to ask additional questions which they may bring ready made".

(Page 2637, 2nd March, 1933). In all these cases which I have enumerated above the rule clearly laid down is that supplementary questions arising out of the reply given are only permissible and the Member must put a specific question arising out of facts disclosed in the answer to the question. The rulings may be usefully and advantageously referred to: Page 161, 26th January, 1931; also page 906, 17th February, 1931; see also page 2637, 27th March, 1933; page 3034, 12th December, 1933; and page 2870, 28th March 1934.

I have also to refer to rules of business and procedure in the Council of State framed under the Government of India Act itself and the rules and standing orders made under that Act. The provisions of the Government of India Act of 1915 are set out with amendments in the Ninth Schedule to the Government of India Act, 1935. Under section 312 the provisions of Part 13 of the new Government of India Act shall apply with respect to the period elapsing between the commencement of Part 3 of the Government of India Act, 1935, which refers to the Governors' Provinces and the establishment of the Federation. In other words, these are transitional provisions between Provincial autonomy and the establishment of the Federation and under section 317 the provisions of the Government of India Act set out with amendments consequential on the provisions of the new Act in the Ninth Schedule to that Act regarding the Indian Legislature and provisions supplemental to those provisions shall subject to those amendments continue to have effect notwithstanding the repeal of the Act of 1915. Therefore for complete information regarding the rules of business

and procedure in the Council of State we have to fall back under the provisions of the old Act set out with amendments in the Ninth Schedule to the Government of India Act, 1935.

Under rule 8 a question may be asked for the purpose of obtaining information on a matter of public concern within the special cognizance of the Member to whom it is addressed, but this right of putting the interpellation is subject to certain restrictions put in the proviso to that rule. These restrictions embodied in rule 8 are not exhaustive and likewise under Standing Order 14 it is provided that in order that a question may be admissible it must satisfy the conditions embodied therein. The limitations imposed by Standing Order 14 are also not exhaustive but those limitations equally apply to supplementaries. The only provision regarding the putting of supplementary questions is contained under rule 10 which states that any Member may put a supplementary question for the purpose of further elucidating any matter of fact regarding which an answer has been given, and the President shall disallow any supplementary question if in his opinion it infringes the rule as to the subject-matter of questions and that under Standing Order 19 no discussion shall be permitted in respect of any question or of any answer given to a question. I may bring to the notice of Honourable Members that the right to put a supplementary question under rule 10 is confined for the purpose of further elucidating any matter of fact only regarding which an answer has been given and does not cover a variety of questions distantly or remotely connected or arising out of or consequential to the original question or questions relating to the expression of opinion or on any questions affecting public policy or otherwise. Standing Order 15 gives power to the President to decide admissibility of questions and may disallow any question when in his opinion it is an abuse of the right of questioning or calculated to obstruct or prejudicially affect the procedure of the Council or is in contravention of the Standing Orders and logically the same principle applies in the case of supplementaries. I may also state that it is not sufficiently recognised that the disallowance of a supplementary question causes no hardship or serious inconvenience as the disallowed supplementary may be repeated by giving a formal notice.

Further, it may not be out of place to state here that in addition to rules, resolutions, sessional and standing orders, the proceedings of both the Houses of Parliament are also regulated by modern practice and ancient usage. Sir Thomas Erskine May in his valuable treatise on "The Law, Privileges, Proceedings and Usage of Parliament" states thus :

"Ancient usage, when not otherwise declared is collected from the journals, from history and early treatises, and from the continued experience of practised Members. Modern practice is often undefined in any written form; it is not recorded in the journals; it is not to be traced in the published debates; nor is it known in any certain manner but by personal experience and by the daily practice of Parliament, in conducting its various descriptions of business".

In India Councils and Legislative Bodies have been of very modern growth and have neither usage nor modern practice to fall back upon in elucidation of knotty, doubtful, and complicated questions; but as in the administration of laws generally we fall back upon precedents of English Constitution, law and usage it is equally permissible for us in the interpretation of the rights and privileges of putting questions and supplementary questions to seek the aid of ancient usage and of modern practice prevailing in the Houses of Parliament.

I have summarised above the essence and purport of the numerous rulings that have been given from time to time by many learned and illustrious

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Speakers of the House of Commons. I have also referred to the equally significant and closely reasoned rulings of the many distinguished Speakers of the Legislative Assembly of the Central Legislature. I would now point out with all humility that these decisions regarding the privilege of asking supplementary questions are in substantial conformity with the rulings given by me in the past in this House. I have not, however, allowed the matter to rest at that stage. Through the kind intervention of my old and valued friend Sir Howard d'Egville, Secretary of the Empire Parliamentary Association, London, I had approached Captain the Right Honourable E. A. Fitz Roy, M. P., the very eminent and distinguished Speaker of the House of Commons, and I am glad to say that he has complied with my request and given me his valued opinion on the subject, and has also kindly permitted me to mention to the House that I had consulted him. For the information of the Council I shall state fully his own views as to the extent to which the privilege of asking supplementaries can be validly exercised.

The Right Honourable the Speaker of the House of Commons has informed me that in the House of Commons a Member is limited to three questions on the order form and if there is a fourth or fifth question down the Speaker does not call it. Happily this restriction ordinarily is not exercised in India. In his opinion, there is no limit to the asking of supplementary questions, but it is entirely within the discretion of the Speaker how many he allows. His views are very definite as regards the object of putting supplementary questions. He states that the supplementaries are intended only for

"clearing up any ambiguity in the reply given or extracting further information on the subject dealt with in the original question. The supplementary questions must be connected with the subject matter of the original question".

The Right Honourable gentleman states further that

"If a supplementary question deals with an entirely different matter the Speaker rules it out of order and instructs the member to put it on the order paper".

By order paper is meant that a formal written notice of the question should be given. As to my enquiry as to what extent is the latitude of putting supplementary questions permitted in the House of Commons by its traditional practice he states:

"this is entirely left to the discretion of the Speaker who is guided by the importance or urgency of the subject and by the number of questions down on the order paper on the particular day." He adds that "a supplementary question must conform to the rules governing the framing of a question on the order paper".

Sir Howard d'Egville whose opportunities of observing the practice are unrivalled states that as far as his own observation is concerned he would say that the speaker is generally very strict in keeping a Member who puts a supplementary question to the precise subject matter of his original question. He draws my attention to the words of Erskine May that

"further questions without debate or comment may within due limits be addressed to Ministers which are necessary for the elucidation of the answers that they have given".

It will be seen from what I have stated above that the Right Honourable the Speaker of the House of Commons entirely agrees and supports me in the view that I have taken of the right, privilege and extent of putting supplementary questions. I hope that this authoritative decision will satisfy all the Honourable Members who take interest in the elucidation of this important subject. This decision will permit the Honourable Member of Government

to refuse to answer any supplementary question within the limits prescribed above. Speaking on behalf of his party my old and esteemed friend Pandit Kunzru on the last occasion in this House when some discussion took place said that—

"It is our earnest desire to co-operate with you in maintaining the dignity and privilege of this House and we can assure you that it has always been our endeavour to help the Chair to regulate the proceedings in such a way as best to serve the public interest".

I have no doubt that these worthy sentiments will be adopted by him and his party and the other Honourable Members. As long as I have the honour to occupy this Chair I shall consider it my duty and obligation to enforce the principles now enunciated justly and with discretion. I trust the Honourable Members of this House will now regard this as an authoritative ruling and they will give me their support in maintaining the practice which I have indicated in the past and which has been authoritatively supported by no less a person than the Right Honourable the Speaker of the House of Commons.

INFORMATION PROMISED IN REPLY TO QUESTIONS LAID ON THE TABLE.

NOS. 1-UP AND 2-DOWN MAIL, A.B.R.

THE HONOURABLE SIR GUTHRIE RUSSELL (Chief Commissioner for Railways): Sir, I lay on the table the information promised in reply to question No. 107 asked by the Honourable Maulvi Ali Asgar Khan in the Council of State on the 21st February, 1938.

The Agent, A.B.R., states that the arrangement was agreed to at a meeting of his Local Advisory Committee, and that any extension of this arrangement will, it is feared, affect the punctuality of trains.

BILL PASSED BY THE LEGISLATIVE ASSEMBLY LAID ON THE TABLE.

SECRETARY OF THE COUNCIL: Sir, in pursuance of rule 25 of the Indian Legislative Rules, I lay on the table copies of the 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, which was passed by the Legislative Assembly at its meeting held on Tuesday, the 1st March, 1938.

STANDING COMMITTEE FOR ROADS, 1938-39.

THE HONOURABLE MR. S. N. ROY (Communications Secretary): Sir, I move:

"That this Council do proceed to elect, in such manner as the Honourable the President may direct, of three Members to serve on the Standing Committee for Roads which will be constituted to advise the Governor General in Council in the administration of the Central Road Fund during the financial year 1938-39."

The Motion was adopted.

THE HONOURABLE THE PRESIDENT : With reference to the Motion which has just been adopted by the Council, I have to announce that nominations to the Committee will be received by the Secretary up to 11 A. M. on the 7th March, 1938, and the date of election, if necessary, will be announced later.

MANŒUVRES, FIELD FIRING AND ARTILLERY PRACTICE BILL.

HIS EXCELLENCY THE COMMANDER-IN-CHIEF : Sir, I move :

"That the Bill to provide facilities for military manœuvres and for field firing and artillery practice, 1938, as passed by the Legislative Assembly, be taken into consideration."

The Statement of Objects and Reasons explains the purpose of this measure and the necessity for it. In brief the Bill seeks to ensure that manœuvres and field firing practices shall be placed on a proper legal foundation, and that they shall be carried on with the least possible inconvenience to the public or loss and dislocation to those in whose lands they take place.

The Bill provides, in the first place, for prompt and adequate compensation which will be paid on the spot by the Revenue Officer detailed for the purpose. The procedure has intentionally been made as simple as possible in order that the peasants, who form the bulk of the people likely to be affected, may receive their money without having to go through any formalities or lose their time and labour in travelling backwards and forwards to tehsils or headquarters for payment. In the event of their being dissatisfied with the sums being paid out on the spot, provision has been made in the Bill for an appeal to a Commission on which local interests will be represented. The Government of India, it will be noted, has no appeal whatever, and its sole part in proceedings under the Bill is to pay the amount the Provincial authorities may decide upon as compensation. At one time it was proposed that the rule-making power under section 13 should be in the hands of the Governor General in Council, but it was eventually agreed that Provincial Governments would be better aware of local conditions and were the proper authorities to decide exactly how compensation should be paid and what minimum rates should be laid down. Secondly, Provincial Governments have been authorised to select the localities in which manœuvres and field firing are to take place, and provision has been made to prevent the repeated use of the same area.

Finally, places of business, education and worship have been expressly exempted, and detailed provisions in regard to timely warning of the inhabitants of areas over which firing takes place have been inserted.

The Bill as it now stands incorporates every possible concession that can be made if the training of troops is not to be hampered and restricted. It is, indeed, a liberal and generous measure, and should effectually remove any cause of complaint that there may have been in the past.

Sir, I move.

The Motion was adopted.

THE HONOURABLE THE PRESIDENT : Clause 2.

*THE HONOURABLE MR. KUMARSANKAR RAY CHAUDHURY (East Bengal : Non-Muhammadan) : Sir, I beg to move :

"That in the proviso to sub-clause (1) of clause 2 the word 'ordinarily' be omitted."

*Not corrected by the Honourable Member.

When it is the intention of the Bill that particular areas should not be occupied repeatedly so as to cause the least hardship to the people of the locality, I submit the word "ordinarily" should be omitted, so that it may be made clear that specified areas may not be utilised more than once in any period of three years.

HIS EXCELLENCY THE COMMANDER-IN-CHIEF : Sir, I regret it is impossible for me to accept this amendment. There are, here and there, tracts of land which are practically uninhabited, and the use of them for manœuvres occasions the least possible dislocation in the ordinary life of the people, and also the least possible damage. If it were impossible to use these more than once in three years, manœuvres would have to be held in more thickly populated areas, with the result that one of the main objects of this measure would be defeated. More loss and inconvenience would ensue than is necessary, and the general taxpayer would have to meet a bigger bill than he need. The period originally decided upon was two years, and this was extended to three with misgivings. The extension was possible only because of the safeguard contained in the word "ordinarily". It must be remembered that in England the War Office own large tracts of country in which manœuvres are constantly held, and that it is exceptional to go outside them. Here in India the Defence Department owns none, and if the most suitable areas from the point of view of the public, as well as that of the Army, are only obtainable once in three years, everyone concerned will suffer.

Sir, I oppose the amendment.

Question put and amendment negatived.

Clause 2 was added to the Bill.

Clauses 3, 4 and 5 were added to the Bill.

THE HONOURABLE THE PRESIDENT : Clause 6.

*THE HONOURABLE MR. KUMARSANKAR RAY CHAUDHURY : Sir, I beg to move :

"That in sub-clause (4) of clause 6 after the words 'and two' the word 'non-official' be inserted."

This is with regard to the two persons to be nominated by the District Board. When the Chairman of the Board is the Collector and there is an official representing the Military Department, the men nominated by the District Board, I submit, should be non-officials, and that is the object of my amendment.

THE HONOURABLE MR. G. S. MOTILAL (Bombay : Non-Muhammadan) : Sir, I support this amendment. The very object of this clause is, although not specifically stated, that the two persons, to be nominated to form the appellate commission, should be non-officials. The amendment of my friend seeks to specify what is latent under the clause. The Collector of the district is to constitute a commission consisting of himself as chairman, a person commanding the forces engaged in manœuvres and two persons nominated by the District Board, and such commission is to decide appeals. The District Board is given the authority to nominate these two persons. I do not suppose that it is intended that these two persons should be officials. In a tribunal of this

*Not corrected by the Honourable Member.

[Mr. G. S. Motilal.]

kind inclusion of a non-official element possessing knowledge of local conditions will be a distinct advantage. It is desirable that this should be clearly provided. I therefore request the Honourable House to accept the amendment.

HIS EXCELLENCY THE COMMANDER-IN-CHIEF : Sir, it seems to me quite unnecessary to fetter the discretion of District Boards. In all probability in the vast majority of cases the members whose constituencies were nearest to the areas in which manœuvres had been held would be appointed, and these would probably be non-official but there might be some cases in which the District Board would, for some reason or another, prefer to appoint an official and I can see no good reason for ruling out the possibility.

Sir, I oppose the amendment.

Question put and amendment negatived.

Clause 6 was added to the Bill.

Clauses 7 and 8 were added to the Bill.

THE HONOURABLE THE PRESIDENT : Clause 9.

*THE HONOURABLE MR. KUMARSANKAR RAY CHAUDHURY : Sir, I beg to move :

"That in sub-clause (1) of clause 9 after the words 'terms of years' the words 'not exceeding three years' be inserted."

Clause 2 of the Bill speaks of declaring a particular area for purposes of military manœuvres during a period not exceeding three months, but there is no such maximum limit imposed in the case of clause 9 where lands are to be taken possession of for purposes of field firing and artillery practice which are things of a more serious nature. Therefore I submit that the maximum period should also be limited in that case. The original purpose of the Bill was for acquiring lands permanently for these sections. That purpose has now been modified and temporary acquisition has been provided for. Therefore I submit the maximum limit should also be set down there and I provide a much larger period in the case of clause 9 than in the case of clause 2 which says that the period should not exceed three months ; I provide three years.

HIS EXCELLENCY THE COMMANDER-IN-CHIEF : Here again, Sir, I cannot agree to this amendment. There are places which are eminently suited for the purpose of field firing, where there are no villages, and no permanent habitations of any kind. There is no reason whatever why desert country should not be used year after year for this purpose, and indeed every reason why it should, as otherwise inhabited areas may have to be employed, with consequent inconvenience to the people and loss to the taxpayer. It may safely be left to the Provincial Governments to specify the term of years. They will know local conditions and may be relied upon to have the interests of their people at heart, and there can be no justification for distrusting them in this matter.

Sir, I oppose the amendment.

Question put and amendment negatived.

*Not corrected by the Honourable Member.

*THE HONOURABLE MR. KUMARSANKAR RAY CHAUDHURY : Sir, I beg to move :

"That in sub-clause, (3) of clause 9 for the words 'two months' the words 'three months' be substituted."

This is the same provision as in the case of section 2 where three months is mentioned and here a shorter period for a more serious purpose is provided for. I submit that the two periods should be the same.

HIS EXCELLENCY THE COMMANDER-IN-CHIEF : Sir, two months in advance is the absolute limit to which Government could agree. In the manœuvres section of the Bill it is true that a similar amendment was carried in the other House. This was a serious blow to the Bill, but it was not deemed fatal, as manœuvres can usually be foreseen for some time ahead and many arrangements have to be made before they can be carried out ; but if every firing practice had to be notified three months and more before it could be carried out, the training of the troops concerned would be most seriously hampered, and no advantage that I can see could accrue to anyone. Two months is ample for any conceivable purpose, and in my opinion more than ample. The necessity of giving more would make this part of the Bill unworkable in practice.

Sir, I oppose the amendment.

Question put and amendment negatived.

*THE HONOURABLE MR. KUMARSANKAR RAY CHAUDHURY : Sir, I beg to move :

"That in sub-clause (4) of clause 9 after the words 'by like publication' the words 'one month and' be inserted."

Sir, I also move this with a view to make this section conform to the provisions of section 2, where one month and one week as nearly as may be before the commencement of the manœuvres is mentioned. My amendment also seeks to make that amendment, so that information may be communicated to the people one month before that and one week before actual firing takes place.

HIS EXCELLENCY THE COMMANDER-IN-CHIEF : Sir, in the opinion of many, the subject-matter in this sub-clause would more properly have been dealt with by rules under the Act. If the Provincial Governments consider that additional warnings of any kind are necessary, they will be able to make provision for them by virtue of the rule-making power which has been vested in them by section 13 of the Bill. I can see no reason for further interfering with their discretion and I therefore oppose the amendment.

Question put and amendment negatived.

Clause 9 was added to the Bill.

THE HONOURABLE THE PRESIDENT : Clause 10.

*THE HONOURABLE MR. KUMARSANKAR RAY CHAUDHURY : Sir, I beg to move :

"That at the end of the first proviso to sub-clause (1) of clause 10 the words 'and moveable property' be added."

*Not corrected by the Honourable Member.

[Mr. Kumarsankar Ray Chaudhury.]

The object of this amendment is that, if there are some moveable properties which can be removed from the locality the Military authorities should be empowered to remove those properties from those localities so as not to be made liable for the waste or damage caused to those properties. That clause deals with the removal of persons only and my amendment seeks to add moveable property so that the Military authorities may not be liable for any loss or damage to the moveable properties as well.

HIS EXCELLENCY THE COMMANDER-IN-CHIEF: Sir, there seems to be no need for the proposed amendment. If people wish to take away their moveable property or part of it, for any particular reason, they will do so. If any of it was damaged, they would receive full compensation. It is most unlikely that any such property would in practice be damaged, and, to the best of my knowledge, no case has ever occurred where any such property was damaged. The whole purport of this proviso is to secure that human beings and livestock may be kept out of the way of stray bullets, and there is no need to confuse the issues.

Sir, I oppose the amendment.

Question put and amendment negatived.

Clause 10 was added to the Bill.

Clauses 11, 12 and 13 were added to the Bill.

Clause 1 was added to the Bill.

The Title and Preamble were added to the Bill.

HIS EXCELLENCY THE COMMANDER-IN-CHIEF: Sir, I move:

"That the Bill to provide facilities for military manoeuvres and for field firing and artillery practice, 1938, as passed by the Legislative Assembly, be passed."

The Motion was adopted.

DESTRUCTIVE INSECTS AND PESTS (AMENDMENT) BILL.

THE HONOURABLE KUNWAR SIR JAGDISH PRASAD (Education, Health and Lands Member): Sir I move:

"That the Bill further to amend the Destructive Insects and Pests Act, 1914, for certain purposes, as passed by the Legislative Assembly, be taken into consideration."

I do not wish to add very much to the Statement of Objects and Reasons which is already before Honourable Members. As Honourable Members will have seen from the Statement, the present Act is defective in two respects. The first is that, while we can prevent the import of pests into India, we have at present no power to regulate or to prevent the transport of these pests within India itself; and the second defect is that the present Act only applies to certain insects which can damage crops by infection. There are insects and pests which can do damage in other ways than by infection and we are providing for that in the present Bill. So it is a purely non-contentious measure and it fills up gaps in the present Act. The mere fact that there have been no amendments proposed leads me to assume that the Bill has the general approval of the House.

Sir, I move.

THE HONOURABLE MR. KUMARSANKAR RAY CHAUDHURY (East Bengal: Non-Muhammadan): Sir, there is only one thing I want to mention. It is this; that this Bill seeks to my mind to prevent the transport of destructive insects and pests from one province to another but if it is transported within the province there is no means adopted for preventing that.

THE HONOURABLE KUNWAR SIR JAGDISH PRASAD: As my Honourable friend must have seen during the course of the discussion in another place, it is quite open to the Local Governments to take such action as they consider necessary.

The Motion was adopted.

Clauses 2, 3, 4 and 5 were added to the Bill.

Clauses 6 and 7 were added to the Bill.

Clause 1 was added to the Bill.

The Title and Preamble were added to the Bill.

THE HONOURABLE KUNWAR SIR JAGDISH PRASAD: Sir, I move:

"That the Bill, as passed by the Legislative Assembly, be passed."

The Motion was adopted.

RESOLUTION RE DRAFT CONVENTION AND RECOMMENDATIONS RELATING TO SAFETY IN THE BUILDING INDUSTRY.

THE HONOURABLE SIR MUHAMMAD YAKUB (Commerce and Labour Member): Sir, I move:

"That this Council having considered the Draft Convention and Recommendations relating to safety in the building industry, recommends to the Governor General in Council—

- (a) that Provincial Governments be consulted regarding the desirability and practicability of legislation to secure greater safety for workers in the building industry; and
- (b) that their attention be drawn to the Recommendations concerning co-operation in accident prevention and vocational education."

I should like to sketch briefly the history of the drafts which the International Labour Conference have approved. The Governing Body of the International Labour Office placed the subject of "Safety provisions in the building industry" on the agenda of the 20th Session of the Conference in June, 1936 for first discussion. The result of the Conference's deliberations was a questionnaire, which was received so late that there was no time to consult Provincial Governments, and the Government of India had to reply to it on the information at its disposal. The safety provisions under consideration relate to scaffolding and hoisting machinery and are of importance only for the construction of buildings of more than one storey.

The Government of India accordingly felt that it was only the leading cities of India that were interested and that these already used up-to-date steel scaffolding. They considered that the Model Safety Code, which had been drawn up, was a useful guide but that ratification would be possible only by legislation, for which no particular public demand existed, and that the general enforcement of legislation would be impracticable in the absence of

[Sir Muhammad Yakub.]

organisation within the industry itself and in the face of the cost of the inspectorate that would be required. A Recommendation was consequently preferable to a Convention. The questionnaire, together with the Model Code, was forwarded to Local Governments and their replies indicated that they were in agreement with the views expressed by this Government. The great majority of countries were in favour of confining a Draft Convention, if any, to general principles and embodying the detailed Code in a supplementary recommendation.

The International Labour Office, however, put forward a detailed Convention and to add to it a Recommendation of a more detailed character intended partly to be an alternative for States which did not ratify the Convention. The Indian Government delegates report that the attempt to explain in Committee that the elaborate proposals before them were unsuited to Indian conditions produced no effect and the Convention and the Recommendations were passed by large majorities with slight amendments, amongst which was the deletion in Committee of a Recommendation requiring that Government building contracts should include provisions for safety. The Government of India had instructed their delegates to vote for this Recommendation.

I turn now to the actual drafts. Honourable Members have received copies of Bulletin No. 64 of Indian Industries and Labour. This Bulletin contains the report of the delegates of the Government of India, and the text of the Convention and Recommendations adopted at that the 23rd Session of the Conference, will be found in Appendix 1. The Draft Convention and Recommendations may be divided into two groups. There are first, Nos. 55 and 56. No. 55 will be found at pages 69-70 of the Bulletin and is entitled "Recommendation concerning co-operation in accident prevention in the building industry". This Recommendation requires that safety organisations should be set on foot within the industry to secure the collaboration of all concerned, that they should contain representatives of employers and employees, that they should co-operate with inspectors and with municipal authorities and that the inspection authority should arrange for training courses, demonstrations, lectures, cinemas, manuals, magazines, posters and notices to educate workers in accident prevention. There are already in India some safety organisations which are doing useful work, but there is here no question of legislating to carry out the provisions of the Recommendation and there is no inspection authority. If, in pursuance of the Recommendation on this particular subject, an inspection authority were established, it would be a matter merely for executive instructions to ensure its collaboration with safety organisations.

No. 56 is entitled "Recommendation concerning vocational education for the building industry" and will be found at page 70 of the Bulletin. This too does not contemplate legislation. It recommends that technical and vocational school curricula should include theoretical and practical instruction in methods of safety. With respect to these two Recommendations the only possible action is to draw the attention of Provincial Governments and Administrations to the principles which have been set out in the Recommendations.

I now turn to the second group consisting of the Convention and the Recommendation, which is alternative to it, together with a special Recommendation on the subject of inspection. The Convention begins on page 44

of the Bulletin. It is formally entitled, "Convention concerning safety provisions in the building industry". The Recommendation bears the same title and will be found at page 49. I have no intention of minimizing the importance of the subject. Most countries have found that safety regulations for building are necessary. In India the great bulk of the building work is unambitious and accidents of any gravity are very unlikely. The construction of village buildings, for example, cannot be regarded as a hazardous occupation. But there are a number of large buildings, particularly in the principal cities, and a certain degree of risk is inseparable from their construction. We know that accidents of a serious nature occur on these from time to time, and it is probable that some of these accidents could be prevented by suitable regulations. Unfortunately, there are no figures to indicate what the accident rate is or what proportion of accidents could reasonably be prevented. There are considerations which make it clear that no action can be taken unless the co-operation of Provincial Governments and municipal authorities is assured. In particular, Article 4 of the Convention requires that there shall be an adequate system of inspection to ensure the enforcement of the laws including the penalties required by Article 3. At page 69 of the Bulletin, Honourable Members will find the Draft Recommendation concerning inspection in the building industry. It requires that the authority responsible for inspection should be a public body and should have all powers necessary to enforce the law, that their inspectors should have technical training and that the building firms concerned should, in addition, provide trained supervisory inspection. The Convention itself is of a detailed and difficult nature and its enforcement would be entirely dependent on a complete and adequate compliance with the inspection Recommendation. It applies to all work done on the site in connection with the construction, repair, alteration, maintenance and demolition of all types of buildings. It permits exempting areas where by reason of the sparseness of the population or the stage of economic development of the area, the competent authority considers it impracticable to enforce the provisions of the Convention, and this power can be used in almost all areas of India with the exception of the large commercial cities. But the power of exempting one area does not lighten the burden on unexempted areas, and the crux of the whole question is, as I have already said, enforcement. That must be a matter for the discretion of Provincial Governments and that discretion cannot be fettered by decisions taken here. The necessity for legislation within their territories must be severally estimated, and the estimate can be made only by those who have intimate knowledge of the actual conditions in each area and are ultimately responsible for enforcement. The extent to which they will be able to provide for effective inspection will dictate largely to their decision. It would be idle to extend any hope of ratification at this stage, and the Resolution before this House can go no further than recommend consultation with the Provincial Governments.

Sir, I move the Resolution that stands in my name.

THE HONOURABLE PANDIT HIRDAY NATH KUNZRU (United Provinces Northern: Non-Muhammadian): Mr. President, the Honourable Member who moved the Resolution has given an account of the circumstances in which the Draft Convention and Recommendations relating to safety in the building industry were passed by the International Labour Conference. He has also explained the difference between a country like India and the more developed countries in the West in regard to the organisation of the building industry and the character of the buildings constructed. It may be readily conceded that India is in these respects vastly different from the industrially developed

[Pandit Hirday Nath Kunzru.]

European countries but I think the Draft Convention itself shows that the International Labour Conference was conscious of the fact that all the countries that are members of the Conference are not on the same footing in regard to these matters. The Conference tried to make Recommendations which it would be practicable for all countries to put into force. To illustrate my point, I would draw the attention of the House to Article 1 in Part I of the Convention. This Part I is entitled "Obligations on Parties to Convention". It is stated in Article 1 that the obligation undertaken by Governments which accept the Convention is to take power—

"to make regulations for the purpose of giving such effect as may be possible and desirable under national conditions to the provisions of, or provisions equivalent to the provisions of, the Model Code annexed to the Safety Provisions (Building) Recommendation, 1937", etc.

It will be seen from this that the International Labour Conference has not insisted on a rigid enforcement of the Model Code as framed by it. It has left a great deal of latitude in this matter to the Governments concerned. It has made both the Convention and the Code as flexible as it could in order to provide for the different conditions prevailing in different countries.

Another thing which the House should bear in mind is Article 5 of Part I of the Convention. My Honourable friend Sir Muhammad Yakub drew attention to it, but I think it ought to be read out to Honourable Members so that they may appreciate the extent to which freedom has been given to Governments ratifying the Convention. This Article 5 says :

"In the case of a member the territory of which includes large areas where by reason of the sparseness of the population or the stage of economic development of the areas the competent authority considers it impracticable to enforce the provisions of this Convention, the authority may exempt such areas from the application of the Convention either generally or with such exceptions in respect to particular localities or particular kinds of building operations as it thinks fit".

It appears, Sir, as if this Article had been put in on purpose to accommodate India which would have found it impossible to enforce the elaborate provisions of the Code which are applicable in their entirety to western countries only. These two Articles that I have quoted will show the degree of latitude which has been allowed to Governments ratifying the Convention in carrying out its object. It seems to me that the Convention could not have been made more flexible.

Apart from this, Sir, even when a Government brings the building industry under the provisions of the Convention, it is free to except from their purview such work as is carried on in reasonably safe conditions. If there are organisations of the employers and the employed in regard to that industry they will have to be consulted, but if there is no such organisation the Government will have full power to take appropriate action themselves. This is another safeguard which I think might have recommended the Convention to the Government of India.

Now, my Honourable friend pointed out that the Questionnaire and the Draft Convention were considered some time ago by the Government of India and the Local Governments and that all of them came to the conclusion that it was unnecessary to extend the provisions of the Convention to this country. My Honourable friend, however, in the course of his speech himself confessed that there were certain cities in India where the provisions of the Convention or of the Safety Code might be applied. In cities like Calcutta, Bombay

and Madras where big buildings are being constructed it may be practicable and not merely practicable but also desirable to make rules which will provide for the safety of the workers. Now this is an additional reason why I think the Government of India should have adopted a more positive attitude towards the Convention than they have done. They are now going to consult the Provincial Governments. I do not know when they received the text of the Convention and the Recommendations and the Model Code as adopted by the International Labour Conference, but I should think that had they taken a little more interest in the matter they had sufficient time at their disposal to consult Provincial Governments and to come forward with constructive suggestions now.

It is obvious, Sir, that the Convention cannot be adopted unless it is supported by the Government of India. It will be useless therefore to oppose the Resolution moved by the Honourable Member. Indeed, I am not going to oppose it, but I do hope that in view of what I have said the Government of India will give their closer consideration to this matter and will not be disposed merely because of the smallness of the area to which the provisions of the Convention might be profitably applied to set aside the Convention. It will be good in a matter like this to make even a small beginning. We know the great handicaps under which illiterate labourers work in this country. Any provision relating to their welfare however small ought I think to be welcomed by Government and the Legislature.

There is one other point, Sir, to which I would like to draw the attention of my Honourable friend Sir Muhammad Yakub. Article 2 of the Recommendation concerning safety provisions in the building industry says :

"Any members of the International Labour Organisation which have not ratified the Safety Provisions (Building) Convention, 1937, should communicate every third year to the International Labour Office on a voluntary basis a report indicating the extent to which effect has been given to the Model Code".

I listened attentively to my Honourable friend, but I found nothing in his speech relating to this Recommendation. I hope that the Government of India after they have received the opinions of the Local Governments will find it possible to give effect to the Convention even though to a limited extent ; but even if unfortunately they come to an adverse conclusion I hope that in accordance with Article 2 of the Recommendations which I have just read out they would agree to submit a report every third year to the International Labour Office showing to what extent it has been possible for them voluntarily to carry out any of the provisions of the Model Code. This will create no difficulties for them ; on the other hand, I think it will enable the International Labour Office to feel that the Government of India, though prevented by practical considerations in their opinion from giving effect to the Convention are trying on their own initiative to do whatever they can to provide for the safety of workers in the building industry.

THE HONOURABLE SIE MUHAMMAD YAKUB : Mr. President, I am glad that my Honourable friend Mr. Kunzru has made a speech which is rather a supplement to my speech. My Honourable friend would realise that now that provincial autonomy is established in the provinces and every one of us is anxious to see that autonomy should be carried out in the provinces to its fullest extent, I think it would not be possible, or desirable, for the Government of India to inflict its opinions in matters like this upon the provinces in greater detail than I have done. We are not averse, Sir, to take steps to help Provincial Governments in framing any legislation which they want in matters

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of the safety or anything like that, but probably it would not have been advisable for the Government of India just at present to do more than what I have done, that is, to seek the opinions of the Provincial Governments and find out what they are going to do. I do not think, Sir, I need add anything more, and with these observations I place my Resolution for the acceptance of the House.

THE HONOURABLE THE PRESIDENT: Resolution moved:

"That this Council having considered the Draft Convention and Recommendations relating to safety in the building industry recommends to the Governor General in Council—

- (a) that Provincial Governments be consulted regarding the desirability and practicability of legislation to secure greater safety for workers in the building industry; and
- (b) that their attention be drawn to the Recommendations concerning co-operation in accident prevention and vocational education."

Question put and Motion adopted.

THE HONOURABLE THE PRESIDENT: Before I adjourn the Council I wish to remind Honourable Members that a group photograph will be taken on Friday, the 4th March, 1938, at 10-45 A.M.

The Council then adjourned till Eleven of the Clock on Friday, the 4th March, 1938.

COUNCIL OF STATE.

Friday, 4th March, 1938.

The Council met in the Council Chamber of the Council House at Eleven of the Clock, the Honourable the President in the Chair.

QUESTIONS AND ANSWERS.

FEDERATION.

144. THE HONOURABLE MR. G. S. MOTILAL: Will Government be pleased to state whether they have consulted the Provincial Governments in regard to the federation of India? If so, when was it done?

(b) Whether Provincial Governments are associated with the Government of India in the negotiations being carried on with the States in regard to federation?

THE HONOURABLE KUNWAR SIR JAGDISH PRASAD: (a) and (b). No.

THE HONOURABLE MR. HOSSAIN IMAM: Have they received any intimation from the Provincial Legislatures?

THE HONOURABLE KUNWAR SIR JAGDISH PRASAD: Sir, I must ask for notice of that question.

THE HONOURABLE PANDIT HIRDAY NATH KUNZRU: Have they not consulted the Provincial Governments?

THE HONOURABLE KUNWAR SIR JAGDISH PRASAD: I am afraid I must ask for notice, Sir.

THE HONOURABLE PANDIT HIRDAY NATH KUNZRU: Do they propose to consult them in the future?

THE HONOURABLE KUNWAR SIR JAGDISH PRASAD: I understand that a similar question was asked in the House of Commons and the reply was that it was not contemplated. I am speaking from memory. I would ask my Honourable friend to table a question. I cannot answer off-hand.

INSTRUMENT OF ACCESSION FOR PURPOSES OF FEDERATION.

145. THE HONOURABLE MR. G. S. MOTILAL: (a) Will Government state whether the Draft Instrument of Accession for the purposes of Federation has been revised and changed during the last 12 months?

(b) If the answer to (a) is in the affirmative, will Government state what changes have been made from time to time, and for what purpose?

(c) Will Government place on the table copies of the Draft Instrument both original and as revised from time to time?

THE HONOURABLE KUNWAR SIR JAGDISH PRASAD : I will take all three parts of the question together. The form of the Instrument of Accession is still under consideration. The attention of the Honourable Member is invited to the Press Communique dated the 15th of August, 1936, with which was published a Draft Instrument of Accession, which replaced an earlier provisional one which was also published and to which a reference was made in the Press Communique cited. It is the later of the two drafts which is still under consideration.

THE HONOURABLE PANDIT HIRDAY NATH KUNZRU : Will it be published, Sir ?

THE HONOURABLE KUNWAR SIR JAGDISH PRASAD : I am afraid I cannot answer that question, Sir.

IMPORTATION OF FOREMEN FOR MECHANICAL WORKSHOPS OF STATE-MANAGED RAILWAYS.

146. THE HONOURABLE RAI BAHADUR LALA RAM SARAN DAS : Will Government state whether they intend to import foremen for mechanical workshops of Railways to replace the Indians who are now officiating in that capacity ? If so, why ?

THE HONOURABLE SIR GUTHRIE RUSSELL : The policy of Government, with regard to importing supervisory staff for the mechanical workshops of the State-managed railways, is stated in the remarks against paragraph 50 on page 2 of the statement showing the action taken by the Railway Department (Railway Board) on the paragraphs in Chapter III to XI of the Indian Railway Enquiry Committee's Report (1937), a copy of which is in the Library of the House.

RAILWAY BUDGET.

147. THE HONOURABLE MR. G. S. MOTILAL : Will Government be pleased to state whether the Railway Budget will continue to be presented to the Central or Federal Legislature after the Statutory Railway Authority begins to function, and demands for grants relating to the said Budget will be submitted to the vote of the Legislature ?

THE HONOURABLE SIR GUTHRIE RUSSELL : No.

ALLOTMENT OF QUARTERS TO MEMBERS OF THE COUNCIL OF STATE IN SIMLA.

148. THE HONOURABLE MR. KUMARSANKAR RAY CHAUDHURY : Will Government state :

(a) Whether quarters allotted to Members of the Council of State at Simla are meant for non-official Members only or for all Members thereof ?

(b) If they are meant for the non-official Members only, how many of them live in European style and how many in Indian style and what constitutes the difference in the two styles ?

(c) Whether their attention has been drawn to the great inconvenience felt by Members living in Indian style ? If so, what steps do they propose to take to remove it ?

THE HONOURABLE MR. A. DEC. WILLIAMS : (a) For all Members.
(b) Does not arise.

(c) The answer to the first part is in the negative.

The second part does not arise.

THE HONOURABLE KUMARSANKAR RAY CHAUDHURY : Is it a fact that six quarters are reserved for those who live in European style and they are all single member quarters ?

THE HONOURABLE THE PRESIDENT : It does not arise out of the answer given. I disallow it.

THE HONOURABLE KUMARSANKAR RAY CHAUDHURY : With regard to that my submission is that my question was in a different form.

THE HONOURABLE THE PRESIDENT : No argument please. I have already given an authoritative ruling at considerable length explaining the whole position the other day.

EXPORT OF WHEAT FROM KARACHI AND LOSS OF FREIGHT THEREON.

149. THE HONOURABLE MR. KUMARSANKAR RAY CHAUDHURY : Will Government state :

(a) The quantity of wheat exported from the Punjab through Karachi during the years 1935-36 and 1936-37 to different countries, respectively ?

(b) The amount of freight lost through the reduction of freight thereon during those years, respectively ?

(c) The amount of loss of freight on cotton and oilseeds on account of slump in trade during the years 1935-36 and 1936-37, if any, respectively ?

(d) The decrease in quantity of cotton and oilseeds transported over railways during the years 1935-36 and 1936, if any, respectively ?

THE HONOURABLE SIR GUTHRIE RUSSELL : (a) I would refer the Honourable Member to the "Report on the Maritime Trade of the Province of Sind" for each of the two years in question. These reports give figures showing exports from Karachi to various countries, but figures are not available to show what proportion of the quantity exported originated in the Punjab.

(b) I presume the Honourable Member has in mind the rebate of freight charges on exports. The compilation of the figures required to show separately the rebate granted on despatches from the Punjab would involve a considerable amount of labour not commensurate with any use to which the figures could be put.

(c) and (d). I would refer the Honourable Member to Statement No. 29 in Volume II of the "Report of the Railway Board on Indian Railways" for each of the years in question.

TOTAL NUMBER OF DIVISIONAL SUPERINTENDENTS ON STATE-MANAGED RAILWAYS, ETC.

150. THE HONOURABLE HAJI SYED MUHAMMAD HUSAIN : (a) What is the total number of Divisional Superintendents in the State Railways ?

(b) How many Indians there are in the State Railways on the posts of Divisional Superintendent ?

(c) Is there any Muhammadan Divisional Superintendent in the State Railway? If not, why not?

(d) How many posts there are in the administrative grade in the State Railways other than Divisional Superintendents?

(e) What is the number of Europeans, Hindus and Muslims on the posts mentioned in (d)?

(f) Will there be vacancies temporary or permanent in the near future in the administrative grade of Divisional Superintendent?

(g) Has Government any intention to keep in view the communal proportion in filling those vacancies?

THE HONOURABLE SIR GUTHRIE RUSSELL: (a), (b), (d) and (e). I lay on the table of the House a statement giving the information required.

(c) As regards first part of part (c), there is no Muslim Divisional Superintendent at present. There was one on the N.W.R. who has recently been transferred to the Railway Board's office.

As regards the second part of part (c) and part (g) promotion to administrative grades is not made on communal grounds. In this connection I would refer the Honourable Member to paragraph 6 of the Home Department Resolution No. F. 14/17-B/33, dated the 4th July, 1934, a copy of which is in the Library of the House.

(f) Temporary or permanent vacancies occur from time to time from various circumstances, all of which cannot be foreseen.

1	2	3	4		
Total number of Divisional Superintendents on the State-managed railways. [Part (a)]	Number of Indians holding the posts of Divisional Superintendents on the State-managed railways. [Part (b)]	Total number of administrative grade posts other than Divisional Superintendents on the State-managed railways. [Part (d)]	Number of Europeans, Hindus and Muslims occupying posts mentioned in column 3. [Part (e)]		
			Euro-peans.	Hindus.	Muslims.
18	4	115	94	13	3

NOTE.—The balance of five officers, that is, the difference between columns 3 and 4 belong to other communities.

COMMUNAL STRENGTH OF OFFICERS IN THE GOVERNMENT OF INDIA SECRETARIAT AND CERTAIN OTHER OFFICES.

151. THE HONOURABLE HAJI SYED MUHAMMAD HUSAIN: 1. Will Government state the number of European, Christian, Hindu and Muslim officers employed in the following Departments of the Government of India:

(a) Secretariats—External Affairs Department, Political Department and Federation Office;

(b) Central Board of Revenue, Auditor General of India, Director of Railway Audit, Accountant General, Posts and Telegraphs, Deputy Accountant General, Posts and Telegraphs, Accountant General, Central Revenues, Audit Office, Indian Stores Department, Director of Audit, Defence Services, Office of the Financial Adviser, Military Finance;

(c) Legislative Department, Solicitor's Branch and Federal Advocate General;

(d) Department of Commerce, Commercial Intelligence and Statistics Department, Indian Stores Department, Department of Labour, Controller of Printing and Stationery Office, Central Stationery Office, Department of Education, Health and Lands, Imperial Council of Agricultural Research Department, Office of the Agricultural Marketing Adviser to the Government of India;

(e) Department of Communications and Posts and Telegraphs Department?

2. Do Government intend to increase the number of Muslims to adjust the communal proportion in the above services if their number is disproportionate?

THE HONOURABLE MR. F. H. PUCKLE: 1. (a) to (e). I would refer the Honourable Member to the Government of India Directory, November, 1937, a copy of which is available in the Library.

2. The superior posts in the offices mentioned are all selection posts and are filled by promotion, which, in accordance with the policy laid down in Home Department Resolution No. F. 14/17-B/33, dated 4th July, 1934, is given solely on merit.

STANDING COMMITTEE ON EMIGRATION.

THE HONOURABLE KUNWAR SIR JAGDISH PRASAD (Education, Health and Lands Member): Sir, I beg to move:

"That this Council do proceed to elect, in such manner as the Honourable the President may direct, four non-official Members to serve on the Standing Committee on Emigration."

The Motion was adopted.

THE HONOURABLE THE PRESIDENT: With reference to the Motion which has just been adopted by the Council, I have to announce that nominations to the Committee will be received by the Secretary up to 11 A.M. on the 7th March, 1938, and the date of election, if necessary, will be announced later.

THE HONOURABLE KUNWAR SIR JAGDISH PRASAD (Leader of the House): Sir, I would request you kindly to adjourn the House to a Quarter Past Twelve today to enable my Honourable colleague the Finance Member to be present here. He is unavoidably detained in another place.

THE HONOURABLE THE PRESIDENT : This must not be regarded as a precedent in any case. I understand the circumstances are entirely special and of a very important character, and I would like the presence of Sir James Grigg here, and as he is prepared to come at a Quarter Past Twelve I will allow it. But I repeat again that this adjournment will not be regarded as a precedent.

The Council then adjourned till a Quarter Past Twelve of the Clock.

The Council re-assembled at a Quarter Past Twelve of the Clock, the Honourable the President in the Chair.

GENERAL DISCUSSION OF THE GENERAL BUDGET FOR 1938-39.

THE HONOURABLE THE PRESIDENT : The Council will now proceed with the discussion of the Budget.

THE HONOURABLE RAI BAHADUR LALA RAM SARAN DAS (Punjab : Non-Muhammadan) : Sir, I want to make a statement on behalf of my Party.

THE HONOURABLE SIR JAMES GRIGG (Finance Member) : Sir, I understand that some Members of this House—

THE HONOURABLE THE PRESIDENT : Do you wish to make a statement ?

THE HONOURABLE SIR JAMES GRIGG : I wish to address the House at this stage, Sir.

THE HONOURABLE RAI BAHADUR LALA RAM SARAN DAS : I want to make a statement first, Sir.

THE HONOURABLE THE PRESIDENT (to the Honourable Rai Bahadur Lala Ram Saran Das) : You will have your say. In the peculiar circumstances of the case I allow the Finance Member to give his explanation. Then I will call on you.

THE HONOURABLE RAI BAHADUR LALA RAM SARAN DAS : If I make the statement now it will enable the Finance Member to reply to my points which I am raising in our protest. It is better that our protest is made before the Honourable the Finance Member speaks. How can he foresee our points ?

THE HONOURABLE SIR JAMES GRIGG : The Finance Member prefers to make his statement first.

THE HONOURABLE THE PRESIDENT (to the Honourable Rai Bahadur Lala Ram Saran Das) : I will give you full opportunity to make any statement and if it requires a reply I will ask him to make it.

THE HONOURABLE SIR JAMES GRIGG : I understand—the understanding is confirmed by what the Honourable Member has just said—that certain Members of this House have it in contemplation to make a demonstration similar to that which occurred two days ago in the Lower House and my object

in making a statement at this stage is that Honourable Members opposite shall have no excuse for not knowing what they are demonstrating about. I propose—

THE HONOURABLE RAI BAHADUR LALA RAM SARAN DAS : There is no demonstration being made.

THE HONOURABLE THE PRESIDENT (to the Honourable Sir James Grigg) : I would advise you not to use the word “demonstration,” because I do not know at this stage whether they are going to make any demonstration or not. They may adopt some attitude which they are entitled to adopt if they choose.

THE HONOURABLE MR. HOSSAIN IMAM (Bihar and Orissa : Muhammadan) : The Honourable Member is replying to an imaginary thing. We have stated nothing and it will be right and proper that we should state our case and then the Honourable Member should reply.

THE HONOURABLE THE PRESIDENT : I have already allowed him to have his say.

THE HONOURABLE MR. HOSSAIN IMAM : I appeal to the Honourable Member himself.

THE HONOURABLE SIR JAMES GRIGG : Sir, with your permission I propose to make a statement in relation to certain events which occurred two days ago in the Lower House and I have as a matter of precaution fortified myself with a statement which I shall read to the House in a minute or two on the legal and constitutional aspects of this question, and I might say here that it was on the legal and constitutional grounds that whatever decision has been taken was taken and I think it is only fair to this House and to myself and to the Government to make this statement because the constitutional position has evidently been imperfectly appreciated. Now, Sir, if you will allow me, I will read it verbatim because it happens to be a statement of the legal and constitutional position which I think this House is entitled to have before it enters into any protest.

“The argument has been taken that though the classification of expenditure of the Defence Department as Defence expenditure is a legal use of a power vested in the Governor General in Council, nevertheless there was no obligation on the Governor General in Council to use that power in the sense in which it has been used ; and that the previous practice should have been permitted to continue under which, while the army estimates were not submitted to the vote, the expenditure of the Army Department (as it was then known) was treated as voted expenditure comparable with the expenditure of other Civil Departments of the Civil Secretariat. This is the sole question at issue, since as previously the Governor General has thrown the entire Defence estimates open to discussion by the Legislature.

As is well known, Central Executive and Legislature, while they are in form unchanged in the transitional period, now function on the basis of the new distribution of powers under the Act of 1935. Briefly, the position is that powers both legislative and financial of the Central Legislature in the transitional period correspond with the powers, after the establishment of the Federation, of the Federal Legislature.

[Sir James Grigg.]

When the Federation is established, Defence will be administered by the Governor General in his discretion. The expenditure which the Governor General will incur for the discharge of his functions with respect to Defence will include the expenditure of the Defence Department and will be charged on the revenues of the Federation under section 33.

In the transitional period section 33 is not in force and the position is regulated by section 67A of the old Act in the modified terms in which it has been re-enacted in the Ninth Schedule of the new Act. The several changes made in that section are in the direction of securing similar classification in the transitional period of voted and non-voted expenditure as will distinguish in the Federation period expenditure submitted to the vote and expenditure charged on the revenues.

The treatment of Defence expenditure as non-voted is a feature common to the old Constitution and the new. But while in the old Constitution it was possible to treat expenditure on the Army Department as in a sense distinct from Defence expenditure, that distinction is no longer permissible under the provisions of the new Act. Thus, in addition to the general statement given above of the new position of the Central Legislature, Part X of the new Act which is now in operation draws a statutory distinction between the Defence Services of the Crown in India and the Civil Services and the effect of section 238 in that Part of the Act is to bring the establishment of the Defence Department within the definition now operative of Defence Services.

I do not know whether the House would like me to read section 238 in case they have not got it handy. It provides :

"The provisions of the three last preceding sections shall apply in relation to persons who, not being members of His Majesty's forces, hold, or have held, posts in India connected with the equipment or administration of those forces or otherwise connected with defence, as they apply in relation to persons who are, or have been, members of those forces".

The marginal description of the section is "provisions as to certain civilian personnel".

"As such expenditure on that Department (that is the Defence Department) requires now to be treated as non-voted; and will, when Federation is established, be charged on the revenues. It follows that in the classification now made there was no issue of policy open to the Governor General in Council to decide. In their classification in the transitional period of the expenditure of the Defence Department as non-voted expenditure the Government of India have followed the prescriptions of the Statute binding alike on themselves and on the Legislature".

So much, Sir, for the legal and constitutional position. But now let us see whether the Legislative Assembly has lost anything real by the change which, I repeat, the Government of India have been compelled by the law to make. The burden of the complaint made in the Lower House was that that House was now prevented from recording a vote on Defence expenditure. That is inaccurate, completely inaccurate. In previous years the Opposition in the Legislative Assembly or the elected Members in the Legislative Assembly have recorded their views about Defence expenditure by voting on the grant for the Defence Department, which covers the salaries of a comparatively small number of clerks and peons in that Department and year by year the Legislative Assembly have rejected the whole of that

provision and have forced the Governor General to restore this element of Defence expenditure and I would like to point out to this House, as I pointed out to the Lower House, that this element of Defence expenditure covers Rs. 4 lakhs out of Rs. 45 crores or less than one-tenth of one per cent. of the whole. I think it will be admitted that to visit the wrath of the Legislative Assembly in regard to matters of Defence policy on a few clerks in the Defence Department is a highly artificial proceeding and so, if there is available a method of expressing a vote which is not appreciably more artificial, then there is no grievance. And, Sir, again, as I pointed out in the Lower House, there is such a method, and that is available in connection with the demand for the Executive Council. After all, it is the Executive Council which is responsible for Defence policy and when Members in the Lower House wished to express their views on Defence policy by censuring the Government, it was the Executive Council they were censuring and not a few clerks in the Defence Department whose pay, as I have said once and say again, amounts to one-tenth of one per cent. of the whole Defence expenditure of the country. And to me, at any rate, it is pretty clear that to express a view or a vote on the Executive Council impinges far more directly on the authors of Defence policy than to reject the provision for the pay of a few clerks in the Defence Department and that method has been adopted in other connections by Opposition Members in the Lower House. Sir, to me it is quite clear—and I hope that with the explanation I have made it will be quite clear to Honourable Members of this House—that the whole grievance is a manufactured one.

THE HONOURABLE MR. HOSSAIN IMAM: Sir, I take strong objection to the word "manufactured".

THE HONOURABLE THE PRESIDENT: I do not think it is an unparliamentary expression.

THE HONOURABLE SIR JAMES GRIGG: It is a manufactured one, and, if Honourable Members of this House will forgive me, the artificial character of the grievance seems to me to be confirmed by the fact that, as I understand from the Honourable Member opposite, the Leader of the Opposition, he has it in contemplation to make a protest about the withdrawal of the privileges which his House has never had.

THE HONOURABLE RAI BAHADUR LALA RAM SARAN DAS: Sir, with your permission I desire to make a statement on behalf of my Party with regard to the Budget discussion. Government, in disregard of a long-standing practice, have deprived the Central Legislature of the right it enjoyed of voting the demand for the Civil Secretariat of the Defence Department. No doubt this House takes no part in the voting of the Budget demand but it cannot remain indifferent to the curtailment of the rights and privileges of the other House with which it forms the Central Legislature.

The provision in the Government of India Act, 1935, applicable to the Defence budget, is to be found in the Ninth Schedule and it is the same as that embodied in section 67A of the Government of India Act, 1919. No change having been made by the present Act in this respect—

THE HONOURABLE SIR JAMES GRIGG: Mr. President, may I interrupt for a second. I would like to ask whether the Honourable Member drafted his statement before I spoke or afterwards, because the main burden of my statement was that a very material change has been made.

THE HONOURABLE MR. HOSSAIN IMAM : There has been absolutely no change, as I shall show from relevant books.

THE HONOURABLE THE PRESIDENT : Order, order. The Honourable the Finance Member has pointed out that there is a new section, section 238, which has come into operation now since provincial autonomy has started, and that section is of a mandatory character. That takes away the option from either Government or the Governor General in Council or anybody, and he referred to that.

THE HONOURABLE RAI BAHADUR LALA RAM SARAN DAS : Sir, I might be allowed to finish my statement, and then the point which the Honourable the Finance Member has raised will be dealt with by the other Members of this Party.

No change having been made by the present Act in this respect, the views quoted by the Honourable the Finance Member—

THE HONOURABLE SIR JAMES GRIGG : Sir, may I again point out that the Honourable Member's statement contains an inaccuracy.

THE HONOURABLE THE PRESIDENT : The Honourable Member, if he chooses, may go into inaccuracies. Let him have his say on the subject.

THE HONOURABLE RAI BAHADUR LALA RAM SARAN DAS : Sir, when I wanted to read my statement in the first place, the Honourable Member intervened. But now I do not think it is right that I should be interrupted in this manner.

THE HONOURABLE THE PRESIDENT : You will not be interrupted.

THE HONOURABLE RAI BAHADUR LALA RAM SARAN DAS— in the Act. It depends on the discretion of the Governor General in Council. There is nothing in the Act as applicable to the present state of things compelling the Governor General in Council to deprive the Assembly of the privilege referred to above. The submission of the demand for the Defence Secretariat gave the Assembly a direct opportunity of expressing its opinion about the military policy of the Government of India which was fully availed of year after year. However embarrassed Government might have been by the adverse vote of the Assembly year after year, this was no justification for changing the procedure followed till last year and imposing a new restriction in a vital matter. We can attribute the change only to a change in the attitude of the Government of India. In order to enter our strong protest against the temper and outlook which this indicates we have decided to take no part in the discussion of the Budget. (Applause.)

THE HONOURABLE MR. RAMADAS PANTULU (Madras : Non-Muhammadan) : Sir, the Congress Party in this House has decided to follow the course of action adopted by the Congress Party in the Legislative Assembly. We feel that no other course is left open to us. The departure made by the Government in the usual procedure by removing from the vote of the Legislative Assembly estimates of expenditure on the Army Secretariat has the effect of curtailing the powers and privileges of the Central Legislature as a whole on a very vital matter. This House cannot allow such an encroachment on the power of the Assembly without recording its protest in some appropriate manner. We feel that the provisions of the Government of

India Act, especially the transitory provisions embodied in paragraph 67A of the Ninth Schedule to the Act have not materially altered the constitutional position so as to make it obligatory on the Governor General to withdraw from the vote of the Legislative Assembly estimates of expenditure on the Army Secretariat. Even section 238 of the Government of India Act if read with the other provisions of the Act has not the effect of forcing any departure before Federation is set up, that is to say, of taking away the discretion vested in the Governor General to permit such estimates being put to the vote of the Legislative Assembly until the Federation is established. No valid reasons for the departure have been given by the Government.

Now, I have listened to the statement of such reasons made by the Honourable Sir James Grigg, and I shall deal with it very briefly after I finish reading the rest of the statement I have written out. The public opinion of this country is greatly outraged by this uncalled for and absolutely provocative departure and the people's representatives will be failing in their duty if they do not record their protest in this House in a fitting manner. We have therefore decided not to participate in the general discussion of the Budget this year. The Congress Party welcomes the statement made by the Honourable the Leader of the Opposition to the effect that his Party have also decided not to participate in the general discussion today. We hope and trust that the other Honourable Members of this House, not belonging to either of these Parties, will also adopt the same course following the example of the Legislative Assembly.

Sir, a word now as to the statement made by the Honourable Sir James Grigg. There is nothing in it which we did not know before we came into the House. At any rate, I read section 238 and the Ninth Schedule of the Act together and not independently of each other. He cannot deny that paragraph 67A of the Ninth Schedule still reserves to the Governor General the discretion to allow the Legislative Assembly to vote upon expenditure classified as "External Affairs" and "Defence".

THE HONOURABLE MR. R. H. PARKER (Bombay Chamber of Commerce) : No, certainly not.

THE HONOURABLE MR. RAMADAS PANTULU : It does. Unless the Honourable the Finance Member argues that section 238 and the Ninth Schedule, paragraph 67A are absolutely independent of each other—that is not the way in which we read Acts—then there is nothing really to prevent the Governor General from exercising the discretion in the same manner as he has done hitherto, at least until the Federation is set up. Therefore, Sir, by the statement that he has made, the Finance Member has not improved his case. Perhaps, he has made it worse. On the legal and constitutional point, I say that he is wrong. I may concede his claim to speak with authority with regard to finance, but I cannot make a similar concession in regard to legal questions, and I repeat that if section 238 and section 317 and the Ninth Schedule are read together, the discretion vested in the Governor General has not been taken away until at least the Federation is set up. What will happen when the Federation is set up is not a matter which we need contemplate. My Party hopes that the Federation will never be set up and the Congress is pledged to do all that lies in its power to prevent its being set up. But that is a different matter. For the present controversy the Act should be read as a whole and the transitory provisions have full operation. Reading the two sections together, I think that on the constitutional and legal position, Sir James is clearly wrong. With regard to the merits, Sir, I think he

[Mr. Ramadas Pantulu.]

has done nothing better than adding insult to injury. He has used provocative expressions which he need not have used. We are not making a demonstration and our protest is not artificial. It is genuine and sincere. He takes advantage of the helplessness of this Legislature with regard to showing their protest in a much more effective manner for the executive is irremovable by a vote of the House. That is why he calls our protest artificial. But that is not the attitude which he ought to take up. He ought to sympathise with our helplessness and adopt more conciliatory language. We are really genuine and sincere in our protest. It may be artificial in the sense that we are not able to do anything more than merely entering our protest. That does not make it any the less real. As regards his argument that if the item is not removed from the vote of the Legislature, all that will be left for the vote of the Assembly is a very, very small portion—the pay of a few clerks—may be a few rupees—that does not matter. It is only by way of voting on the ancillary matters that the Assembly has been hitherto recording its vote against the Defence policy of the Government. We never voted straight upon the expenditure on the Army itself. It is only by a vote on the expenditure of the Secretariat, which forms a very small part of the entire expenditure, that we have been recording our protest with regard to matters of Defence policy. Even in the case of the Viceroy's Council, it is only the allowances, we can vote against. We cannot vote against the pay of the Members of the Viceroy's Council or the Viceroy himself. The allowances amount to a very small part. So do the votable items in Defence expenditure. That is what we want to continue to be done this year. Even if the clerks' salary alone is there on the votable list it will be an occasion for voting against the Defence policy and recording our protest. Therefore, I do not think the Finance Member has improved the position either from the constitutional and legal standpoint or from the standpoint of commonsense. Sir, even after listening to his statement, I have not felt the necessity of changing a word in the statement that I had drafted before I came here and just read out.

With these words of explanation, Sir, I beg to state that the Congress Party, like the Progressive Party, do not propose to participate in the general discussion of the Budget today.

THE HONOURABLE MR. HOSSAIN IMAM : Sir, I wish to reply to the constitutional aspect which the Honourable Member has just read out. The borrowed opinion which he read out to the House—

THE HONOURABLE THE PRESIDENT : Why do you call it "borrowed" ?

THE HONOURABLE MR. HOSSAIN IMAM : Because, it is legal opinion which the Honourable Member does not pretend to know.

THE HONOURABLE RAI BAHADUR LALA RAM SARAN DAS : The Finance Member said that that opinion was the opinion of the Law Department and not his own.

THE HONOURABLE SIR JAMES GRIGG : The opinion, Sir, was that of the constitutional advisers of the Government of India.

THE HONOURABLE MR. HOSSAIN IMAM : Sir, with the borrowed opinion he has brought before us he tried to pretend that our protest—I would prefer to call it attitude—was artificial. I call that an impertinence.

THE HONOURABLE THE PRESIDENT : I thought you were going to speak on the legal aspect ?

THE HONOURABLE MR. HOSSAIN IMAM : On the constitutional aspect. The only thing which he has added to our knowledge is the crass ignorance of the Government who think that Chapter X is the operative part at the present moment. During the transition period, that is, during the period between the introduction of Federation and the introduction of Provincial Autonomy, Chapter XIII really regulates the business of this Council and of the Government of India. I was really wondering why the Government is committing the fault of taking the Defence Department expenditure out of the purview of the Legislature because, if you look at Chapter XIII, section 317, you will find that there is no compulsion on them.

THE HONOURABLE SIR JAMES GRIGG : I do not want to interrupt the Honourable Member unduly, but believe me, he is absolutely wrong in saying that Chapter X is not operative. Let me read from the Government of India (Commencement and Transitory Provisions) Order, 1936, paragraph 3 :

"(1) The provisions of the new Act, other than those of Part II thereof and other than those referred to in the next succeeding sub-paragraph, shall, subject to the provisions of that Act and of this and any other Order in Council made thereunder, come into force on the first day of April, nineteen hundred and thirty-seven, and accordingly that date is the date referred to in that Act as the date of the commencement of Part III thereof.

(2) The provisions of Part VIII of the new Act, of Chapter I of Part IX of that Act, and of the Eighth Schedule to that Act, shall come into force on such dates as His Majesty in Council may hereafter appoint, and section two hundred and thirty-two of that Act shall not come into force until the establishment of the Federation."

THE HONOURABLE THE PRESIDENT : This is merely an academical point at present.

THE HONOURABLE MR. HOSSAIN IMAM : May I read out another section which will clear the point ? I refer to section 317.

"The provisions of the Government of India Act set out, with amendments consequential on the provisions of this Act, in the Ninth Schedule to this Act (being certain of the provisions of that Act relating to the Governor General, the Commander-in-Chief, the Governor General's Executive Council and the Indian Legislature and provisions supplemental to those provisions) shall, subject to those amendments, continue to have effect notwithstanding the repeal of that Act by this Act :

Provided that nothing in the said provisions shall affect the provisions of the last but one preceding section."

That refers to section 315.

THE HONOURABLE MR. J. C. NIXON : That does not prove that Part X is not in operation.

THE HONOURABLE PANDIT HIRDAY NATH KUNZRU (United Provinces Northern : Non-Muhammadan) : The position of the Legislature remains unchanged notwithstanding the operation of Part X.

THE HONOURABLE MR. J. C. NIXON : The statement was that Part X was not in operation, which was a mistake.

THE HONOURABLE MR. HOSSAIN IMAM : The point is, what is the position of this Legislature ?

THE HONOURABLE THE PRESIDENT : You must let individual Members express their own views.

THE HONOURABLE MR. HOSSAIN IMAM : I shall cite the authority of Sir Samuel Hoare. I will not detain the House on a long discussion of the constitutional aspect because those who are not willing to be convinced cannot be convinced. I refer him to page 1949.

THE HONOURABLE THE PRESIDENT : You have already said that. Let Honourable Members read the law as they like. This is simply an academic discussion.

THE HONOURABLE MR. RAMADAS PANTULU : On a point of information, Sir. I want to know whether the Honourable the Finance Member will read sections 317 and 238 together or read them separately? My contention is that they ought to be read together. If so section 238 has no operation now and does not override section 317.

THE HONOURABLE MR. HOSSAIN IMAM : I would refer the Honourable Member to the Parliamentary Debates of the House of Commons of the 13th March, 1935, where Brigadier-General Clifton Brown attacked this very policy and he quoted from *The Times* of that day :

" By 79 votes to 48 the Indian Legislative Assembly today carried a Motion to refuse supplies for the Army Department by reducing the estimate to one rupee ".

He attacked this provision and said it should not exist in the Act to make such a thing possible. Sir Samuel Hoare the then Secretary of State for India replying to the debate made the following statement :

" Knowing also that in the past, it has passed similar votes and that these votes, again, have made no difference to the Indian budget—surely shows that we have in the past allowed full opportunities for debate and that we are now allowing full opportunities for debate"—mark those words—" now allowing full opportunities for debate " . " Indeed, past history goes to show that no regrettable results have come about after these debates " .

And afterwards he stated :

" For these reasons, my advice to the Committee is not to abrogate the facilities that have existed without any serious danger since 1919, but to accept the position as it is in the Bill, realising, as I said at the beginning of my speech, that the fact that there are discussions in no way derogates from the clear responsibility of the Governor General for reserved department of defence or from his powers to see that this reserved department and his responsibilities are in no way compromised " .

So that, I conclude, Sir, is a definite statement of the policy of His Majesty's Government which has been distorted by our irresponsible executive, and as they are a Government of no independent existence but under His Majesty's Government they must follow what their masters dictate.

THE HONOURABLE THE PRESIDENT : We shall now proceed with the discussion of the Budget.

(At this stage several Honourable Members walked out.)

THE HONOURABLE SIR A. P. PATRO (Madras : Nominated Non-Official) : Sir, with the exposition of legal and constitutional matters so clearly placed before the House by the Honourable the Finance Member I am in entire agreement. The rest of the discussion regarding the sections applicable is purely

academic and serves no useful purpose. The exposition of the legal and constitutional position made by the Honourable the Finance Member is to my mind supported by a statement issued this morning by the Leader of the Opposition in the other House, Mr. Desai, who stated that his quarrel with the Government of India is not so much with regard to the constitutional aspect of the question, in regard to which he said the Government of India had the power to make the change, but what he wanted was that the practice that has been allowed for 14 years should not have been disallowed and that was his real grievance. Therefore, Honourable Members on the Opposition should understand that an eminent lawyer like the Leader of the Opposition in the other place does not question the constitutional position taken up by the Government of India. It is only in the matter of a practice established by usage in regard to which he says the House was deprived of the opportunity of discussing the whole of the Defence budget and the policy in regard to Defence. That is his real grievance, and that was the position which I understand is taken up by Mr. Desai in a statement issued to the Associated Press and published this morning. So all the discussion and the statements we had this morning are altogether academic and unnecessary.

So far as this House is concerned, we have no " manufactured " or " artificial " grievance in respect of our right of voting on the Defence budget, for this Chamber under the constitution has the right to a free and general discussion of the entire budget without the power of voting on demands. We are a revising Chamber with a power to set right matters whenever there has not been proper and full consideration of legislative measures intended for the whole country. That being our constitutional position, it seems to me that any other attitude that Members may take up here is altogether beyond the constitution and it only exposes, I should say, their ignorance or exhibit an expression more of passion than of reason. Our right of general discussion is a privilege and power during the exercise of which we can unequivocally express our views, though more often our views are not taken into consideration. We have also our own views on the Indian constitution and the powers accorded to the people thereunder, but I must hasten to consider the budget as it is.

I congratulate the Honourable the Finance Member and the Honourable the Finance Secretary on the presentation of a very sound and cautious budget. In the financial circumstances of the country there is virtue in being dull and commonplace in budget-making instead of being damaging or harmful to the interests of the country. I would characterise this as a " carrying-on " budget with some interesting features. The outstanding features of this budget are that no new tax or other liability has been imposed to meet the growing expenditure or to balance the budget. Secondly, it is proposed to purchase sterling securities in the open market and reduce India's sterling debt, thereby establishing the principle that the national debt should as far as possible be limited to India. That is indeed a very laudable attempt made by the Honourable the Finance Member in order to concentrate the national debt in India. In spite of the enormous expenditure on armaments and military equipment by all the nations of the world, India has at present escaped the danger under the vigilant guidance of our esteemed military chief, His Excellency the Commander-in-Chief.

(At this stage the Honourable the President vacated the Chair which was taken by the Honourable Sir David Devadoss.)

The dark war clouds are hanging on the horizon in the East and in the West. Fortunately there is no proposal here for increased expenditure over last year. There have been many careful readjustments in Defence finances. As summed

[Sir A. P. Patro.]

up in paragraph 40 of the speech of the Honourable Member, the provision for Defence services is Rs. 204 lakhs less than the revised estimate for the current year. This I would emphasise and draw the attention of the Opposition to, to see whether an extraordinary attempt has been made in order to increase the Defence budget. It is no use arguing on matters which they either do not care to understand or deliberately ignore. It is necessary that we should understand the facts, as they are and draw reasonable inferences from them. The estimates no doubt indicate an increase of Rs. 38 lakhs net due to the improvement effected in the Royal Indian Navy to maintain six modern sea-going escort vessels for coastal defence which provide a splendid opportunity for Indians to serve and man the fleet and co-operate with the Royal Navy. The contribution paid hitherto by the Government of India to Great Britain of £100,000 has been released. The opening of another cordite factory for preparing high explosives in India for India's needs as it is not practicable to import material from Great Britain now is a very important step. Aircraft has also been strengthened and an expenditure of more than Rs. 2 crores and odd has been provided. Further opportunities again are provided for Indians to serve in aircraft. The mechanisation of the British cavalry and Indian Army is a great step to bring the army to the level of the British force. These are, Sir, undisputed facts which must be seen to know how far the Defence forces have been supported by Indian finance. It is not merely a question of demonstration, but it is a question of reasonable inference drawn from facts. From these facts we see that there has been a great improvement and advance in the Defence forces. I do emphasise that our Defence forces must be made more efficient. As it is, Sir, we have got our army. It is not so much as a Defence force but much as to maintain peace in the country and to repel any attacks from border side enemies. These were the original objects of the Indian Army. Now, Sir, circumstances have changed and we see enemies both in the eastern and western parts of India. The wide sea coast we have got requires greater vigilance and greater efficiency of the Indian Army. We should judge the budget not from the point of view of the politician or political party but should judge it from the point of view of the safety of the people and of the taxpayers of the whole of India.

Do we discover any outstanding relief provided from the burden of taxation? The indirect benefits accrued under the budget will not be easily perceptible and do not directly appeal to the taxpayer. Has any provision been made not only to take off the existing burden of taxation but to provide for agricultural development for the economic uplift of the masses as compensated for the sacrifices made by him? In an agricultural country development of agricultural industry is of foremost importance. Trade and commerce depend upon the raw produce and so the problem is what encouragement is provided for agriculture, trade and commerce? I realise agricultural industry is a provincial subject and it is the duty of the provinces to be able to organise such schemes as would benefit the agriculturist, but, Sir, it is not actually the case. In the circumstances of the country unless the Centre plays an active and important part in the sphere of economic progress, India will continue to move in the same slow, ineffectual and inadequate manner. The Centre has all the expanding sources of revenue, railways, customs, central excises, income-tax and stamps. There is not much evidence of any direct relief either to reduce the salt tax, postal rates and supertax on incomes. The Finance Member showed the greatest partiality to the provinces. The whole attempt in the budget has been more concentrated to find ways and means of financing the new constitution carrying out the Neimeyer Award than seek to benefit

the country side. What has been done for the villager in order to impress upon him that the British Raj is ruling and not any other Raj is ruling? It is an admirable achievement no doubt of the Honourable the Finance Member to finance provincial autonomy. How would the village be impressed by this great work or great financial feat which has been achieved by the Finance Member? If provinces had voluntarily surrendered their revenues and dried up sources of normal revenue, is it to them that this portion of the people's money to be diverted? If provinces have been so extravagant and so hasty in order to carry out their political programmes, is the Central Government to assist them in their extravagance? It is a matter for serious consideration because it has become the fashion, the order of the day, to make spectacular plans to catch the imagination of the village and increase the hold of a particular political party on the village instead of carrying peace and prosperity to the village. More unrest is created in the country side than peace and prosperity. I am led to make these observations from experience as a province the other day voted the people's money of Rs. 2 lakhs to aid the handloom industry, but placed the whole funds in the hands of the party political organisation, the actual workers only getting two annas for eight hours a day. This is the position. The Centre contributes a crore and a quarter of rupees to be distributed to all the provinces. What use do the provinces make of the money? The Centre has no control. It is at their free will that the provinces have to utilise the money. Here is an example of spending money for the purpose of developing and improving the handloom industry, encouraging the poor weavers who have been without work. What has been done? The whole amount has been placed in the hands of the political organisation and the political party has to distribute the money. Nevertheless the condition of the workers is most miserable. Two or two and a half annas a day for eight hours work. Therefore provincial contributions given at this stage seem to me of very doubtful advantage to the people, to the villages.

It may be said that it is inconsistent to ask for reliefs from taxation on the one side and ask for provincial contributions on the other, but I need hardly point out that in a budget of Rs. 85 crores it is possible that there would be any amount of economies available for the purpose of finding funds.

One of the most important parts of the budget is the Defence. I read the other day a trenchant criticism of the Defence budget, that it should be drastically cut down, there being no danger of an external invasion and the Army in India is maintained for Imperial purposes. The critic is living in a sphere of his own. It is dreamland. There is another school of thought which demanded the strengthening of the Defence forces and Indianising the same; while a third school want conscription and preparation of the people for defending themselves, all persons of ages between 20 and 30. There are advocates who want the British Government to fight Fascism and support the socialistic republics. Whatever view one may hold, the Defence budget has not shown any large increase of expenditure for the coming year. I beg the House to think in terms of India, in terms of the country, in the safety of the unprotected people and the protection of the people of India as a whole and not of a particular political party. That is the great desideratum today. We are more carried by the political party programmes than by the needs of our country. Parties and persons change, but India remains the same. Liberty will not descend on the country unless everyone works towards it. We must earn it with a far-seeing vision. The Indian Army, as I said before, is formed for the purpose of internal security; it was not prepared as a fighting force for modern warfare nor could it be said to be for Imperial purposes without a thorough re-equipment. A very useful pamphlet was circulated

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the other day, namely, " Facts and Figures about Indian Defence, 1935-36 ". It is a very illuminating document. If anyone wants to be informed correctly about the state of things regarding Defence, I would recommend to him that he should read and analyse the arguments that were advanced in explanation of the various criticisms that we are accustomed to advance. I have advanced several of these arguments in criticism of the Defence budget and now we find after reading this statement one has to modify some of his views to some extent :

"The plain fact is that about half the army in India will be incapable of taking the field in war formation required for any campaign of modern dimensions".

This is the whole crux of the Defence problem. If the Indian Army is not prepared to take the field when the time of emergency arises, then are we to allow these things to go on in that manner without improving the efficiency of the Indian Army. We have been all along dependent on Great Britain. It is India's primary duty to maintain an efficient Defence force, army, navy and air force. It is a serious problem. There may be danger from the East. If Southern China is occupied and if any Power overpowers ^{us} I am, the Power is at the door of India. Bengal would be the first to be attacked. And you see the long coast-line. Any foreign ships carrying aeroplanes may release them either at Calcutta, Madras or Bombay, and then there would be danger. Are we prepared against such dangers? Have we been equipped with mine-sweeping and mine-laying mechanisations in our defence? We have to depend on the Royal Navy for all these things. But we cannot get timely help in that way: it may come too late. In the meantime, as the "Emden" demonstrated during the last war, untold damage may be done. That is the position in which we find ourselves—helpless in our defence. Our North-West Frontier is not free from anxiety. The cost of the Defence force is estimated at Rs. 45·18 crores but a large sum goes towards pensions, another sum towards the auxiliary services, and even a crore and a half is paid back to the Indian exchequer in the shape of taxes. Therefore, the net expenditure seems to me to be about Rs. 32 crores in all.

One remarkable fact which should be remembered in this connection is that since the Capitation Committees Award and the contribution towards mechanisation and the release of £100,000 as a contribution towards the Royal Navy, it seems clear that Great Britain has increasingly realised the principle that the entire Army expenditure could not be legitimately charged to India alone. That is my reading and interpretation of the position from these awards. It is a recognition by Great Britain that India is not able to take complete financial responsibility for her defence. As long as India does not become responsible for her defence and cannot frame its own policy, it is but just in the nature of things that Great Britain should take this view, namely, that unless and until India is responsible for her Defence policy and India is responsible for Defence then India cannot be charged with the whole of the expenditure on Defence. Therefore we ask Great Britain for a contribution for Defence expenditure. That is the demand we make, both in this House and in the other House. If mechanisation has been opposed it is not for the amount that has been given; it is for the establishment of the principle that Great Britain should bear a certain proportion of the burden of Defence expenditure. Great Britain must make larger grants to Indian defence. The budget may be lightened thereby. The House must concentrate on that.

Another very effective way is gradual Indianisation as men and officers are available capable of replacing the existing men and officers. There should be a definite plan worked out for a number of years. There is sound material

available for officers and men in the country but it must be used properly and it will take time. It is not to be thought of that Indianisation will be effected in a year or two. As men are available and as men are trained and are prepared to replace those that are in existence Indianisation will proceed. It is then only that the Defence expenditure will be gradually reduced. Sir, this principle therefore must be sympathetically and effectively worked out. India's relief from Defence charges would then be inevitable. As I said, the problem must be considered from the safety point of view of India and not from the point of view of politics, the protection of the people should be the foremost concern of India. We must therefore concentrate on these two points, namely, a contribution from Great Britain and gradual Indianisation, if we are to lighten the burdens relating to Indian defence. Otherwise, Sir, at present there seem to me no means of relieving the heavy expenditure in the Defence budget. It is what it was last year. There has not been a very great increase. Thus once more the budget, though it is a carrying-on budget, has been prepared in a sound financial perspective considering the financial circumstances of this country and I congratulate the Finance Department on the manner in which they have dealt with the many problems relating to the welfare of India.

The Council then adjourned for Lunch till a Quarter to Three of the Clock,

The Council re-assembled after Lunch at a Quarter to Three of the Clock,
the Honourable Sir, David Devadoss in the Chair.

THE HONOURABLE RAO BAHADUR K. GOVINDACHARI (Madras : Non-Muhammadan) : Sir, I am in the fortunate position of being able to say a few words on the merits of this year's budget without involving myself in any legal or financial controversies which resulted in so many of the benches to my right being vacant.

The outstanding features of the Honourable the Finance Member's budget are the arrangements for financing the new constitution and the provision of money to the provinces which will enable the Provincial Governments to promote schemes of rural development. His ability to finance the provinces is mainly due to the careful handling of the central revenues. Many friends of provincial autonomy were somewhat sceptical about its success mainly on financial grounds but under the budget sufficient encouragement is given to the provinces to enable them to start on their journey with optimism and hope of increased assistance from the Centre in years to come. There are certain items of expenditure in the budget such as the Waziristan operations and the Lahore abattoir which will not occur in future. This will enable the Finance Member to find more money for the provinces in future. Public opinion is entirely in favour of the Honourable Sir James Grigg's programme to finance the provinces to develop village industries and rural sanitation, water supply, medical relief, etc. Any criticism of this policy on the ground that the provinces will not utilise the grants from the Centre for the benefit of the people is extremely unfortunate.

The provision for maintenance of warships by India instead of making a money contribution to Britain for the naval defence is a step in the right direction and must be welcomed by India. In organising the Indian Navy it is hoped that the claims of Indians for employment in the Navy will be duly safeguarded.

[Rao Bahadur K. Govindachari.]

The Honourable Sir James Grigg deserves to be congratulated for providing for all essential services besides meeting the additional expenditure incidental to the new reforms without imposing any additional taxation on the people.

* THE HONOURABLE NAWABZADA KHURSHID ALI KHAN (Punjab: Nominated Non-Official): Sir, I rise to offer my congratulations to the Honourable the Finance Member for presenting a surplus budget (although a very small surplus), in spite of the numerous handicaps mentioned by him. Prominent among these handicaps are the losses incurred by the Central Government, due to the separation of Burma, the introduction of provincial autonomy and the provisions of the Neimeyer Award to the provinces.

The increased item of Defence, in view of the world situation, seems quite reasonable and necessary. It is also gratifying to see that His Majesty's Government have contributed a big portion for the mechanisation of some units of the Army in India. The war clouds on the world's political horizon are making Indians anxious about the defence of this country, and the possession of adequate forces for this purpose. With this in view, the increase in the Defence budget is in keeping with the times.

It is also gratifying to see that we are likely to have improvements in our small Navy and that a large sum which India contributed to the Royal Navy will now be utilised for the Royal Indian Navy. The Indian Navy will, it is hoped, afford a chance for Indians to get naval training in future.

While talking of the Defence item, I am naturally reminded of my fellow-men in the Punjab, who have given the best of their lives in the service of the Army. I mean the ex-soldiers. I know a large number of them, and I do not feel happy to see their financial plight. These people, I am sure, have a claim on the Government of India, firstly, because they have rendered the most valuable and loyal service, and secondly, because they belong to the martial races of the Punjab. I appeal to the Government of India to give favourable consideration to their needs.

Sir, Government are aware of the conditions of unemployment of the educated young men in this country. Recently, I glanced through a circular letter issued by the Industries Department, suggesting ways and means whereby education could be made more useful to face the struggle of life. This shows that the matter of unemployment is receiving the serious consideration of the Government of India. I assure the Government that if they succeed in tackling this question, they will receive the approbation of the whole country. There is no doubt that there is a good deal of waste in the present system of education which ought to be stopped, but at the same time, nothing should be done to retard the progress of education, which will help us in getting literature, scientists, and philosophers—so greatly needed in this country.

I must also sound a note of warning that, while a change in the system of education will go a long way in solving the problem of unemployment, the real solution is only possible when all avenues of employment are fully tapped. From this point arises the question of the recruitment for the Services. It is gratifying that in the Central Government, as also now in the provinces, the recruitment is made through the forum of the Public Services Commission. It is obvious that by their constant connection with the candidates for various posts, the experience which the Public Services Commission gain in supplying proper men is not available to individual departments.

* Not corrected by the Honourable Member.

In my opinion, therefore, the Commission should be the only forum which should be commonly utilised.

I take this opportunity also of offering my congratulations to the Honourable the Leader of the House for the strenuous fight which he has been putting up to safeguard the rights and interests of Indians overseas. I am not disappointed to see that the result has not been as satisfactory as we would like it to be, but I am sure the time will come when Governments overseas will realise the importance of adjusting things in the just and right spirit.

Sir, I again congratulate the Honourable the Finance Member on the budget he has presented us.

THE HONOURABLE MR. R. H. PARKER (Bombay Chamber of Commerce): Sir, I start with the advantage, which was lacking in the other House, of knowing Government's views on the constitutional issue which was raised by the Opposition in that House. From my point of view on that (there is no question about it), neither House has suffered any substantial change: but I am speaking purely in my individual capacity. I think it is necessary to examine the matter completely, dispassionately, and I must regret that, from my point of view, the Opposition have exhibited a certain amount of what I call special pleading. It came to me with rather a shock that an eminent lawyer like the Honourable Mr. Pantulu should express the views on the legal point that he did. And here, I would like to say that it is a purely legal point. It was never, and never could be, a point for the Finance Member to deal with, with due respect to him. Nevertheless, I want to analyse it, and although I am not a lawyer by profession, I have very great experience of law and I have spent a lot of time studying it. I start with the point that this is a new constitution. The main argument, which was a good argument, that they used was that a constitution to a large extent depends on usage. That is true with a constitution which is a continuing constitution. But here we have a new constitution where no argument of usage can arise at all. You are starting *de novo* here with a new constitution. On the practical issue and the immediate results, I really cannot see that there is anything to be said for the argument that you are denying the opportunity to cut the pay of clerks but you still have the opportunity to cut the allowances of the Executive Council. That seems to be distinctly weak, and as I say, special pleading.

Coming to the 1935 Act itself. I start with the point that it must be interpreted as a whole and the mere fact that you have lifted from the old 1919 Act a certain provision and embodied it in the new Act does not mean that the usage of the old Act under that applies in any way to the provision in the new Act. When the Government of India Act of 1935 came into force, so far as provincial autonomy was concerned, it became obviously necessary to re-examine in the light of the Act the question of votable and non-votable budget items.

(At this stage the Honourable the President resumed the Chair.)

The Honourable the Finance Member of the Governor General's Council was, I suspect, on leave at the time this particular point was dealt with. But I have already said that it is purely a legal point and I think that the legal advisers of the Government of India quite properly advised, as they did, that this item was non-votable. With that opinion I quite agree.

Leaving the constitutional point which I think has been completely dealt with now, I would like to ask my Honourable friend the Finance Member whether this change in procedure and in the time allotted to matters of this

[Mr. R. H. Parker.]

kind in connection with the budget and the Finance Bill has resulted in any change in the prospects and in the intentions relating to the Income Tax (Amendment) Bill, and I would like to know what the position is on that point?

Coming to more general remarks on the budget itself, I do sincerely congratulate the Honourable Member for the way in which he has met the difficulties of a very difficult situation—the new Act coming into force, the new expenses incurred in connection with that, and so on. There is a saying, “Happy the nation that has no history”, but the Honourable Member rather indicated that “Happy is the nation that has a dull budget”. But I would draw his attention to some points which I do not think are dull at all. There are still the emergency surcharges. I do not call that a dull thing; I call it a rather exciting and nasty thing. Then he says, and I quite disagree, that we are still short of equilibrium by about Rs. 50 lakhs. I am afraid I would have to multiply that a good many times before I could come to a figure I would put down; I should say three, four or five times perhaps. And I draw your attention, Sir, to this, that it is a good year you are dealing with and you are still, according to your own estimates, short by something like Rs. 50 lakhs. In a good year we are taking all the surplus from the railways as ordinary revenue.

THE HONOURABLE SIR JAMES GRIGG: No.

THE HONOURABLE MR. R. H. PARKER: Are we not? Perhaps you will tell me how much you are not taking? I say you are taking very much too much. You are making no reserves for the bad years. In the bad years you have merely accumulated the losses and I think that is a very unsound attitude to adopt. You have a completely inadequate depreciation fund and have no reserves and no general reserve either.

I am disappointed that the Honourable Member has not taken into consideration what I hoped he would on this occasion, the necessity of revising tariffs. I want to know that tariffs are economically sound from the point of view of the country as a whole. I do not think they are. I do not think it can possibly be wise to go on with these high duties on motor cars and motor lorries and the means of motor transport generally, machinery, and so on. Possibly the Honourable Member's answer will be that he would like to have time for that, that he has just brought out an economic expert and wants to know what he thinks. Well, I hope he will think a lot and come to some conclusion.

Then on points relating to taxes on income, I would like to mention the proposed slab system. I think it is a very sound one but I must say this, that I do hope that you will calculate your slab system, if you adopt it, to produce no more revenue than the existing scale and that you will not use it as a cloak for increasing taxation. It is a great temptation to you, I know. I have not got the means of arriving at the detailed calculations that you have, but it should not be used to increase taxation but to arrive at a more equitable distribution of taxation.

Here I come to another note of congratulation. I do think the proposed to have the Telephone Capital Fund is a very sound one. It is something in the direction of commercial management, although I must admit I am one of those who would prefer all these public utility undertakings to be run by commercial money and not by Government money. I do hope we shall soon come to the stage when the Honourable Member will agree that he must put

some of his railway revenue surplus, as he calls it, to reserve, and that he will arrange to divide that between reserve and general revenues. Finally, I share his hopes that next year may be as good as he hopes himself.

THE HONOURABLE LT.-COL. SIR HISSAMUDDIN RAHADUR (North-West Frontier Province: Nominated Non-Official): Sir, I rise to congratulate the Honourable the Finance Member on his Budget for 1938-39, on which no doubt he has worked so hard. In this connection I would like to make a few suggestions for the consideration of the House.

Sir, I am glad that ample provision has been made in the budget for rural uplift. This indeed is a very important question and one which has been engaging the attention of the Government for some years past. It is high time now that the matter is pushed through in right earnest. Our towns and cities are marching onwards. People there are no longer burning mustard oil to provide themselves with light, but are now enjoying electric light. But what about the villages? There the people are still burning the same old mustard oil and the same old oil stick for light. There the sanitation is poor, the villagers' dress dirty, and drainage bad. They share the same house with their cattle. The result is that their children grow weak and thousands are carried away by epidemics such as small-pox and cholera. I know of a certain rural area—I need not mention its name—where an officer of the Rural Development Department got two large and beautiful signboards put up at either entrance to a certain village on the Grand Trunk Road with the words “Uplift of the Villages”; yet this very place was stinking with stagnant water on either side and humming with mosquitoes. I would therefore suggest that the work of rural uplift should be conducted under the supervision of a strong and efficient committee capable of drawing the best of programmes for this kind of work.

Sir, I now pass on to the problem of unemployment prevailing in the country. I notice that education is spreading every where at a good deal of cost, but, then, discontent too is growing among the people. Why? It is because only a few can be absorbed in the services, but there is no limit to those who can be educated. The standard of living and thinking of the average educated man naturally goes up, but in a majority of cases, he has not got the means to keep it up. He becomes a stranger to his domestic crafts and occupations and goes about looking for employment. As employment is not readily available, he gets into some local board, becomes a teacher or a pleader, and because of his many disappointments in the field of service takes up the role of the agitator. Often when I have gone out shooting I have heard villagers telling me that the education of their children has cost them a lot. It has even run them into debt; and in not a few cases they have had to sell their land to give their sons the desired education.

The son has become a Babu, but not an earning Babu. He requires a set of suits to wear and cigarettes to smoke; but the father, who is already a pauper, knows not how to help his worthy son. He is fed up with this sort of education. It cannot go on. I would therefore suggest that education up to the primary standard should be made compulsory and should consist of hygiene, home crafts and subjects of local interest and utility such as the patwari's work and the keeping of accounts, etc. And, then, Sir, only a few brainy and shining students, as the need may be, should be sent up for higher education in the universities to be employed later on in the civil and military posts.

[Lt.-Col. Sir Hissamuddin Bahadur.]

Then, Sir, there is the question of military expenditure. A number of my Honourable friends would regard it as too high, but let them not get too agitated over this. They think that sweepers and other non-martial classes could as well make good soldiers. If Hissamuddin and Captain Sir Sher Muhammad Khan can make good soldiers, why can't they? But they forget that the Indian Army is a limited body, and those who at present compose it belong to military tribes and martial races who pride themselves as such. It will never do to recruit men in the army from the people who have never had anything to do with fighting or warfare. Fighting is not in their nature; it is not in their blood. It is rather the business of those who have been brought up generation after generation in military traditions. Sir, I am telling this from my own experience with the Indian Army which extends to over 32 years. Iron is much more in use and in demand in the world than gold; yet gold is much costlier than iron. So is the case with the soldier and the non-soldier. A raw racing horse would fetch as much as £30,000 in the market and would be well worth its blood. But it is not so with an ordinary horse yoked to the tonga. Both are horses, but what a difference between the two? This matter should, therefore, be left in the hands of our military experts and His Excellency the Commander-in-Chief who indeed knows better in this respect than most of our armchair critics and politicians. In my opinion, Sir, only the sons of soldiers, whether serving in the army or outside it, should be taken. They have spent their lives in the art of war. They are brave; they are gallant. They know no fear, no vacillation. They alone can be relied upon in critical and dangerous times. They should be provided with adequate military education and training. The rest can take to other technical and peaceful occupations.

Sir, a large amount has been shown in the budget for purposes of development of roads and Waziristan operations. This, I think, is quite in order. The North-West Frontier is like a buffer between India and Afghanistan and the Frontier. It is inhabited by a tough, turbulent and well-armed people. The area politically is controlled by the Foreign and Political Department, now called the External Affairs Department. It is because of the political sagacity of the officers of this Department and the presence of well-trained troops stationed there that we have peace reigning in the country down the Indus. If it were not so, the picture would have been quite different.

Now, Sir, there is just one point more to which I venture to draw the attention of the Honourable the Finance Member, and that is the assessing, for purposes of income-tax, the houses owned and inhabited by the house-owners themselves. The tax, in my opinion, would be legitimate if the house is rented out, but I regard it as wrong if the house is used by the owner himself. The tax, in my opinion, should therefore go.

Sir, as I had to leave early during the discussion on the Railway Budget, I would like this opportunity of making a suggestion or two in that connection. There is a general complaint that drinking water is not readily available day and night for passengers on all railway stations, particularly in the hot weather. I would suggest that a water bogey for the convenience of both the Hindus and Muslims should be attached to each passenger train. This would do away with the necessity of keeping a large staff of water-carriers at so much expense at each station, and would not only add considerably to the convenience of the travelling public but would also increase the popularity of the Railway Administration. The more they meet the wishes of the third

class passengers in this respect and others the more they gain in their income and popularity.

Sir, I again congratulate the Finance Member.

THE HONOURABLE MAHARAJADHIRAJA SIR KAMESHWAR SINGH OF DARBHANGA (Bihar: Non-Muhammadan): Mr. President, I do not think that this budget, which has been rightly characterised as "dull" and "disappointing", needs a lengthy debate. The Honourable the Finance Member has managed to balance it and we are told that he has done so against enormous odds. But all this leaves the taxpayers absolutely cold. The *status quo* which he has preserved, does not cheer them. They want relief from oppressive taxations that have been imposed upon them from time to time and not *status quo* which means the continuation of the present high level of taxation.

Sir, the Government have not yet redeemed their promise to remove the surcharges on income-tax which was levied as an emergency measure with definite stipulation that they would be taken away as soon as the financial condition is improved and one wonders that when salary cuts made under similar circumstances have been fully restored what justification there can be for the Government to retain the surcharge? We find that the Government, which has almost absolute control of the financial machinery of the country, always finds its expenditure as "absolutely essential" and the taxes once levied to meet them are seldom removed.

Sir, it has been said that there is no proposal for fresh taxation. But is that correct when we shall shortly have before us the Income Tax (Amendment) Bill, which will make provision for taxing income that is now free from tax? Does that not amount to fresh taxation?

Sir, is the Honourable the Finance Member aware of the hardships that the sugar excise duty is causing to the sugar industry in the provinces? Judging from the state of things in the province which I have the honour to represent I shall not be surprised if at no distant date many sugar factories may be compelled to close down and when that happens the plight of the poor agriculturists can be better imagined than described.

Sir, so much has been said about the poor man's salt and postcard that I feel that if the Government were responsive to the popular demands it would have found its way to meet them long ago.

Sir, the amount of money released for our province in accordance with the plan contained in the much condemned Neimeyer Award is so small that they can not meet the cost of even smaller projects, and the discontinuation of rural development will proportionately increase the demands on the exchequer of our province and thus neutralise the effect of its additional income.

Sir, instances of omissions and commissions of the Government can be multiplied but I stop here. Before resuming my seat, however, I have only one prophecy to make despite the warning given by the Honourable the Finance Member. It is that every future budget will continue to be looked upon as "disappointing" and "dull" or perhaps worse, unless its general tendency is to substantially contribute towards all round people they govern.

THE HONOURABLE DIWAN BHARADUJ SIR RAMUNNI MENON (Madras: Nominated Non-Official): Sir both the Honourable the Finance Member and the Honourable the Finance Secretary, as well as some of the speakers

[Sir Ramunni Memon.]

who have already spoken have chosen to characterise the budget as dull. Whether such an epithet can be correctly applied to this year's budget or not, it seems to me that the budget reveals the essential soundness and strength of the financial position of the Government of India. When it is remembered that in recent years we have had to face not only the effects of the economic blizzard but considerable loss of revenue caused by our own protective policy, and further that the financial preparation for the introduction of the new constitution has laid a very heavy burden on the central exchequer, I think there will be very widespread satisfaction that central finance has been maintained on an even keel. I think the Honourable the Finance Member is entitled to our thanks for this achievement. I have no doubt that the budget will be criticised—actually it has been criticised and it will continue to be criticised—from various points of view, but I do not think any amount of criticism can detract from the merit of the Honourable the Finance Member's achievement in the direction that I have specified. I do not propose, and I have no desire, to traverse any wide stretch of ground covered by the budget, but shall direct my remarks to two or three points which arise directly or indirectly from it.

My first point refers to a matter which is not mentioned at all in the budget. I should like to enquire what the Government's intentions are in regard to the Stamp Duty (Amendment) Bill. As far as I am able to gather, the Bill was introduced in the Lower House and for some reason which has not been sufficiently explained was not proceeded with. Is it proposed to drop the Bill or to bring it up in another form at some other time? I should like to have some light thrown on this matter.

My second point is this. Last year, when the Finance Bill was under consideration, some of us expressed a desire to see the rural grant made to the provinces continued. The Honourable the Finance Member shared this desire and gave an assurance that the practicability of continuing the grant would be borne in mind. In the light of the facts and figures contained in this year's budget I am satisfied that the decision to discontinue the grant is amply justified. I have no grievance whatever in that matter. And after all it will be well to remember that the provinces will now be receiving an equivalent amount by way of distributed income-tax and that they cannot reasonably complain that the supply of funds from the Centre has been suddenly stopped.

I now come to my third point. Discussions on the budget generally are largely governed by purely economic considerations, by considerations of material progress and prosperity, and there is a distinct tendency to overlook or ignore the value of those departments and activities of the Government which do not bring in a tangible or immediate financial return. The particular department that I have in mind is the Department of Archaeology, which is in the portfolio of the Honourable the Leader of the House. I am not speaking with up-to-date knowledge on this particular point, but I believe I am right in saying that the allotment to this Department has been considerably curtailed in recent years. Among the important activities of this Department may be mentioned the exploration and excavation of ancient sites, the conservation of ancient monuments and the maintenance of museums. That work of this character is of very great cultural value will be readily admitted. I understand that the work of excavation at Harappa and Mohenjadaró has been definitely stopped. As I said just now, I am not

speaking with full knowledge of the exact state of affairs at the present moment. On referring to the detailed estimates, I find an item of Rs. 31,000 as a special provision for excavations. I do not know the destination of this grant, or whether it is proposed to resume the excavation at Harappa and Mohenjadaró. The discovery of these ancient sites aroused the greatest interest in the learned world and it will be a very great misfortune if the world has to be denied that contribution to knowledge which their full investigation will enable the Archaeological Department to make. I therefore appeal to the Honourable the Finance Member and the Honourable the Leader of the House to take a little active interest in this field of archaeology and to see that the Department is placed in possession of adequate funds so as to enable it to carry on its normal activities without hindrance. The Department seems to suffer not only in the field of excavation but in other fields also. A recent publication on Indian museums by two well-known authorities has served to arouse public interest in Indian museums. The main criticism of these authors is to the effect that the museums in India are very inadequate in number and that their general administration is inefficient. I know that many of these museums are under the control of the Provincial Governments and I do not think that this Council is a proper forum for the discussion of the general question. But a certain number are under the control of the Government of India and I would therefore suggest that these museums also should be well provided with funds.

It looks as if the Government of India budget will soon reach a stage of growth where it will remain for a long time without any great change of form or content, except perhaps in Defence expenditure. Before that stage is reached, I think it is extremely desirable in the interests of culture that the Department of Archaeology should be placed in an adequate financial position. I venture to make this humble suggestion for the sympathetic consideration of the Honourable the Finance Member.

Some reference has been made in the course of the debate by other Honourable Members to the non-removal of the remaining surcharge on income-tax. I am one of those who would press upon the Honourable the Finance Member to retain that tax in the interests of the various departments and activities which are essentially necessary for this country. I hope, therefore, that he would give very careful consideration to the matter in all its aspects, when the question of removing this surcharge is again pressed upon him. There are various departments which require funds and if you remove this tax, money will have to be found from some other source. I hope it will come from some source. Anyhow, I leave it to the Honourable the Finance Member to find the money.

THE HONOURABLE MR. J. C. NIXON (Finance Secretary): Sir, in the circumstances of today, it does not fall to me to reply to as many points in regard to the Budget of 1938-39 as it normally would have done and I have made note of only a limited number of matters on which I need address the Council.

The first subject to which I would wish to give expression is rather typified by the speech of the Honourable Sir A. P. Patro—but that subject has been mentioned very much in the same terms by various other speakers—and that is the consideration of the Defence estimates for next year. I took the Honourable Sir A. P. Patro's speech to be by way of a commendation on the Government of India for the fact that they had managed to supplement the resources of India for the purpose of its defence; and when he made that statement, I believe he was giving expression to what is a very general and very genuine

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[Mr. J. C. Nixon.]

view of the matter. But he did not refer to one particular aspect of that same question, one which I personally would be more disposed to emphasise; and that is, that we have managed to supplement the resources placed at the disposal of His Excellency the Commander-in-Chief next year without some of the consequences that have happened in other countries in similar circumstances. We have not next year had to run into a revenue deficit for which we have had to borrow, and we have not fortunately had to increase taxation. At the same time, we have managed to place these resources at the disposal of the Defence Department in a year in which we have been able to distribute Rs. 138 lakhs to the provinces. I have no doubt that in the Honourable Sir A. P. Patro's speech and in other Honourable Member's speeches, all this was implied, but I think it fair to give expression to this point of view.

The Honourable Mr. Parker, in his speech, asked Government if the curtailed or probably curtailed legislative programme of this year was liable to affect the intentions of Government in regard to the Income Tax (Amendment) Bill. This is a very pertinent question. I do not know that I have got very much to say which will satisfy him except that the drafting of the Bill is at the moment actively going on and that, subject to our not presenting the Legislature with an unsatisfactory Bill, we shall press on with that part of the business with all possible speed.

He also referred to another matter of very considerable importance and consequence to the country, namely, the question of whether we ought not to put some of the entries in our Tariff Schedule on to a more scientific basis. It is the opinion of Government, as is known to this House, that that matter is one which requires very serious, and for that matter very early consideration. We are impeded from taking it up by two considerations. The first is the uncertainty in regard to the present Indo-British trade negotiations. Those negotiations whichever way they go will obviously affect our tariff and in the absence of knowledge of what is going to be the outcome of that, we have had to postpone consideration of this very serious matter. But there is also another point. Although we are disposed to believe on the Government side that in the case of certain articles of the tariff a reduction of the import duty would probably in due course present us with even increased revenue, we are pretty well assured that the immediate effect of any reduction of that sort would be a drop in revenue, and unfortunately, in the years just recently behind us and in the present year we are not in a position to be able to face that immediate loss.

My Honourable friend Colonel Hissamuddin referred to a matter of income-tax, which was obviously very close to his heart, when he suggested that owner-occupiers of houses should be exempt from income-tax. I personally feel very much on his side. I am afraid—but it is quite my own personal feeling in the matter—that I cannot give him or for that matter myself any undertaking that either of us will get relief in that way. In dealing with the same subject, I could understand though perhaps I could not properly accept altogether the apprehensions felt by my Honourable friend the Maharaja of Darbhanga in regard to the amending Bill.

The Honourable Sir Ramunni Menon asked a very pertinent question of Government. He asked what was going to happen to the Stamp Duties Bill owing to the manner in which it had been treated in the Lower House. That is a very serious question—one which requires, and, I may say, is receiving, the very serious attention of Government. I am afraid at the present stage I am not able to go any further than that.

The Honourable Sir Ramunni Menon also asked for information in regard to archaeology and hoped that we were taking steps to supplement the funds placed at the disposal of that Department. I think I can give him a fairly clear assurance on that point. Turning to Demand No. 35 of the Book of Demands for Grants, I will read him out a few figures. Under "Special Repairs" we are providing this year just under Rs. 4 lakhs against about Rs. 2½ lakhs in the revised estimates of the current year. Under "Archaeological Explorations" we provide Rs. 77,000 for next year against Rs. 39,000 provided in the revised estimates of the current year. I am afraid I am not able to tell him whether the Department proposes to go on with excavations at Mohenjadarro or elsewhere. But there is no doubt that the Department, with these extra funds, will be able to make progress in the direction of exploration. Then, again, under "Museums", which subject he mentioned in particular, we have provided for next year Rs. 87,000 against Rs. 6,000 only which is likely to be spent during the current year. In fact the grant as a whole for next year stands roughly Rs. 2 lakhs over the figure of the revised estimates of this year.

There is one personal matter to which I would like to refer before I sit down; and I may say to the House that I have not sought the permission of the Honourable the Finance Member to make this statement. During this morning's proceedings the Honourable Mr. Hossain Imam described the statement of the legal position on the subject-matter of the debate of this morning which was read out by Sir James Grigg as "borrowed" opinion. I think I owe it to myself and to this House to give a word of personal explanation of that, as when the decision about which complaint was being made was taken I was the Member of the Government in charge of the Finance Department; and apart from that I am the Finance Secretary and in as much as there may be complaints or censures about the Finance Department, I myself am to a very large extent concerned. I would like to say that the re-examination of the classification of the grant which we were discussing this morning was not done at the instance of the Finance Department at all. I would go further than that and I can say definitely, because I have referred to the papers quite recently, that the Finance Department was not even consulted in the matter. This was an entirely legal question. The Finance Department were merely informed that the statute required this particular demand to be put into the demands for grants as non-votable. And therefore I would like to assure the House that when the Honourable Mr. Hossain Imam described that legal opinion as one which was "borrowed" he was being perfectly correct.

The Council then adjourned till Eleven of the Clock on Monday, the 7th March, 1938.

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Monday, 7th March, 1938.

The Council met in the Council Chamber of the Council House at Eleven of the Clock, the Honourable the President in the Chair.

QUESTIONS AND ANSWERS.

TRIBAL ALLOWANCES.

152. THE HONOURABLE MR. G. S. MOTILAL: (a) Will Government state whether any payments are made to tribal leaders or any other person within or beyond the Frontier?

(b) If the answer to (a) is in the affirmative, what amount has been paid during the last three years and to whom?

THE HONOURABLE KUNWAR SIR JAGDISH PRASAD: (a) The Honourable Member when he speaks of the Frontier, presumably refers to the administrative border between the Settled Districts and Tribal Areas and not to the International Frontier of India. On this presumption the answer is in the affirmative.

(b) The following amounts were paid as tribal allowances during the last three years:

	Rs.
1934-35	7,38,152
1935-36	6,10,964
1936-37	6,88,197

Government do not consider that it will be in the public interest to give the names of the various tribes to whom the payments were made.

THE HONOURABLE MR. HOSSAIN IMAM: Were any payments made to individuals?

THE HONOURABLE KUNWAR SIR JAGDISH PRASAD: I must ask for notice. I cannot give any information beyond what I have stated.

THE HONOURABLE MR. G. S. MOTILAL: Are any arms supplied to them?

THE HONOURABLE KUNWAR SIR JAGDISH PRASAD: I do not see how this supplementary question arises out of payments?

THE HONOURABLE THE PRESIDENT: I agree with you.

COMMERCIAL LIBRARY AT CALCUTTA.

153. THE HONOURABLE MR. G. S. MOTILAL : (a) Will Government state the year in which the Commercial Library at Calcutta was established ?

(b) Was it established in response to any demand or did Government take the initiative in establishing it ?

(c) If there was a demand for it, by whom and how was it made ?

THE HONOURABLE SIR MUHAMMAD YAKUB : (a) The nucleus of a library was maintained by the Commercial Intelligence Department for its departmental needs, but the present combined technological library of reference in Calcutta in the place of the separate libraries attached to the Departments of Commercial Intelligence, Statistics and Patents and Designs was sanctioned by the Government of India in September, 1919.

(b) As stated already, the library was established in the first instance by Government for its departmental needs. Its development took place in response to a growing demand for technological books.

(c) The demand was made by industrial and other firms anxious to take up new lines of development, and is further expressed by the number of readers which has gone up from 6,441 in 1920 to 51,726 in 1935, and by the number of books issued by the Library which has increased from 4,902 in 1930 to 6,652 in 1935.

THE HONOURABLE MR. HOSSAIN IMAM : Have the Government considered the advisability of amalgamating it with the Imperial Library in Calcutta ?

THE HONOURABLE SIR MUHAMMAD YAKUB : I understand that the Imperial Library at Calcutta serves quite a different purpose and I could not say offhand whether it would be possible or desirable to amalgamate the two.

AMERICAN COTTON POLICY.

154. THE HONOURABLE MR. G. S. MOTILAL : Will Government state :

(a) What measures the Federal or State Governments of the United States have adopted for stimulating export of cotton ?

(b) Whether those measures will hamper the export of Indian cotton ?

(c) What measures do Government propose to take to help the export of Indian textile manufactures so that Indian mills may use Indian cotton in larger quantities ?

(d) Whether they propose to send a trade mission to Japan to study her modern industrial development ?

THE HONOURABLE SIR MUHAMMAD YAKUB : (a) So far as Government are aware, a subsidy is paid in respect of the 1937 crop equal to the difference between 12 cents a lb. and the average market price of middling cotton subject to a maximum of 3 cents a lb. payable on two-thirds of the crop. It also appears that an additional subsidy of about 2 cents a lb. is paid to the grower if no cotton is grown on part of his land.

(b) It is not possible to estimate in isolation the precise effect of any one factor which may affect the export of Indian cotton.

(c) Protection has already been extended to the Indian Cotton Textile Industry as a result of Tariff Board enquiries. A Trade Mission on which the Cotton Textile Industry was represented surveyed the market of the Near East and Africa in 1928 and as recommended by that Mission Government have appointed an Indian Trade Commissioner at Mombasa recently, and another such appointment at Alexandria is under active consideration. Government continue to watch further opportunities for expansion of Indian trade in other directions also.

(d) No, Sir.

NOMINATION OF MEMBERS TO THE MEDICAL COUNCIL OF INDIA.

155. THE HONOURABLE MR. SUSIL KUMAR ROY CHOWDHURY : Will Government state :

(a) How many members are nominated to the Medical Council of India by the Provincial Governments and how many by the Government of India ?

(b) What was the practice followed in the past with regard to nominations by the Provincial Governments ?

(c) Has there been a departure from the practice followed in the past in respect of nominations from the provinces ?

(d) If so, what is the reason for making such a departure ?

THE HONOURABLE KUNWAR SIR JAGDISH PRASAD : (a) No nominations are now made by Provincial Governments. All the 15 nominated members, including 11 from the Governors' Provinces, are nominated by the Central Government.

(b) The nominations of members from the Governors' Provinces were made by the Provincial Governments concerned and notified on their behalf by the Government of India.

(c) and (d). As a consequence of the Government of India (Adaptation of Indian Laws) Order, 1937, the Indian Medical Council Act, 1933, had to be adapted, so that nominations fell to be made by the Central Government instead of the Provincial Governments. In practice, however, we have made no change, for we merely notify the nominations of the Provincial Governments.

MEDICAL COUNCIL OF INDIA.

156. THE HONOURABLE MR. SUSIL KUMAR ROY CHOWDHURY : (a) What is the total number of members of the Medical Council of India ? How many of these are non-officials and how many are Government servants ?

(b) Do Government contemplate increasing the number of non-official representatives in the Indian Medical Council ?

(c) Are there no representatives from the Graduates of the Central Provinces ?

THE HONOURABLE KUNWAR SIR JAGDISH PRASAD : (a) (i) Fifteen members are nominated by Government, 14 of these are Government

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servants; (ii) seven members are elected from amongst the members of the medical faculties of the seven British Indian Universities having medical colleges; and (iii) eight members are elected by the Medical Graduates of the eight provinces in which Provincial Medical Registers are maintained. In the present Council, five of the persons elected under (ii) and (iii) happen to be Government servants.

(b) and (c). No.

NEGOTIATIONS BETWEEN THE MEDICAL COUNCIL OF INDIA AND OTHER COUNTRIES ABOUT THE RECIPROCAL RECOGNITION OF MEDICAL DEGREES.

157. THE HONOURABLE MR. SUSIL KUMAR ROY CHOWDHURY: (a) Did the Medical Council of India enter into negotiations for reciprocity with countries outside India including Great Britain as contemplated in the powers given to the Council under the Indian Medical Councils Act of 1933?

(b) Have most countries refused to enter into direct reciprocity with the Indian Medical Council?

(c) Has the General Medical Council of Great Britain stated that the word "reciprocity" does not occur in the British Act and that they are unable to recognise any qualifications recognised and entered in the First Schedule of the Indian Medical Act without satisfying themselves as to the sufficiency or insufficiency of the qualifications of each individual case?

(d) If so, is it open to the Indian Medical Council also to consider and satisfy themselves in respect of qualifications recognised by the General Medical Council of Great Britain in the matter of entering in and removing from the Second Schedule of the Indian Medical Act the names of British qualifications?

THE HONOURABLE KUNWAR SIR JAGDISH PRASAD: (a) Yes.

(b) A number did so refuse, but a number acceded. The result of the negotiations is embodied in the Education, Health and Lands Department Notification No. F. 43-18/37, dated the 13th October, 1937, a copy of which is in the Library of the House.

(c) Yes. But, in practice, since the Indian Medical Council was established, the General Medical Council have extended recognition to Indian medical degrees on the basis of recognition given by the Indian Medical Council.

(d) Subject to the relevant provisions of section 120 of the Government of India Act, 1935, it is open to the Indian Medical Council to treat British medical qualifications according to their judgment of the sufficiency or otherwise of those qualifications.

PUBLICATION OF RETURNS OF MOTOR VEHICLES, ETC.

158. THE HONOURABLE MR. G. S. MOTILAL: Will Government state:

(a) Whether they intend to publish the returns of road vehicles in India similar to those published by the Ministry of Transport of the United Kingdom in regard to road vehicles in Great Britain?

(b) The number of motor cars, cycles, motor hackneys and commercial vehicles taxed in India during each of the last three years, and the total receipts from taxes from motor vehicles during each corresponding year?

THE HONOURABLE MR. S. N. ROY: (a) I am afraid it would not be practicable to compile statistics on lines as elaborate as those issued by the Ministry of Transport, but the question of the compilation and publication of more detailed statistics than are now available, showing the number of vehicles taxed and in use, by classes, the amount of tax realised annually under the provincial Taxation Acts on each class; the total amount of annual taxation realised by local bodies on such vehicles, as well as statistics of accidents caused by motor vehicles, is under the consideration of the Government of India and it is proposed to consult Provincial Governments in the near future on the subject.

(b) A statement giving the number of different classes of motor vehicles at the end of 1935-36 was laid on the table of the Assembly on the 25th January, 1937, in reply to Mr. Ramsay Scott's question No. 149. I am afraid later information is not complete but it is hoped to place this matter on a satisfactory basis when consultation with provinces has taken place.

STEPS TO BE TAKEN TO IMPROVE EXPORTS TO BURMA.

159. THE HONOURABLE MR. G. S. MOTILAL: Will Government state what steps they propose to take to improve our exports to Burma in view of the fact that our exports to that country in the year 1936-37 were only of the value of Rs. 10 crores while imports from that country amounted to Rs. 34 crores?

THE HONOURABLE SIR MUHAMMAD YAKUB: The Honourable Member's question seems to imply that it is desirable that India's imports and exports with each individual country should balance as nearly as possible. Government do not hold that view. Indian goods already enter Burma free of import duties, and Government do not consider it necessary to take any other steps to assist Indian exports to that country.

THE HONOURABLE MR. HOSSAIN IMAM: Are the facts stated in the question correct?

THE HONOURABLE SIR MUHAMMAD YAKUB: That question should be addressed to the questioner!

THE HONOURABLE MR. G. S. MOTILAL: Yes, they are.

NUMBER OF BROADCAST RECEIVER LICENCES ON 31ST DECEMBER, 1937, ETC.

160. THE HONOURABLE SIR RAHIMTOOLA CHINYOY: Will Government state:

(a) The total number of Broadcast Receiver Licences up to the end of December, 1937 (i) in India, (ii) in each province?

(b) The total capital expenditure incurred on Broadcasting during 1937 (i) on all stations, (ii) on each station? and

(c) The total allotment for programmes during 1937 (i) to all stations, (ii) to each station?

THE HONOURABLE MR. S. N. ROY : (a), (b) and (c). A statement giving the required information is laid on the table of the House.

Statement showing the number of broadcast receiver licences on the 31st December, 1937, and the total expenditure, capital and on programmes, during 1937-38.

	Approximate number of licenses during the calendar year 1937 in provinces.	Anticipated expenditure at the various stations of All-India Radio during 1937-38.		
		Station.	Capital expenditure.	Expenditure on programmes.
			Rs.	Rs.
Assam	860	Delhi	2,89,200	1,22,800
Bengal	12,740	Bombay	1,53,900	1,09,500
Bihar and Orissa	1,400	Calcutta	56,200	1,07,100
Bombay	16,560	Peshawar	3,400	57,745
Central Provinces	1,310	Lahore	1,57,100	21,250
Madras	3,470	Lucknow	1,83,700	6,250
North-West Frontier Province.	800	Madras	1,66,800	4,600
Punjab	7,460	Trichinopoly	23,500	..
Sind and Baluchistan	1,700	Dacca	12,700	..
United Provinces	3,860			
Total number in India	50,160		10,46,500	4,29,045

JUMA MOSQUE AND FATEHPURI MOSQUE IN DELHI AND MOSQUES IN NEW DELHI.

161. THE HONOURABLE MR. HOSSAIN IMAM : Will Government give the following information in regard to the management of the Juma Masjid and Fatehpuri Masjid in Delhi and the masjids in New Delhi assigned to the Committee of management of the Fatehpuri Masjid :

- Names of the members of the Committees ?
- Period of office (tenure) ?
- Annual income and expenditure of last two years ?
- Balances standing on 31st March, 1937 and how and where deposited? and
- The authority under which the Committee is working (Act, rule, regulation or judicial action) ?

THE HONOURABLE MR. F. H. PUCKLE : I have called for the information and it will be laid on the table in due course.

TOTAL GOVERNMENT TRANSACTIONS AT THE DELHI BRANCH OF THE RESERVE BANK OF INDIA.

162. THE HONOURABLE MR. HOSSAIN IMAM : Will Government state the expenses of the Delhi Branch of the Reserve Bank for the year ending 31st March, 1937 and the total amount of Government transactions in that year ?

THE HONOURABLE MR. J. C. NIXON : The total Government transactions at the Delhi Branch of the Reserve Bank during the year 1936-37 were, in round figures :

	Rs.
	Lakhs.
Receipts	2,26
Expenditure	4,62

Government have no information regarding the expenses of the Branch.

RECRUITMENT OF STAFF BY THE RESERVE BANK OF INDIA.

163. THE HONOURABLE MR. HOSSAIN IMAM : Will Government lay on the table a statement showing the number of (a) officers and (b) subordinates, taken from the Imperial Bank and newly appointed by the Reserve Bank up to 31st December, 1937 ?

THE HONOURABLE MR. J. C. NIXON : No, Sir. As was explained by the Honourable the Finance Member in his replies to question No. 292 and supplementary questions asked in the Legislative Assembly on the 18th of February, 1935, the recruitment of staff for the Reserve Bank is a matter entirely for the Central Board of the Bank.

THE HONOURABLE MR. HOSSAIN IMAM : Could not the Government get these figures from the Central Board ?

THE HONOURABLE MR. J. C. NIXON : They do not wish to call for the figures, Sir. They do not wish to interfere with the internal working of the Bank.

PAY, ETC., AND PERIOD OF CONTRACT OF GOVERNORS AND DEPUTY GOVERNORS OF THE RESERVE BANK OF INDIA.

164. THE HONOURABLE MR. HOSSAIN IMAM : Will Government lay on the table a statement showing the pay and emoluments and the period of contract of the Governors and Deputy Governors appointed to the Reserve Bank ?

THE HONOURABLE MR. J. C. NIXON : With your permission, Sir, I shall answer questions Nos. 164 and 165 together.

I lay on the table a statement respecting the present Governor and Deputy Governor. For the rest, I have nothing to add to the replies given from time to time to questions on this subject and particularly to starred question No. 561 answered in the Legislative Assembly on the 8th March, 1937.

	Pay, etc.	Period.
Governor	Pay at Rs. 7,500 per mensem and free furnished houses in Bombay and Calcutta, liability to income-tax and super-tax, and with no retiring pension or gratuity.	Five years with effect from the 1st of July, 1937.
Deputy Governor	Pay at Rs. 4,500 per mensem liable to income-tax and super-tax and without house allowance and retiring gratuity.	Five years with effect from the 21st of December, 1936.

GRATUITIES PAID TO GOVERNORS AND DEPUTY GOVERNORS OF THE RESERVE BANK OF INDIA.

165. THE HONOURABLE MR. HOSSAIN IMAM: Will Government state the amounts of gratuities paid to the Governors and Deputy Governors by the Reserve Bank up to the end of the year 1937?

(See reply to question No. 164.)

NUMBER OF RADIO LICENCES ISSUED DURING 1936-37, THE INCOME FROM THEM AND EXPENSES OF ALL-INDIA RADIO.

166. THE HONOURABLE MR. HOSSAIN IMAM: Will Government lay on the table a statement showing the number of radio licences issued in each of the provinces during the last financial year and the income from them and the expenses of All-India Radio?

THE HONOURABLE MR. S. N. ROY: A statement giving the required information is laid on the table of the House.

Statement showing the number of radio licenses issued during 1936-37, the income from them and the expenses of All-India Radio.

	Approximate number of radio licenses issued in provinces (including Burma) during 1936-37.	Income from the licenses, 1936-37.	Expenses of All-India Radio during 1936-37.
		Rs.	Rs.
Punjab	5,520	} 4,07,700 (approximately)	Capital 1,39,423 Recurring 9,55,465
North-West Frontier Province.	650		
Central Provinces	980		
Bengal	10,860		
Assam	690		
Madras	2,860		
Bombay	14,120		
Sind and Baluchistan	1,330		
United Provinces	2,770		
Bihar and Orissa	1,090		
Burma	1,278		
Total number for India and Burma.	42,148	4,07,700	10,94,888

DYNAMOS PURCHASED BY STATE-MANAGED RAILWAYS.

167. THE HONOURABLE MR. HOSSAIN IMAM: Will Government give the following information in respect of the Indian Railways:

(a) The number and average price of dynamos purchased by each Railway?

(b) The number and average realised price of dynamos scrapped by each Railway?

(c) The number and average price of dynamos budgeted for purchase in each Railway in the year 1938-39?

THE HONOURABLE SIR GUTHRIE RUSSELL: The Honourable Member has not stated the class of dynamo in respect to which the information is desired, neither has the Honourable Member indicated the periods to which the information asked for in parts (a) and (b) of the question should relate. If the Honourable Member has train lighting dynamos in mind, the information is not available.

THE HONOURABLE MR. HOSSAIN IMAM: Do I take it, Sir, that Government have no information in the Budget papers?

THE HONOURABLE THE PRESIDENT: No discussion is allowed on the Budget, and you ought to know that as an experienced Member.

THE HONOURABLE MR. HOSSAIN IMAM: My question part (c) was "How many dynamos have been budgeted for"?

THE HONOURABLE THE PRESIDENT: Government replied that they have no information. I cannot insist on Government giving information.

INTRODUCTION OF A HALF ANNA NICKEL COIN.

168. THE HONOURABLE MR. G. S. MCTILAL (on behalf of the Honourable Raja Yuveraj Iatta Singh): Will Government state whether it is proposed to introduce a half anna nickel coin? If so, from what date? What are the advantages of the nickel coin over the current half anna bronze pieces?

THE HONOURABLE MR. J. C. NIXON: Government are considering the question of introducing a half anna nickel coin but no decision has yet been reached. Copper half anna coins have not been minted since 1880, and although they are still legal tender the amount now in circulation is comparatively small. A half anna nickel coin would be of a more convenient size and would also be more hygienic. If it proved popular and resulted in a reduction in the demand for bronze coin, there would be an appreciable saving in Mint expenditure.

MISREPRESENTATION OF INDIAN ART IN BRITISH MUSEUMS.

169. THE HONOURABLE MR. G. S. MCTILAL (on behalf of the Honourable Raja Yuveraj Datta Singh): Have Government taken any steps, or do they propose to take any, in connection with the misrepresentations of Indian art and archaeology in the British Museum in which (a) one bronze statue is labelled as "Sri Ram with his two wives" but on examination the other "wife" was no other than Rama's brother Lakshman; (b) the label on the marriage of Rukmini and Krishna reads "Elopment in high life", and (c) Humayun's tomb is identified to be the Taj Mahal? Do Government propose to take necessary steps to have the above misrepresentations rectified? If not, why not?

THE HONOURABLE KUNWAR SIR JAGDISH PRASAD : (a) to (c). Government understand that statements of the kind mentioned by the Honourable Member have been made by Dr. Sita Ram and they are quite willing to bring them to the notice of the authorities of the museums concerned.

KENYA TRANSPORT LICENSING ORDINANCE, 1937.

170. THE HONOURABLE MR. G. S. MOTILAL (on behalf of the Honourable Raja Yuveraj Datta Singh) : Will Government state what are the main provisions in the Kenya Transport Bill which adversely affect the interests of Indians in Kenya : and what steps have been taken by Government in this connection ?

THE HONOURABLE KUNWAR SIR JAGDISH PRASAD : The attention of the Honourable Member is invited to the reply given by me on the 14th February, 1938 to his question No. 19.

BILL PASSED BY THE LEGISLATIVE ASSEMBLY LAID ON THE TABLE.

SECRETARY OF THE COUNCIL : Sir, in pursuance of rule 25 of the Indian Legislative Rules, I lay on the table copies of the Bill further to amend the Workmen's Compensation Act, 1923, for certain purposes, which was passed by the Legislative Assembly at its meeting held on Friday, the 4th March, 1938.

RESOLUTION RE INDO-BRITISH TRADE AGREEMENT.

THE HONOURABLE MR. HOSSAIN IMAM (Bihar and Orissa : Muhammadan) : Sir, I rise to speak on the Resolution I moved on the last non-official day on the subject of our trade agreement :

"That this Council recommends to the Governor General in Council to give notice of termination of the present trade agreement with Britain, if His Majesty's Government do not accept the terms offered by India on the advice of non-official advisers."

This Resolution, Sir, as it is worded, is inoperative until a contingency arises, that is, the refusal of His Majesty's Government to accept the demand of the Government of India. At the time when I gave notice of this Resolution the prospect of an early settlement appeared to be quite bright. We were told that matters had gone to a very great length and some minor misunderstandings only had to be removed, therefore the Honourable Member in charge of the Commerce Department was himself going to England. But as time passed, we found that the small differences were assuming mighty proportions and the prospects of an early settlement were not very bright. Under these conditions, Sir, the Members of the Opposition discussed this matter and decided that in the form in which I had worded my Resolution it would remain a dead letter because His Majesty's Government would neither refuse *in toto* nor accept the terms offered by India. In view of that, they have decided that an amended form of the Resolution should be the official Resolution. That amendment, Sir, will be moved by my Honourable friend Mr. G. S. Motilal. The spirit of the amendment is not antagonistic to that of the original Resolution. They are simply pictures of the same thing taken from different

angles and therefore I shall speak more in consonance with the amendment form.

THE HONOURABLE THE PRESIDENT : At this stage you are not entitled to speak on the amendment.

THE HONOURABLE MR. HOSSAIN IMAM : I said, more in consonance with it, Sir, not on it ; because as I said the two are not antagonistic.

Sir, I may say that in discussing this important Resolution we are a little handicapped because our Honourable colleague, the new Commerce Member, is absolutely innocent of any misdeed in this connection. Whatever attack I have to make is directed against the indivisible Government of India and not against the Honourable Member in person. Even at the present moment, the talks that are going on in England are being more or less talks *in camera* without any ventilation and therefore we do not know exactly at what stage the talks are. It is not our fault that we do not know. It is the fault of the Government who have kept us in the dark. Now, Sir, before I come to the operative part of my Resolution, I crave your indulgence to trace out the Ottawa Pact as it emerged and as it has affected Indian trade. At the time when Sir George Schuster came from Canada with his two advisers, Sir Shanmukham Chetty and Sir Abdoolah Haroon, there was a big cleavage of opinion in the country. On the one hand there were the merchants who, as usual, in order to guard their own interests posed as benefactors and tried to convince, and they succeeded generally in convincing, that this pact would not be beneficial. On the other hand, we had the nationalist politicians who, on the principle that they were opposed to any form of Imperial preference, strenuously opposed this particular agreement. On the one side there was vehement opposition and on the other side there were the usual hangers-on and others who were easily deluded into supporting the Government. At the time when this agreement was discussed in this House, I took an attitude different from that of all these groups. I was neither opposed to an agreement nor was I the supporter of the agreement. I favoured the idea of a bilateral trade agreement and my only condition precedent was that it should be manifestly in the interests of India. I stressed that if the Government could show that the trade pact was really favourable to India, then we should enter into the agreement. But I doubted whether the particular trade agreement came up to this standard. I am glad, Sir, that the country has come round to this view, and it is prepared to have an agreement provided it is not manifestly against Indian interests to enter into it. This ought to be welcomed by the Government because they have improved their position to a degree which they had not at the time of the Ottawa Agreement. Sir, in the teeth of the opposition of the nationalists in the other place, Government, with the help of the manufactured votes and with the connivance of the deluded and spineless people, were able to carry that Resolution. In this House, of course, nothing was necessary. There is a constitutional majority in this House which saw them through without any difficulty. After the pact had been in operation for some time a report was published by the Director of Information and Statistics which showed that the pact had not given a half of what people had thought it would give. At the time of the Ottawa Pact, it was said that we would be living in heaven on earth, and there will be such a tremendous change that the whole of our export trade and our raw produce would benefit by it. But the reality was altogether different. In reality, we neither improved our position in the United Kingdom market as much as the United Kingdom products did improve in ours, nor did our total

[Mr. Hossain Imam.]

trade in raw produce increase, rather it decreased. Now, Sir, after it had been in operation for its full period, the matter came up before the Assembly. It did not come to our House, and we are glad that it did not come to us, because then the action of the Government would have been supported. When it came before the Assembly, the Government gave an undertaking that they will abide by the decision of the Legislature. In a memorable debate and division, the Government was defeated. The Government, being past masters in the art of evasion and distortion, carried out the wording of the Resolution but not its spirit. They denounced the agreement and said they had carried out their promise. But by a back door thrown wide open, they implicated us and impaled us in a worse position than we were under the original agreement. The notification to which reference has been made by the Honourable Member in reply to our questions has made matters worse. Formerly, we had simply to give a notice, but now no notice can be given for its termination without consultation. They have entered into an interim agreement which promises to be for even a longer period than the original agreement. The original agreement was for three years, and it is now close upon two years since the interim agreement was thought of. The Government has gone back on its pledges, and in order to keep us in the dark, they are not publishing any reports on the lines of the former reports on the effect of the Ottawa Agreement on our trade in recent periods. That has been deliberately done in order to cloud the issue and not to give information detrimental to their own interests. As there is a long list of non-official business today, I do not wish to prolong the debate by entering into details. The position is quite clear. The Indian people had no hand in the original agreement and in its replica that is going to be made, and although non-official advisers have been associated, I regret that agricultural interests have not been adequately represented in the personnel. The interests of the agriculturist in export trade are predominant. Our manufactured articles do not find much place in our export market. We want to have a greater share in the manufactured goods, but first we have to make ourselves cheap enough to sell without protection in India, and then we can dream of having an external market. We can do so if we get a subsidy. If Government is prepared to subsidise the export of manufactured articles, there is nothing against it in the canons of sound finance and a sound national budget. We may have a share, but the facts at the present moment are that as exporters only the agriculturist has the lion's share and in the import field our established industries clash with imports and therefore their representation on any trade talk is essential to safeguard the national industries.

THE HONOURABLE THE PRESIDENT: Is it worth while going into the personnel of the Committee at this stage?

THE HONOURABLE MR. HOSSAIN IMAM: I am not going into the personnel. My idea was that although the personnel may not be quite adequately representative of the major interests, I say that even that is not being acted upon. These unofficial advisers have been giving advice and the talks have been going on for months and months. It is more than a year since they started the talks. Now, at the time of the Ottawa Agreement our delegates were like Caesar: I came; I saw; I conquered. Sir George Schuster went, talked and conquered; and he entered into the agreement within a space of two months. Now, why has this been dragging along for all this time? The reason is not far to seek. It is apparent on the face of it why they are having no trade agreement. As I said in the beginning, I am not going to quote facts

and figures. I will simply quote one set of figures to show exactly what happened in the time of which we have a report from the Government. Between 1931 and 1934 the export of Indian preferred articles to the United Kingdom increased by 7.5 per cent. and the export of non-preferred articles to the United Kingdom market increased by 39 per cent. That is, if we had been given no preference we would have increased our trade more, as is apparent from the figures, because there was an increase of 39 per cent. of non-preferred articles while the preferred articles only gained by 7.5 per cent. Look at the picture of England. British goods entering India in the preferred list increased by 34 per cent. and in the non-preferred list only by 14 per cent.

THE HONOURABLE THE PRESIDENT: That is the result of the accidental fluctuations of trading.

THE HONOURABLE MR. HOSSAIN IMAM: This was the result of three years' work. If we find that the percentage of non-preferred British goods does not increase so much as the preferred, it shows that the British people were wise and they have selected their list with caution and with care, while our people—well, in their usual bureaucratic method thought that no one was fit to be asked; no one knew except the almighty I.C.S.

THE HONOURABLE THE PRESIDENT: I am sorry you are so disparaging in your remarks to our people.

THE HONOURABLE MR. HOSSAIN IMAM: Of their mentality, whether it is a brown or a white bureaucrat, the mentality which acts on the basis that they know all and they have nothing to learn.

THE HONOURABLE THE PRESIDENT: I am sorry you are running down the mentality of your countrymen.

THE HONOURABLE MR. HOSSAIN IMAM: Sir, but they are wiser. They did not rely on themselves. They have associated unofficial advisers with them this time and therefore they are less likely to blunder now than in former times. That is the stumbling block—that they have taken along unofficial advisers. Now, the British people are not fools. They are wise business men and they know that now it is difficult to throw dust into the eyes of the Indian representatives. Everything they say and every demand that they make will be scrutinised and subjected to microscopic examination, and that is the reason of these difficulties and delays. Now, what is the prospect before the British people? If they do not come to any conclusion and do not accept the Indian terms they continue indefinitely the original agreement under which they are making great strides.

THE HONOURABLE THE PRESIDENT: This is all premature at present in the face of your Resolution.

THE HONOURABLE MR. HOSSAIN IMAM: That is what I am saying. If His Majesty's Government is not willing to accept the advice of our non-official advisers—and it has not been accepted though they have been at it for a year and a half. What is the reason? The reason is that you do not force them to come to an agreement. They always choose the lesser of the two evils, as is usually done by everybody. The lesser of the two evils in this case is to continue the present agreement, because thereby they are gaining. They have nothing much to gain from the future agreement because that will not be so favourable to the British people as the present agreement.

[Mr. Hossain Imam.]

If the present agreement were not to the advantage of the Britishers the natural course of events would have been that the trade pact would have been terminated; we would have no reciprocal agreement; we would be competing in the market on equal terms with others. But that is not being allowed. There was nothing to prevent the Government of India after it had given notice of the termination of the Ottawa Pact to say that after three months there will be no concessions to British goods. But the trouble is that in giving concessions to the Britishers, our masters, we have gone out of our way. We have not given them concessions simply through the Ottawa Trade Agreement, but in various other fields irrespective of the trade agreement, for instance the preference given to British goods in all the protected industries. Sir, the Government thought—and I can admire them for their acumen—that the loudest in condemning the trade pact were the manufacturers; therefore to gain their sympathy and to give a sop to Cerberus, they allowed the trading interest to come to mutual agreements and we had the Mody-Lees Pact. It was entered into simply to assuage the wounded feelings of the textile traders who were really responsible for a great deal of the agitation in the country. Now, even that has proved ineffective. That concession made by the Government has not convinced our merchant princes that they have got adequate advantage over the disadvantages which ensue from this pact and therefore there is again an agitation against this. My proposition and my request to the Government is to bring us on an equal footing. At the present moment if the trade agreement is to the best interest of India why do you want to change it? Come out boldly and tell us that you think this is to our best advantage and the best protection that can be had and therefore we must either take it or refuse it and as you have given notice of termination we will suffer. There is nothing to prevent them from doing that. Our masters in Whitehall would not interfere to protect India at the cost of Great Britain. But that sort of thing is not happening. That shows clearly that the present pact is in the interests of British trade and for that reason it is being perpetuated. Can you imagine any business man giving up a more advantageous contract for a contract less advantageous merely for the satisfaction to be derived from the fact that the other party would be pleased at it? Such things do not happen in the trade world.

THE HONOURABLE THE PRESIDENT: I have allowed the Honourable Member sufficient indulgence. Under the guise of this Resolution he is expressing his sentiments on the old Ottawa Agreement as if we are wholly discussing the Ottawa Agreement in this House.

THE HONOURABLE MR. HOSSAIN IMAM: Mr. President, I most humbly submit that we are discussing the Ottawa Agreement, because that is the only agreement which is in force at the present moment.

THE HONOURABLE THE PRESIDENT: Please stick to the terms of your Resolution.

THE HONOURABLE MR. HOSSAIN IMAM: My terms are that if the Government do not accept the non-official terms, this agreement should be terminated, and I have to show that this agreement is to the disadvantage of the country and therefore I am perfectly justified in dealing with the Ottawa Agreement, because that is the main bone of contention between us. The new agreement has been so long in the making that we are doubtful whether it will ever come into effect.

Mr. President, I will now conclude. Our intention is not in any way to jeopardise the position of the Government of India, but rather to help them. These British traders should know that these dallying tactics of theirs had gone on too long, and it was now time that they concluded a new agreement. They would have either to accept India's terms or reject it. I would have shown by facts and figures how Canada and other countries improved their position, but I am not going into details as I have already taken 25 minutes.

Sir, I commend this Resolution to the acceptance of the House.

THE HONOURABLE THE PRESIDENT: Honourable Mr. Motilal, you have got two amendments. I do not know which you desire to propose.

THE HONOURABLE MR. G. S. MOTILAL (Bombay: Non-Muhammadan): The second one, Sir.

THE HONOURABLE THE PRESIDENT: You will speak on the amendment.

THE HONOURABLE MR. G. S. MOTILAL: Sir, I move that for the original Resolution the following be substituted:

"That this Council recommends to the Governor General in Council to give notice immediately of termination of the present interim trade agreement with the United Kingdom and not to give effect to any new agreement unless it is approved by the Central Legislature."

I shall briefly state my reasons for moving this amendment and commending it to the acceptance of the House in preference to the Resolution moved by my Honourable friend Mr. Hossain Imam whose devotion and patriotism we have come to admire. My amendment is not a hostile amendment but one which more effectively serves the purpose which he and we all have in mind.

May I ask this House to realise that the Resolution, as it stands, requires that notice of termination should be given only in case His Majesty's Government do not accept the terms offered by India on the basis of the advice given by non-official advisers. In the first instance we do not know whether any terms have been offered by India and what these terms are. Secondly, it is not known whether terms have been offered only by India and not by the other side too. It may be assumed from the nature of the negotiations that either party have formulated their own terms for the acceptance of the other and in all probability India alone has not offered terms for acceptance by Britain as the Resolution of my Honourable friend assumes. We have no knowledge whatsoever of the advice which the non-official advisers have tendered, nor do we know that Government have formulated their terms in conformity with the advice of the advisers in any or every respect. We have no authoritative information as to any of these matters. Nevertheless we earnestly hope that Government have followed their advice. We cannot ignore the fact, however, that they are the advisers who have been appointed by the Government of India and not chosen by the Legislature. In saying so, I do not intend to cast any reflection on the non-official advisers. I have great regard for some of them. Yet I would not agree to surrender in advance our right to examine and judge their advice on its merits when it sees the light of day. I am sure my Honourable friend Mr. Hossain Imam will himself not hesitate to denounce the advice of the Indian delegation if it deserves adverse criticism, or accord his approval if it merited his support.

[Mr. G. S. Motilal.]

We are still in the dark as to the views of the advisers. The advice of the non-official delegation and the attitude of the Government of India are necessarily a guarded secret. In these circumstances, we cannot give our consent to a prospective agreement even though it may closely follow in every respect the advice of the Indian delegates.

Again the Resolution, as it is framed, gives plenty of discretion to the Government for withholding notice of termination until His Majesty's Government definitely say that they do not accept the terms required by India on the advice of the Indian delegates. In the face of the attitude taken by Government in disregarding and circumventing the Assembly Resolution to terminate the Agreement, it will not be wise for us to leave loopholes for Government after this bitter experience. The way in which the negotiations have been dragged on for such an intolerable length of time makes one fear that His Majesty's Government may not condescend for still longer time to commit themselves to a definite reply. The Assembly in its Delhi session in 1936 urged the Government that the Ottawa Agreement be terminated without delay and the notice of termination be given in terms of Article 14 thereof. Here is what the Assembly Resolution says :

" This Assembly recommends to the Governor General in Council that the Ottawa Agreement, dated the 20th August, 1932, be terminated without delay and a notice of denunciation be given in terms of Article 14 thereof. The Assembly further recommends that the Government of India should immediately examine the trend of trade of India with various other important countries and the United Kingdom and investigate the possibility of entering into such bilateral trade treaties with them, whenever and wherever possible to bring about the expansion of the export trade of India in those markets and submit such treaty or treaties for the approval of this Assembly ".

Article 14 of the Ottawa Pact referred to in the above Resolution provides that—

" This agreement between His Majesty's Government in the United Kingdom and the Government of India shall continue in force until a date six months after notice of denunciation has been given by either party :

Provided that in the event of circumstances arising which in the opinion of either party necessitate a change in the rates of duty or margins of preference settled by the agreement on any particular description of goods that party shall notify and consult with the other party with a view to adjustments being agreed upon. If no agreement is reached within six months of the date of such notice it shall then be open to the original party to give to the other party six months' notice of his intention to carry into effect the change desired in the rate of duty or margin of preference on goods of the description named in the original notice and to bring the revised rate of rates into operation at the expiration of this period ".

The Honourable Members of the House will observe that, even while pretending to comply with this Resolution, the Government in fact acted contrary to it. They did give notice of termination but at the same time or soon after that they stultified themselves by entering into another agreement which virtually destroyed the effect of the notice of termination given by them earlier. In spite of the notice of denunciation and in the teeth of the Assembly verdict the Ottawa concessions are continued and continue to hold the field to this day. This makes it all the more necessary that we should be very clear and emphatic in defining our attitude and leave no room to Government to adopt a vacillating policy. I submit that my amendment endeavours to achieve this object. It urges in unmistakable terms that the notice of termination should be given here and now. The serving of this notice will still give the two Governments three months' further time within which they will have ample opportunity to bargain and conclude a new

Agreement. The two Governments have had no less than twenty and four months for negotiating a settlement. It will not be wrong to infer from the Press Note issued by Government in October, 1936 that the notice of termination was given in the month of March of that year. As a matter of fact when the Assembly passed the now famous Resolution, His Majesty's Government must have realised that the Ottawa Agreement was doomed. I am sure that none in this House or outside would contend that Government have not had sufficient time for full discussion to negotiate a fresh agreement. I cannot help feeling that if His Majesty's Government had only the desire to have a fair deal with this country, they had more than ample time to conclude an agreement satisfactory to both the parties. Unless the notice for termination of the interim pact is given forthwith, the indefinite continuation of the trade parleys will only serve to prolong the life of the original pact which has been condemned throughout the country. The Resolution of my friend the Honourable Mr. Hossain Imam does not debar the Government from following such tactics. Sir, in my humble opinion Government committed a blunder in making the interim agreement over the head of the Assembly. Had they not made this agreement, which has proved detrimental to the interests of the country, they would have been able to secure ere long an arrangement much better than the first one. It is this so-called interim agreement which has proved the enemy of a new agreement, and as such is must be scrapped at once, without waiting any longer for the outcome of the negotiations now said to be in progress.

I have so far dealt with the first part of my amendment. Let me now turn to its second part. The amendment says that effect should not be given to any new agreement unless it is approved by the Indian Legislature.

The Commerce Member and the non-official advisers had been to England in last summer on this mission and after nearly six months of abortive discussions returned to India with empty hands. The Commerce Member again sailed for the second time to London for the same purpose. The latest report in the Press is not of an encouraging character and reveals that the fabian policy is at work. We cannot sit with folded hands and be a party to such dilatory tactics. What I next wish to emphasise before this Honourable House is that it is no less essential that any new deal, before it is put into operation, should be placed before the Legislature and should have the seal of its approval. The Legislature will endorse it only if it is satisfied that it is in the interests of the country. If it is not in the interests of the country, it will refuse to give its consent to it. The Legislature should, we claim, be the final arbiter on an issue of such great moment between India and England. Government ought not to arrogate to themselves the role of the Legislature and present us with a *fait accompli*. The Legislature will take into consideration all the relevant factors which should weigh in assessing the benefits to be derived and concessions to be accorded under the deal. The factors to be weighed by the Legislature are, to state them briefly, in the first place the deal should not hamper but help a rapid growth of industries in India ; secondly, it should take into account not merely visible but invisible imports from Britain ; thirdly, it should not provoke other countries to strike us for the concessions we might extend to Britain. It should also provide necessary stimulus not only for the export of our raw materials, but also for our manufactures. Judged by every one of these tests, the Ottawa Agreement has failed to come up to our requirements, and I do not think, Sir, at this stage it is necessary for me to enter into a close examination of the details of the working of the agreement to prove its injurious ramifications on our

[Mr. G. S. Motilal.]

trade, industries and our economic life. I need go no further to establish my contention than to point to the fact of the denunciation of this iniquitous agreement by the Government themselves after an exhaustive debate in the other House.

THE HONOURABLE THE PRESIDENT: Will you please bring your remarks to a close. I have already given you four minutes extra.

THE HONOURABLE MR. G. S. MOTILAL: Sir, I shall only mention that the United Kingdom purchases far more goods than she sells to certain countries. Her imports in 1935-36 were more than £730 millions and this year I find her imports have gone up to one thousand and odd million pounds. Whereas her exports are far less, and she is favouring, if I may use this expression, other countries by drawing her imports from them rather than from India. I say, Sir, that this should be kept in mind by the Government of India and it is within the power of the United Kingdom to draw more goods from India merely by diverting her imports from other countries to India, and that will give India a better opportunity to have a trade deal with the United Kingdom.

THE HONOURABLE THE PRESIDENT: Substituted Resolution moved to the original Resolution:

"That that this Council recommends to the Governor General in Council to give notice immediately of termination of the present interim trade agreement with the United Kingdom and not to give effect to any new agreement unless it is approved by the Central Legislature."

The debate will now proceed simultaneously both on the original Resolution and the substituted Resolution.

12 NOON. THE HONOURABLE PANDIT HIRDAY NATH KUNZRU (United Provinces Northern: Non-Muhammadan): Sir, it is a matter of common knowledge that negotiations are in progress at the present moment for the replacement of the Ottawa Pact. It may well therefore be asked why it has been thought necessary by non-official Members to bring forward a Resolution at this stage asking for the termination of the pact. There are two reasons which, so far as I know, have led them to take this view. One is that the negotiations have been unduly protracted. It was expected that a settlement would be arrived at some time about the middle of last year. Unfortunately, although the discussions continued for several months, they proved infructuous. We do not know the details of the discussions that took place, but our suspicions were aroused by what was published in the newspapers. The news that was available to us tended to indicate that the delay in the conclusion of a settlement was due to the attitude of British interests and the support given to them by the Board of Trade.

THE HONOURABLE THE PRESIDENT: I have told Honourable Members more than once in this Council that they should not act upon newspaper reports.

THE HONOURABLE PANDIT HIRDAY NATH KUNZRU: Are we not entitled even to refer to them? I am not quoting from newspaper reports. I think I am perfectly within my rights in referring to them.

THE HONOURABLE THE PRESIDENT: You are perfectly within your rights but you should not refer to them as correct.

THE HONOURABLE PANDIT HIRDAY NATH KUNZRU: For the matter of that, not all that Government say in this Council is always correct.

THE HONOURABLE THE PRESIDENT: That is not the point now.

THE HONOURABLE PANDIT HIRDAY NATH KUNZRU: What are we then to go upon? We can neither go upon newspaper reports nor upon what Government say. We have to draw our own conclusions from what we see in newspapers and from what we hear Government representatives. The unfinished negotiations have now been resumed. Let us hope that they will be attended with a better result than the negotiations of last year. But there is a fear which cannot be regarded as illegitimate that so long as the Ottawa Pact is continued in practice, a dilatory policy will find favour with those who are unable to get their demands accepted either by the Indian advisers of the Government of India or by the Government of India themselves.

Another cause of anxiety is the Communique of the Government of India which was issued in October, 1936, to which both the previous speakers have made reference. This Communique announced that it had been agreed by the Governments of England and India that pending the conclusion of a new agreement, the 1932 agreement shall continue in force subject to termination at three months' notice on either side unless it is replaced by a new agreement. The Ottawa Pact required six months' notice. *Prima facie* this agreement seems to be more satisfactory inasmuch as it reduces the period of notice from six to three months. But there is a sting in the tail of this agreement. The last paragraph of the Communique says:

"It has further been agreed that in the event of failure to conclude a new agreement, neither party shall withdraw the existing preferences without a prior consultation with the other party."

There come first of all the negotiations for the conclusion of a new pact. If these negotiations fail, three months' notice would be needed in order to end the pact that is already in force in practice. And even after that, it is said that no party shall withdraw the existing preferences without prior consultation. To what extent are these dilatory proceedings to go on? Even when the protracted negotiations fail and no new agreement has been arrived at, it will still be incumbent on the Government of India to consult His Majesty's Government before withdrawing the existing preference. Thus the existing preferences may be continued indefinitely. This shows that the uneasiness that exists in the minds of Honourable Members is perfectly justified, and that they are on good ground in asking that the present agreement should be immediately discontinued, so that a proper atmosphere might be created for the conclusion of a suitable agreement.

The most important part of the amendment which has been accepted by the Honourable Mover of the Resolution is that which asks that no new pact should be accepted unless it is approved by the Central Legislature. There are certain facts which I should like to place before the House in this connection. When the Indian Delegation went to the United Kingdom in 1932, Mr. Baldwin, at the joint meeting of the Indian and British delegates, said that the welfare of the various countries making up the British Commonwealth of Nations depended

"to a large extent on the adoption of a policy of economic co-operation, using that term in the widest sense".

He then added:

"The actual development of this co-operation rests on the citizens of our countries more than with the Governments".

THE HONOURABLE SIB A. P. PATRO (Madras : Nominated Non-Official).
Sir, I do not wish to give a silent vote on this Resolution. Having listened very patiently to the statements made by previous speakers I am second to none in maintaining whatever be the outcome of this trade agreement between England and India, that India should not be placed at a disadvantage nor should Indian industry in any way be handicapped either through the manipulation of tariffs or through patronage and concessions given to Great Britain. On that proposition I do not think any Indian would differ. But the question is, is this the time for us to take up discussion of this important question when negotiations are going on between the two countries? I do not approve of the statements made that the Indian representatives have not been properly heard or they have not properly placed the case for India before the representatives of Great Britain.

THE HONOURABLE MR. G. S. MOTILAL : No one suggested that

THE HONOURABLE SIR A. P. PATRO : Search your hearts and search your speeches, you will find what it is. It is most disheartening that such statements should be made. Representatives who had gone there had put up a strenuous fight and placed India's case in unmistakable terms having regard to the industrial and material welfare of the country. The reasons that were suggested for placing this Resolution are, first, the negotiations have been prolonged so long that there is an apprehension that things may not go straight or fair in favour of India, it is necessary that this Council should take up the matter and ask that if the negotiations are concluded the results must be placed before the Legislature for final approval or sanction. Sir, on this matter of suspicion, possibly it is mutual. If Great Britain were to think similarly that India has been only fighting artificially, not really, not sincerely, then there is an end to all agreement. Mutuality is the basis, is the life, of an agreement and if that mutuality is to be deprived by this suspicion of intentions, then no agreement will be possible. The Resolution completely ignores the condition of things in our country. Just now the Honourable Mr. Kunzru referred to the agricultural prosperity in the country.

THE HONOURABLE PANDIT HIRDAY NATH KUNZRU : I did not refer to agricultural prosperity. All that I said was that the position was better from the point of view of India than in 1931.

THE HONOURABLE SIR A. P. PATRO : If he were in contact with the condition of things in the rural areas, certainly even that statement he would not make; he will make a very qualified statement. That is because of our want of contact with the people. Look at the position. We produce ground-nuts and cotton. The demand for cotton is entirely at a discount. Japan does not buy cotton from us; Great Britain does not buy the same quantity and other countries are exporting cotton to Great Britain and to other countries. Hereafter what will happen? The Indian cotton grower will be at a disadvantage. Then again we were exporting large quantities of ground-nuts. There is a slump in the market now or prices have fallen. Similarly, the agricultural produce with which I am conversant, namely, turmeric. We produce turmeric and there is no demand. Unless the British market improves, the producers here have no opportunity of improving their economic condition. It is there, I submit, very unfortunate that we should at this stage threaten as it were, hold out a threat, that unless things are concluded as we desire, there will be an end of the agreement. Now, Sir, when we do not know yet what the terms are on both sides, what the conditions are which are demanded from one side or the other, whether there has been any rapprochement or an agreement with regard to these matters, without any definite knowledge of these facts, that we should argue a case about which we are thoroughly ignorant, passes my understanding. I submit therefore, while as I said that we should all endeavour to see that India is not let down in the negotiations, that there should be no discouragement placed on Indian industries, at the same time we shall have to see not so much to the industrialist or manufacturer as to the condition of the actual agricultural producer, the man behind the plough we should take into consideration and not the class of manufacturers or capitalists. Therefore, Sir, from that point of view I submit it is rather premature and unnecessary to discuss this Resolution.

THE HONOURABLE SIR MUHAMMAD YAKUB (Commerce and Labour Member) : Mr. President, I do not doubt for a moment the honesty of purpose and the sincerity of the Honourable Mover of this Resolution. On the

other hand, I am rather surprised that an astute and far-sighted statesman like my friend the Honourable Mr. Hossain Imam should have thought it desirable to move a Resolution like this. Mr. President, while I was attentively listening to the eloquent speech which the Honourable Mover has made, I thought that the first part, and I should say the major portion, of his speech was directed towards matters which have no direct bearing upon the Resolution which he has moved before the House.

Now, Sir, let us look carefully at the wording of the Honourable Mr. Hossain Imam's Resolution. It asks us to give notice of the termination of the present agreement with Britain if His Majesty's Government do not accept the terms offered by India on the advice of the non-official advisers. In the first place, this seems to imply that the Government of India ought not to put forward any terms that the non-official advisers do not approve of. I do not know whether Mr. Hossain Imam puts this forward as a general proposition, or whether he is confining himself strictly to the matter of the present Indo-British negotiations. If he intends his principle to have any general application, he must surely recognise how dangerous this principle would be from his point of view. These advisers were appointed by Government of their own initiative, and particularly without any consultation with either House of the Legislature. If he seeks to bind Government to agree to accept, in advance, the advice of any non-official advisers whom Government may appoint, he must surely realise he is inviting Government to seek advice only in such quarters who are likely to give advice that is palatable to the Government. This point of view would be against all the nationalistic ideas which my Honourable friend has expressed before the House.

Mr. President, I will assume, however, that Mr. Hossain Imam intends his Resolution to apply strictly to the present negotiations and not to lay down a general principle which may be taken as a precedent. It is gratifying to find that Government has in this particular instance at least, in exercising their own arbitrary authority, and on a subject of such great importance, been able to choose advisers who are commended so unreservedly by the gentlemen on the opposite Benches. It will at least be admitted that Government have shown no desire to rig the Committee with "Yes-men" and to seek only such advice as they knew they could accept.

Now, it is all very well for the Honourable Mover to have such a touching faith in the wisdom of these advisers. Mr. Hossain Imam does not know the nature of the advice which has been tendered; yet he is prepared to give these gentlemen a blank cheque, and to honour it for any amount they care to write in. He is in fact seeking to place these gentlemen in charge of the government of the country in respect of matters of the most vital importance to the trade and commerce of the country and to the well-being of the whole commercial community. Mr. President, I am sure that so able a constitutional lawyer as the Honourable the Mover of the Resolution must realise that it is constitutionally impossible for Government to accept such a proposition. As long as Government are charged with responsibility in these matters, it is quite impossible for them to bind themselves in advance to accept the advice, whatever it may be, of any body of advisers, however eminent and capable they be. And I would point out that, since these advisers are appointed by the Government itself, the acceptance of such a Resolution could do nothing whatever to transfer the ultimate responsibility for these matters from Government to any elected representatives of the people. It would merely be replacing

[Sir Muhammad Yakub.]

one autocracy by another and that is a thing which, I believe, nobody in this House requires.

I would further point out that it is the universal experience that negotiations such as the present are not concluded merely by the presentation of an ultimatum from one side to another. The very word "negotiation" implies some elasticity, a process of give and take. Amongst the advisers themselves there may be differences of opinion which they may or may not be able to accommodate. Is Government always to accept only the advice of the majority in the course of discussions? The demands may be found susceptible of modification. At what stage is Government to stand on its minimum requirements? On all these matters, vital to the progress of the negotiations, Mr. Hossain Imam's Resolution has no guidance to give to us.

Moreover, Mr. President, in the present case negotiations have been entrusted to a person whose sound judgment and whose solicitude for the protection of India's interests cannot be doubted by anybody in this House. Sir Muhammad Zafrullah Khan has established his fame both as a great advocate and a statesman and to fetter the discretion of an unbiased and independent plenipotentiary like Sir Muhammad Zafrullah, and to make it absolutely subordinate to the non-official advisers would be a great impediment to the success of the negotiations.

Mr. President, the negotiations have now reached an advanced stage and the other party may not place all its cards on the table if they find that our representative has got his hands tied down and is not in a position to deliver the goods. Two other nations are just at present carrying on trade negotiations with Great Britain, namely, America and Ireland, and neither of them has taken the help of non-official advisers. The Government of India alone have taken advantage of the advice of their non-official advisers, and I submit that to go beyond this would be extremely disadvantageous in the interests of the negotiations themselves. I hope Mr. Hossain Imam will now realise that his Resolution is such that it is constitutionally, as well as practically, impossible for Government to accept and that its acceptance would indeed form a precedent at least as dangerous to the development of representative institutions as to Government itself and I hope therefore that he will withdraw his Resolution.

Now, Mr. President, as regards the amendment moved by my Honourable friend Mr. Motilal, I would only say that we are at present under an agreement with the United Kingdom to continue the present agreement until a new agreement is arrived at; failing this, to give three months' notice of termination. The question of withdrawing tariff concessions forthwith therefore can hardly arise. My friend the Honourable Mr. Motilal says nothing about the other side of the agreement. It is obviously impossible for India to withdraw the concessions which are accorded to imports and expects to retain the concessions which are accorded to Indian exports by England.

THE HONOURABLE MR. G. S. MOTILAL: It is implied.

THE HONOURABLE SIR MUHAMMAD YAKUB: I do not know. There is nothing in the present situation which would justify our breaking off negotiations with the United Kingdom at the late stage at which we have now arrived. Both the Honourable Mr. Motilal and the Honourable Mr. Kunzru have complained a great deal about the delay in carrying out these Resolutions. Well, in reply to that I would only submit that Honourable Members

of the House are aware that the non-official advisers of the Government of India, last year, left England, for their private business, before the negotiations could be concluded and, in order to respect the advice of the non-official advisers, the Honourable Sir Muhammad Zafrullah came back to India and had to take the non-official advisers into confidence. Here he was carrying on consultations with them. And, naturally, the larger the number of persons whom you have to consult the longer the time it requires to come to any definite conclusion. So the delay in carrying on the negotiations, which was in a way in obedience to the wishes of the Members of the Central Legislature, was inevitable. The suggestion by my Honourable friend Mr. Motilal that small differences are assuming large dimensions is not correct according to the information at my disposal.

THE HONOURABLE MR. G. S. MOTILAL: That was Mr. Hossain Imam's suggestion.

THE HONOURABLE SIR MUHAMMAD YAKUB: It was both yours and his. During the course of day to day negotiations it would be impossible to keep the House aware of the proceedings of the negotiations and therefore it cannot be made any ground of complaint that these negotiations were being carried out *in camera* and that the Honourable Members knew nothing about it. From the very nature of the negotiations it would be impossible, and probably it would be disadvantageous for the course of the negotiations, if everything, from day to day, was published in the papers or was placed on the table of the House.

There was another point on which great stress was laid by the Honourable Members on the other side, namely, that no effect should be given to the result of the negotiations until the verdict of the Central Legislature had been obtained. The constitutional position on this point is quite clear. The responsibility of giving effect to the trade pact lies upon the Government of India, and although no guarantee can be given at present that the Central Legislature's verdict will be followed to the letter, I am sure that, so far as possible, due consideration will be given to the views of the Central Legislature, as has been the case up to this time.

There is one small point more to which reference was made by my Honourable friend Pandit Hriday Nath Kunzru. He referred to section 4 of the Indian Tariff Act. On this point, I would submit that section 4 of the Indian Tariff Act is limited only to protective duties and provides that they may be either reduced or enhanced without reference to the Legislature. Beyond this, section 4 of the Indian Tariff Act does not go.

THE HONOURABLE PANDIT HIRDAY NATH KUNZRU: But that point is important enough by itself.

THE HONOURABLE SIR MUHAMMAD YAKUB: No, not in the way in which my Honourable friend wanted to put it before the House.

THE HONOURABLE PANDIT HIRDAY NATH KUNZRU: I should like to know what the view of the Government is about the utilisation of section 4 of the Indian Tariff Act.

THE HONOURABLE SIR MUHAMMAD YAKUB: Section 4 of the Indian Tariff Act is limited to certain particular items and the provisions of the section will be followed according to the terms of the section itself.

THE HONOURABLE PANDIT HIRDAY NATH KUNZRU : What about the point that a great deal of mischief might be done ? The section may be limited to a certain number of items, but they are important items.

THE HONOURABLE SIR MUHAMMAD YAKUB : I do not know if the position will be in any way worse than that which in accordance with the constitutional authority the Government of India retains today.

Another point was made about allowing the present pact to continue until a fresh pact was entered into. It is obvious that there would have been great dislocation with regard to the trade and India would have suffered a great deal if no interim agreement, or arrangement, had been made to carry on the trade of the country.

THE HONOURABLE RAI PAHADUR LALA RAM SARAN DAS : How, may I ask, would India have suffered ?

THE HONOURABLE SIR MUHAMMAD YAKUB : All the concessions which India enjoys today as regards the trade with the United Kingdom would have been withdrawn, and in the present political conditions in the world, with war in Japan and in Spain and other places, we do not know what would have been the commercial position of India if there had been no interim agreement as we have got at present. As my Honourable friend Sir A. P. Patro has pointed out, it would certainly be very disadvantageous to India itself if we pass a Resolution like this at the present moment, and I think that my Honourable friends, the Mover of the Resolution and the Mover of the amendment, after hearing the explanation which I have given, will withdraw their Motions.

THE HONOURABLE MR. RAMADAS PANTULU (Madras : Non-Muhammadan) : Sir, I am glad that the Honourable the Commerce Member appreciates our motive though he doubts our wisdom in regard to this Resolution. Sir, the main point about the Resolution and the amendment is the inordinate delay in concluding a new agreement in the place of the old one. The facts are that the Ottawa Agreement of 1932 was disapproved, and was supplemented later on by another agreement on the 9th January, 1935, and it was that supplemental agreement, read with the Ottawa Agreement, that was denounced by the Legislative Assembly almost as its first act after it had been set up. The agreement of 9th January, 1935, was objected to by the Assembly, and a Resolution that in the opinion of the Assembly the said agreement was unfair to India and that the Government of India should terminate it forthwith was passed on the 30th January, 1935. It is now more than three years and the Legislative Assembly has run its normal course already and is enjoying an extended term, and still the Resolution of 30th January, 1935, passed by the Legislative Assembly, has not been given effect to. On the 13th May, 1935, a notice of denouncement was given by the Government of India, and we are nearing three years since then. The interim agreement thus entered into is still in force. These are facts on which any Legislature would be justified in criticising the action of the Government. If the Government wants to escape criticism, some facts should have been placed before us to show that every possible step is being taken to expedite the conclusion of a new agreement, and that there was no delay or remissness on the part of the Government of India. Beyond telling us that the non-official advisers have been travelling between India and England and that the Government's representative himself has been in England more than once, we are not told anything more about it. I quite

appreciate the position of the Honourable the Commerce Member that it will not be possible for the Government to lay on the table of the House or make public the details of the negotiations. No one wants it. In our own interests, we do not want it. We only want some assurance that everything possible is being done to expedite the conclusion of a new trade agreement. I found not a single word or expression of that kind in the Honourable the Commerce Member's speech. He has left that portion severely alone.

THE HONOURABLE THE PRESIDENT : How can he give an assurance on behalf of the persons who are engaged in the negotiations that are now going on ?

THE HONOURABLE MR. RAMADAS PANTULU : He can give an assurance that at least they are doing all they can to expedite it.

THE HONOURABLE THE PRESIDENT : That is expected.

THE HONOURABLE MR. RAMADAS PANTULU : But why not then assure us ? If they can not assure us they deserve our condemnation. They will have no justification to claim that they are acting in the interests of India if they cannot even give us an assurance that they are trying to expedite the conclusion of this agreement. The very inability to do something in three years' time is enough to condemn them and to show their incapacity to govern this country in our interests.

As to the point raised by the Honourable the Commerce Member that if the amendment is given effect to and the interim agreement is terminated, great disaster will overtake this country, that is a question of fact. This is a question on which there may be difference of opinion. We, on this side, feel that India has not benefited by the interim agreement. We feel at any rate that India has not benefited by the continuance of the interim trade agreement these two or three years. My Honourable friend Mr. Motilal would probably have referred in detail to the figures of the export and import trade of India if he had not exceeded his time limit. I will only mention one or two sets of figures for the years 1936 and 1937. According to the statistical statements furnished by the Department of Commercial Intelligence of India itself, for the nine months from 1st April to 31st December imports from the United Kingdom were Rs. 34 crores in 1936 and Rs. 38 crores in 1937 ; and taking all the Empire countries there were Rs. 44 crores of imports in 1936 and Rs. 57 crores in 1937, Burma being excluded. So the United Kingdom has gained by our importing more as an effect of this interim agreement. And I find that the exports to the United Kingdom were Rs. 46 crores in 1936 and Rs. 47 crores in 1937, and in regard to all the Empire countries put together they amounted to Rs. 65.91 crores in 1936 and Rs. 71.54 crores in 1937. While there was an increase of exports to the Empire countries there was a diminution in so far as foreign countries are concerned from Rs. 69 crores in 1936 to Rs. 64 crores in 1937. Therefore while there is an increase of imports from the United Kingdom and Empire countries into India during the operation of the interim agreement, there is a diminution of the exports from India to foreign countries. These two sets of figures put together clearly show that the agreement has not operated to the benefit of India. Of course there may be many complicated factors in a case like this and I agree that this is not in itself a conclusive argument. It has been pointed out that improvement in industrial conditions and other considerations may have had some effect upon the export and import trade of India. But nevertheless we on this side contend that no harm would have been done if the interim agreement had not

[Mr. Ramadas Pantulu.]

been in force and in any case India has not gained under it. There are two considerations which move us in asking for the speedy termination of the interim agreement and the conclusion of a new one. First of all we feel that the existing agreement cannot be the basis of a new agreement. We feel that unless there are bilateral agreements with many important foreign countries and the agreement with the United Kingdom is a part of that arrangement, it cannot do any good to India. A trade agreement with England alone will not do. Therefore to proceed on the basis of the existing agreement and merely try to patch it up whether it will be better or worse I cannot say will not help us. What we want is a thorough overhaul of our trade agreements with all foreign countries and make the agreement with England a part of that overhaul.

The position is this, that hitherto the foreign countries have been buying a large amount of merchandise from us, but recently they have stopped purchasing to the same extent. Whether that is due to the Ottawa Agreement or not I do not know. It may not be due to that; it may be due to the new economic nationalism of foreign countries. They are trying to be more and more self-sufficient. They want to trade on a sort of barter or exchange control system; they take so much from you if you take so much from them.

THE HONOURABLE THE PRESIDENT: What you say is perfectly true. That may be so, but the point which has been missed throughout the debate is, could we at this stage unceremoniously break off negotiations which we started and on that point I have not heard a word said.

THE HONOURABLE MR. RAMADAS PANTULU: I will say a word. If these countries are not going to buy from us, either on account of their policy of national self-sufficiency or on account of the effect which the Ottawa Agreement has had on the import of their goods into India, then in either case there is a reason for the speedy termination of the existing agreement, because it operates to the prejudice of India. And England must take note that if she has to get her dividends from this country and if we are going to pay Rs. 70 to Rs. 80 crores a year to meet our commitments to England, it can only be through a favourable trade balance in this country. And unless England takes care to see that the trade agreement is so conceived as to allow India to have a favourable trade balance both with regard to foreign countries and the United Kingdom, she cannot expect to improve her trade relations with India in any way. Therefore we are saying that if this agreement continues to be in force much longer what will happen is that India's trade balance will be more and more unfavourable. For a long time we have been meeting our commitments abroad by exporting gold to the tune of Rs. 300 crores. But we cannot send any more gold. Therefore the United Kingdom must buy more of our goods and also enable us to sell more of our goods to foreign countries by bilateral trade agreements. We want in fact a completely new orientation to the trade agreement between India and the United Kingdom. That is what is at the bottom of our demand for a speedy termination of this agreement which stands in the way of India improving her foreign trade.

I do not wish to cite any more figures, though figures have been furnished to us by the Federation of Indian Chambers which clearly demonstrate the adverse effect of the Ottawa and the interim agreements on various articles produced in India, and those figures when analysed show that India has not only not gained by the existing trade agreement but has very largely suffered

from the existence of that agreement. Therefore we want it to be speedily terminated, whether ceremoniously or unceremoniously.

With regard to the assurance given by the Honourable the Commerce Member that if a new agreement is entered into it will be placed before the Central Legislature and due consideration will be given to our views, so far as it goes we are thankful to him. But we insist upon our right to dictate the trade policy of India and we will not be satisfied with his merely giving due consideration to the views of the Central Legislature. We ask him to accept the decision of the Legislature. The tariff policy ought to be one which the Government of India and the Central Legislature must together formulate, and the Government should not conclude the new agreement without our previous concurrence. It is only when we both agree that the fiscal convention will come into operation and the Secretary of State will also accept it. Therefore,

1 P.M.

Sir, I support the amended Resolution moved by Mr. Motilal and submit that it is an improvement on the original Resolution, for it places two definite proposals before the Government, namely, that the existing agreement should be brought to an end as soon as possible and that the new agreement should not be given effect to unless it is accepted by the Central Legislature.

With these words, Sir, I support the Resolution substituted by Mr. Motilal for the original Resolution.

THE HONOURABLE RAI BAHADUR LALA RAM SARAN DAS (Punjab: Non-Muhammadan): Sir, I was not able to hear all that the Honourable the Commerce Member said in reply, but whatever I heard was very unconvincing, particularly on the point whether India has gained by this interim agreement or not. I had no mind to speak on this Resolution unless I thought it necessary. As the Honourable the Commerce Member observed that in case the interim agreement had not been in existence, India's fate would have been adverse. How? I cannot understand. I want to prove that the impression of the Honourable the Commerce Member, with due deference to him, is not right.

(At this stage the Honourable the President vacated the Chair which was taken by the Honourable Sir David Devadoss.)

Sir, England is a big creditor country and in order to draw her dividends she imports more goods than she exports. I will only cite the export and import trade figures of the United Kingdom for the last two years as they are illustrative of that country's trade position during the post-war period. We find in 1934 that her total imports of merchandise from all countries stood at £731 millions while her total exports under that category amounted to £447 millions and in 1935 these stood at £756 millions and £481 millions, respectively. She has been particularly favouring, if I may say so, the United States and other countries of Europe by purchasing much more from them than the latter's purchases from the United Kingdom. It is time that Great Britain should now make an earnest effort to draw from India a greater part of her purchases which she is at present making from other countries. The excess of her annual intake from the United States, Canada, New Zealand and Argentine over her export trade to these countries bears no comparison with her similar transactions with India. For instance, in 1934, England bought from the United States merchandise to the tune of 383 million dollars as against her export of 115 million dollars worth of goods. The same great rush for American material is kept up in the following year 1935 for which the corresponding figures for imports and exports are 433 million dollars and 155 million

[Rai Bahadur Lala Ram Saran Das.]

dollars, respectively, and all this even after Great Britain was given preferential treatment by this country in consequence of the Ottawa Pact. In earlier years also, the United Kingdom has been purchasing from the United States much more than she used to sell to that country. I hope that in the negotiations now going on the Government of India will be able to secure for this country her due share in the excess of imports over exports which the United Kingdom retains due to her privileged position of economic superiority. It would not be out of place to look into the subsequent trade figures of the United Kingdom. In 1936 her total imports and exports of merchandise were of the value of £788 millions and £440 millions, respectively. The figures for the year 1937 are still more significant. Her imports and exports during this period rose up to £1,029 millions and £521 millions, respectively. It is pertinent to note that while India's exports to the United Kingdom in the nine months ending December, 1936 were Rs. 46.87 lakhs, for the corresponding period in 1937 they amounted to only Rs. 47.49 lakhs, the improvement being only to the extent of Rs. 62 lakhs. This shows that India has not received her due share in the United Kingdom market. This is one of the tests by which I would invite the House to judge any new deal when it is brought before us. I would not develop at length on the other equally important and vital tests which we shall discuss when the new deal comes before this House.

Before I conclude, I wish to stress the point once again that the elected representatives of the Indian Legislature are the best judges of what is good and what is not good in the interests of India. Trade agreements are submitted to the Legislature in every country which has a popular Government. The Indian Legislature was invited to pass legislation to give effect to the Ottawa Agreement. It would, therefore, be an act of monumental irresponsibility and callousness if on the eve of a new relationship between England and India of which we are hearing so much in these days, the Legislature is itself ignored by the executive on so grave an issue touching the economic fortunes of the millions. For these reasons, I earnestly implore the House to accept the amendment moved by my Honourable friend Mr. Motilal.

(At this stage the Honourable the President resumed the Chair.)

Sir, I do not want to add more to this debate, but I must say that from the figures I have given I have proved that even an interim agreement has been of no advantage to India and the sooner the Government seriously consider and press upon Whitehall the importance and the seriousness of the Indian economic situation, they will be doing their duty.

With these words, Sir, I support the amended Resolution.

* THE HONOURABLE MR. J. C. NIXON (Finance Secretary): Sir, I would like to contribute a very few words indeed to this debate. Many Members opposite, and particularly my Honourable friend Mr. Ramadas Pantulu, in very simple fashion managed to convince themselves that no agreement at all either in the future or in the interim period would be best for India and that, they suggest, is the universal opinion of India.

THE HONOURABLE MR. RAMADAS PANTULU: I am sorry to interrupt. I said that no agreement was needed when it was only to be with England and not with other countries as well.

* Not corrected by the Honourable Member.

THE HONOURABLE MR. J. C. NIXON: I hope that when Mr. Ramadas Pantulu makes that assertion he has sought the advice of the carpet and leather manufacturers of India. However, the main point that I want to put before the House is this. In any consideration of any agreement corresponding to the Ottawa Agreement we are faced with a particular problem and it is on the solution of that problem, I suggest, that whether or not there should be an agreement and whether that agreement is of advantage to India to some extent rests. The Ottawa Agreement involves the existence of certain preferential tariffs. There are two rates of import duty. For one set of goods there is a higher and a lower rate and if we had not the Ottawa Agreement either permanently or for an interim period, somebody would have to decide whether we are to put the lower rates of duty up to the higher rates or pull the higher rates of duty down to the lower rates or have some intermediate rate for both; and I suspect that whether or not the result would be of advantage to India would depend in a very large measure on the solution of that problem; and I may also inform the House that in regard to the solution of that problem the revenue position of the Government of India would be a very serious consideration.

THE HONOURABLE MR. HOSSAIN IMAM: Mr. President, the discussion which has taken place has brought out the position quite clearly and therefore I need not say much in dealing with the speeches of my Honourable colleagues. I shall confine myself to the remarks of Sir A. P. Patro and the Honourable the Commerce Member. I should like Sir A. P. Patro to enlighten me as to what he meant when he referred to Pandit Kunzru's speech? Did he mean that the position of the agriculturist today is worse than it was in 1932? I should like him to enlighten me first on this.

THE HONOURABLE THE PRESIDENT: Will you please now proceed with your remarks, whatever may be the observations of other Members. It is an irregular procedure to ask Members to explain.

THE HONOURABLE MR. HOSSAIN IMAM: Taking it that he does not deny, silence being—

THE HONOURABLE THE PRESIDENT: It is not that he is silent. I have not given him an opportunity. You proceed with your speech now.

THE HONOURABLE MR. HOSSAIN IMAM: I think, Sir, he was right when he told us that the position of the agriculturists has not improved since 1932. As a patriot he knows in what plight we are, and that, Sir, is an additional reason why we should terminate the present iniquitous pact.

Sir, the Honourable the Commerce Member's remarks on the original wording of the Resolution were uncalled for since I had stated at the beginning that we did not wish to press the original wording of the Resolution; and therefore I shall not deal at great length with his criticism of the wording of my Resolution. He was perfectly correct in assuming that I did not wish my present recommendation to be regarded as a general matter of policy for the Government of India. But when one has the choice of two evils, one always chooses the lesser of the two, and as between the bureaucracy and the non-official advisers, I think the latter are the lesser evil of the two. If the Government wish to place before us the choice between these two, we would choose the non-official advisers. They are more reliable guides on the whole than the bureaucracy. Now, Sir, the non-official advisers and the executive

[Mr. Hossain Imam.]

Government must both, in a democratic country, give precedence to the Legislature. The final authority must vest in the Legislature and in no one else, whether they be advisers or our executive heads. And that is the form which obtains in other parts of the British Empire. Here, Sir, if we have to choose between our present masters and the non-official advisers, I simply think that the latter would do less harm.

Then, the Honourable Member referred, Sir, to the Member of the Viceroy's Executive Council who has gone to England to negotiate this pact. But I hope he will not forget the character of the Government of India, in which the personality of the individual Member does not count for much. It is a body corporate consisting of eight persons which constitutes the Government of India; and however reliable and trustworthy one of the eight might be, he will not be able to change the policy.

THE HONOURABLE THE PRESIDENT: Are you giving us a lecture? This has nothing whatever to do with the Resolution.

THE HONOURABLE MR. HOSSAIN IMAM: Sir, the Honourable Member remarked that it would hamper the discretion of the Commerce Member if a Resolution of this nature was passed. I say, Sir, that he is not a Dictator of India that he can decide what he likes. He is a member of a corporate body and has only a 12½ per cent. influence in this corporation, and therefore it argues no distrust of Sir Muhammad Zafrullah to bring this Resolution before this House for acceptance.

Then he referred, Sir, to the fact that other countries have not associated non-official advisers with their delegations. That may be so, but there is a cardinal difference between the position of the Government of India and other foreign countries. For instance, I have just seen, Sir, in this week's issue of the British papers that His Majesty's Government have invited suggestions from interested persons on the trade negotiations that are to take place with the United States of America. The Board of Trade in England takes much more care and sounds trade demands and trade concerns more thoroughly than the Government of India has ever done; therefore it is not so much the form in which a demand or an agreement is concluded as the preparation for it. If you make out your case in England after consultation with the Chambers of Commerce and do not associate any non-official advisers with it, you will not be doing wrong. But here everything is reduced to a farce. Then he referred, Sir, to the fact that day to day negotiations cannot be laid before the Legislature. That was a perfectly correct statement, Sir. It is impossible to do so. But a guide, an indication of some of the principles underlying your negotiations, might have advantageously seen the light of day. As it is, we are completely in the dark as to the basis of the trade talks which are taking place at the moment. I, Sir, would have liked to know what is the exact constitutional position of the Legislature *vis-a-vis* trade pacts under the Government of India Act, 1935.

THE HONOURABLE THE PRESIDENT: You can raise that point by way of another Resolution. It is absolutely irrelevant to the present debate.

THE HONOURABLE MR. HOSSAIN IMAM: Sir, the Honourable Member told us that the ultimate responsibility for the trade talks rests with the Government of India. I want to know whether he was speaking with reference

to the Government of India Act, 1919, or the Act of 1935 and Transitory Provisions. Which of them was he thinking of when he stated that the ultimate responsibility is with the Executive and not with the Legislature?

THE HONOURABLE THE PRESIDENT: You know perfectly well that in all these matters where a committee is appointed from India to discuss matters with the Home Committee, it is the privilege of the Government of India to appoint such Committee and not of the Legislature. The result of the discussions may be placed before the Legislature for their acceptance. But the original responsibility certainly rests with the Government of India.

THE HONOURABLE MR. HOSSAIN IMAM: Mr. President, the amendment of the Honourable Mr. Motilal was that the Legislature should be consulted prior to any final decision on the matter. Speaking on that issue, the Honourable the Commerce Member stated that the responsibility is of the executive head. That is why I wanted to know what is the provision of the Government of India Act at the present moment. Have we been deprived even of this right which we have acquired after years and years of fighting?

THE HONOURABLE SIR MUHAMMAD YAKUB: Will the Honourable Member read the amendment?

THE HONOURABLE MR. HOSSAIN IMAM: That is what I am referring to, Sir. The amendment wants the ratification by the Legislature of any new agreement.

THE HONOURABLE THE PRESIDENT: Ratification at what stage? You would be quite justified in asking for ratification by the Assembly when the result is known. You may argue then that it must be placed for acceptance or rejection. You are asking my opinion on the constitutional point.

THE HONOURABLE MR. HOSSAIN IMAM: No, Sir, I am not asking for any opinion at all. I simply want a statement of facts and nothing but facts from the Government of India.

THE HONOURABLE THE PRESIDENT: Now, will you finish your speech.

THE HONOURABLE MR. HOSSAIN IMAM: "And not give effect to any new agreement unless it is approved by the Central Legislature". Now, this is the issue on which I want a definite pronouncement from the Government of India, whether the fiscal autonomy convention has been broken by the advent of Federation?

THE HONOURABLE THE PRESIDENT: You are not going to cross-examine the Government of India. I rule this as altogether out of order. Will you please complete your speech and reply to all the arguments that have been advanced by other Honourable Members?

THE HONOURABLE MR. HOSSAIN IMAM: Mr. President, I most humbly submit that any statement which the Honourable the Commerce Member makes in this House has to be replied to by us, and we are perfectly entitled to reply.

THE HONOURABLE THE PRESIDENT: I give you full permission to reply. You reply as much as you like and you say whatever you like, whether it is right or wrong. But you cannot ask him questions.

THE HONOURABLE MR. HOSSAIN IMAM : I am asking for a statement as to the position of the Government of India.

THE HONOURABLE SIR DAVID DEVADOSS (Nominated : Indian Christians) : That is not a reply !

THE HONOURABLE MR. HOSSAIN IMAM : He made a statement. I say that that statement is not correct. The statement on behalf of the Government of India is that the Legislature is debarred, and its right of fiscal autonomy is taken away, that is what the Honourable Member implied.

Another point which the Honourable Member made and which was echoed by the Honourable Mr. Nixon, is that India would lose much if there had been no agreement.

THE HONOURABLE MR. J. C. NIXON : I did not say that, Sir.

THE HONOURABLE MR. HOSSAIN IMAM : Not in so many words. The point that she would suffer if there was no agreement. (*An Honourable Member* : "He has denied it".) We are glad that the Finance Department says that we would not have lost anything from the termination of this pact.

THE HONOURABLE THE PRESIDENT : He did not say anything of the kind.

THE HONOURABLE MR. HOSSAIN IMAM : He denied the negative. So, two negatives make an affirmative ! I come to the point whether India would have suffered if there had been no pact or not. It is accepted on all sides that the major portion of our export trade is of raw produce and not of manufactured articles. On this point, I have a definite and authoritative opinion from a person, who both on account of his academic qualifications and his position in the Government, deserves special consideration. I refer, Sir, to Dr. Meek. In the Assembly Debates of 9th November, Dr. Meek said as follows :

"The question of retaliation crops up every now and then. In my opinion, it is an entire bogey. The countries which buy our raw materials buy those raw materials, because they are cheap. They would not buy from India if they could get them cheaper elsewhere. They cannot"—mark these words—"put a very high tariff or a very high import duty on the raw materials because their importers would complain that their industries were being crippled".

This is the advantageous position which we occupy in the world market. That is, people buy our goods because by that means they can export to other countries manufactured goods. The manufacturing countries have to rely for their raw produce on our exports. That is not the case with the manufactured articles of Great Britain. She would suffer if she had no preference, and we are suffering in a double way, firstly, because Great Britain, which is a creditor country, buys more from foreign countries than she sells to them. Some figures have been quoted by the Honourable the Leader of the Progressive Party and I would just bring to the notice of the House only one set of figures. From foreign countries not forming part of the British Empire, Great Britain imported goods worth £471,000,000 in 1935, whereas she exported goods valued at £266,000,000, that is to say, a balance of £205,000,000 was allowed by Great Britain to foreign countries with which she has no pact, but India cannot have anything but a pact which will ensure equilibrium between export and import, whereas, as a matter of right, justice and equity,

Sir, the project of the construction of this railway line, as the Honourable Sir Guthrie Russell told us the other day, was first surveyed in 1877—1879. It was resurveyed in 1915. At the instance of the Government of Bengal further surveys were made between 1924 and 1927 and its construction was sanctioned in 1929. But in 1930 the Government of Bengal withdrew their previous support of the project and appointed a committee to consider what measures would be necessary to safeguard public health and sanitation along the route of the proposed railway. In 1933 the Government of Bengal supporting the report of the committee, objected to the construction of the railway on the ground that it would be a serious menace to public health and agricultural prosperity of a large area and the project I am told has been accordingly abandoned. That the proposed railway if opened, would serve to shorten railway communication between East Bengal and West Bengal largely, admits of no doubt, because it now takes place *via* Sirajgunj, Jagannathgunj and Mymensing and was perhaps the sole reason why the line was surveyed from time to time and in spite of various objections raised again and again, was finally sanctioned in 1929. Before such sanction was given there must have been held an investigation as to how it affected the health of the locality and one fails to understand how that question could subsequently assume such importance as not only to negative the proposal altogether, but to render the construction even of an embanked road usable throughout the year undesirable and the result has been that the people of this locality have been thrown back to a state of nature as it were, so far as communication is concerned and this can best be described in the words of the majority report of the committee, dated 16th November, 1921, appointed before the sanction was granted in 1929. It runs as follows :

"The present means of communication between Dacca and all parts of the Manikgunj sub-division do not satisfy the public. The river service on the Dhaleswari is yearly subject to considerable interruption owing to lack of water."

A glance at the graph contained in Mr. Lawson's note will show that in recent normal years the steamer cannot ply above Sabhar for often as much as five months at a time. Even when it can reach Petila the ghat for Manikgunj a traveller leaving Manikgunj at 7 A.M. will be fortunate to arrive in Dacca before 8 P.M. The District Board road from Tetuljhora ferry over the Dhaleswari below Sabhar is impassable for wheeled traffic. The road from Manikgunj to the steamer ghat at Shealo Aricha on the Padma is passable for wheeled traffic only in the dry season, as by the nature of its constitution it becomes a clayey morass in the rains, although embanked above flood level. Such then are the artificial communications which serve the dense population summarised in the thana figures of the 1911 census given below :

	Per square miles.
Gheor	798
Manikgunj	1,015
Harirampur	1,015
Nawabgunj	1,297

That was the condition in 1921 and it is growing worse and worse year after year.

The area lying between the Padma and Dhaleswari rivers is roughly a strip 60 miles long and 15 miles wide lying north-west and south-east. It

[Mr. Kumarsankar Ray Chaudhury.]

is bounded by rivers on all sides having a south-easterly flow and may be compared to a shallow tray, the ground level in the northern sub-division being somewhat higher than in the southern and the rivers that flow over this area consequently also take a south-easterly course. But being surrounded on the north-west by the big river Jumna, on the west by the south-easterly course of the combined Jumna and the Ganges and on the south-east by the Meghna river, these mighty rivers during the rainy season spill into the area overflowing its banks with their silt laden waters and cover the entire area depositing their silt first on their banks and then in the interior thus raising an outer wall on the borders which is consequently higher than the interior, so that the rivers that flow through the tract are all gradually drying up. That, I venture to submit, is the cause of the health of the locality deteriorating year after year and not the embanked roads that may be in existence in different portions of the tract of the country. For it is a well known fact in the locality that when there is less overflowing and washing off of the various stagnant dead rivers and cesspools created artificially by the indiscriminate raising of homestead lands, the greater is the prevalence of malaria there. This is borne out by the note of Dr. Sur, one of the members of the last committee, where it states that the malaria endemicity of this tract varies with the level at which the subsoil water table is found. To improve the health of this locality it is therefore necessary to raise the centre of the locality to a higher level than the portions bordering on the rivers and as overflowing of the tract by the big rivers provides us with material for doing so we should try our best to utilise such material by preventing the flood from passing over us too rapidly by erecting a dam through the central lower region. The roads from Aricha to Bentha and from Dhaleswari to Dacca will not serve this purpose so long as the central portion between Bentha and the Dhaleswari river remains open. This river at this locality now runs in an easterly direction and a branch of this river further down feeds to a large extent the river Buriganga which flows past Dacca. There is a tendency of the Dhaleswari river here to change its easterly course to a southern one and if this is allowed to happen, Buriganga which flows by Dacca is likely also to dry up in the near future so that all places now bordering on the two rivers including the city of Dacca will soon become unhealthy. This point was forcibly pointed out by Rai S. N. Banerjea Bahadur who was in charge of the conservancy of rivers in Dacca district and who was also a member of the 1921 committee and he strongly pressed for the construction of the embanked railway line from Aricha to Dacca not only for the purpose of affording traffic facility to East Bengal by this shorter route but also for the purpose of conserving the river system in the Dacca district. The erection of this embanked railway line across this tract will also retard the hasty flow of the too heavy flood over this tract without fully checking it if sufficient openings are left in the line as the railway authorities were fully prepared to do. That will serve a double purpose; first it will allow the portion of the country north of the embankment to be fully flushed and covered with silt and secondly by preventing the flood from running hastily across the whole face of the country and forcing it through the openings in the embanked railway line it will protect them from being choked and silted up as is happening now. As regards the portion on the south of the embankment it is affected not so much by the overflowing of the Jumna but of the Padma which comes from the west and the embanked road running east from west will not seriously affect it. This flood passes by Ichamati into the Jamsa bed and from there by the river Kaliganga into the Dhaleswari further down below Dacca. The Com-

mittee appointed in 1930 on whose report the railway project has been abandoned state in paragraph 6 of their report that—

“Practically the whole area concerned is inundated during the flood season so that there is a flow of spill water across the field in addition to the flow along the defined channels” and that “an embankment of any description, either a railway or an embanked road usable throughout the year must interfere to some extent with the spill flow across the country”.

but they do not discuss or say anything as to what effect it will have upon the health of the locality beyond stating the fact that tracts of the country near the embanked roads on the two sides are more malarious than the central portion where there is no embankment. That may be true, but as I have already submitted it is due to the fact that these portions are higher than the central region and are therefore less flushed by the flood than the central and may be rendered more healthy by the retardation of the hasty flow of the flood by closing up of the gap in the centre by the embanked railway line. The Committee finally recommends :

“In these circumstances they are of opinion that the construction of either a railway or an embanked road is undesirable and suggest that before any definite action is taken in connection with the construction of the proposed railway the Government of Bengal should investigate thoroughly the possibility of improving the waterways and thereby providing the area affected with better communications by water”.

That, Sir, as I have submitted before had already been done by Rai S. N. Banerjea Bahadur and his report recommended among other things the construction of this railway line; but the Government of Bengal beyond creating a Waterways Board have through want of funds done nothing in the matter. Moreover it is very difficult for the Provincial Government to tackle this question. The condition of the river system of a province mainly depends upon the condition of the rivers that enter into it and in the case of Bengal particularly from other provinces after they have been thoroughly utilised by those provinces to serve their irrigation, forest and other projects. To that is mainly due the deleterious effect it has upon the health of Bengal. For in my humble opinion it is due to the disforestation of the country as a whole that rainfall nowadays is not so evenly distributed throughout the year as it was before, so that when it comes, it comes in a deluge and overflows the whole of the lower province of Bengal swelling the main currents of the big rivers with water and mud which chokes up the small rivers in the country. That is why the main current of the river Ganges instead of flowing through the many rivers of West Bengal has taken in its violent rush an eastern course leaving them silted up and dead. That is also why the Brahmaputra taking a westerly course has abandoned her former course by the east of Mymensingh district and now passes by the west of it choking up the rivers from North Bengal that flowed down to the Ganges in a southerly course. This is what happens during the rainy season and the same process is aggravated by the irrigation policy of the United Provinces and other provinces through which the Ganges passes through the summer and winter seasons. Most of her waters are diverted through the various irrigation canals over those provinces leaving hardly any sufficient water for the irrigation and drainage purposes of Bengal. Now that a Department of Communications has been established and a Member of the Government of India has been put in charge of it and I hope I am not mistaken, if I say that inland navigation has been placed under his charge, these questions will attract his attention.

[Mr. Kumarsankar Ray Chaudhury.]

I shall now bring my observations to a close by dealing with one matter which I have not dealt with before. The Committee set up by the Government of Bengal objected to the construction of this railway line on the ground of its being a cross-country one. I have already tried to show that it would not have a deleterious effect upon the health of the locality and in this connection I would like to draw the attention of the House to the railway map of India, for with the exception perhaps of the A.B.R. and the B.N.R. and a few other railways, most of the other railways are cross-country railways. The whole of the E.I.R. and the N.W.R. and the coastal railways of India are cross-country railways and it is a pity that such an objection could be raised in the case of a small section of the E.B.R. running barely over 60 miles.

THE HONOURABLE SIR GUTHRIE RUSSELL (Chief Commissioner for Railways): Sir, the position, as I understand it, is that the Honourable Mover does not accept the expert opinion obtained by the Government of Bengal. Now, I wonder if he has heard that opinion. I shall read that opinion, as stated to us in a letter which was received in 1933:

"The weight of opinion, therefore, of those most competent to form a decision on the matter is opposed to the construction of the railway. The danger to public health and agriculture arising from interference by embankments of any kind with the flow of silt-laden spill water over the countryside and the danger of interfering with the natural development of a river in an active area of the delta by embankments or training works designed to hold it in its course are now more fully realised than they were even in 1920, and the Local Government, although they fully recognise that this involves a reversal of the view they formerly held, are convinced that an embankment across the spill of the Dhaleswari would be a serious menace to the public health and agricultural prosperity of a large area and that as stated in an earlier paragraph of this letter, the danger to public health and agriculture far outweighs the benefit to communications which would accrue from the construction of the railway. The conclusion which they have reached after the most careful consideration is that the construction of the railway is altogether undesirable and should not be proceeded with."

I think Honourable Members will agree that with that opinion before them, the Government of India could not possibly have forced the construction of a line between Dacca and Aricha. Actually, what happened was this. On receipt of that letter, the whole matter was very carefully considered. It must be remembered that the construction had already been sanctioned and at that time we considered that we could get a return of 6 per cent. on this line. So, with the prospect of a return of 6 per cent., we were rather loth to abandon the project. What we finally replied to the Government of Bengal was as follows:

"I am to say that in no case will the construction of a line in Bengal be commenced in future, until the important question of waterways, headways, general alignment, etc., have been settled in detail with the Government of Bengal, nor will projects for new lines be sanctioned by the Government of India until the requirements of the former, on general lines, at least, have first been ascertained. In fact the intention of the Railway Board is that they will not, in future, consider any project which is not known to be based on the previously ascertained requirements of the Government of Bengal in respect of waterways, headways, etc."

I think Honourable Members will agree that having made this arrangement, we could not possibly agree to this Resolution being passed.

There is one other point I would like to clear up. When the Honourable Member talks about cross-country railways, he presumably refers to railways from east to west. But if a river runs from east to west, the railway is not a cross-country railway. It runs in the same direction and there is no objection in that case. Take the east and west railways along the banks

of the Ganges—the E.I.R. and the B.&N.W.R.—there is no objection whatsoever. But in the case of Eastern Bengal the position is entirely different.

I am afraid, Sir, I must oppose the Resolution.

THE HONOURABLE MR. KUMARSANKAR RAY CHAUDHURY: Sir, I want to make a few observations—

THE HONOURABLE THE PRESIDENT: You have made many observations! If you will kindly reply to the Honourable Sir Guthrie Russell, on the Government of Bengal's opinion, the Council will be in a position to decide on your Resolution.

THE HONOURABLE MR. KUMARSANKAR RAY CHAUDHURY: The Government of Bengal has no doubt said that no further construction of railway lines should be taken up before the question of the improvement of the river systems is taken up and thoroughly gone into. Now that the Minister of Communications has been placed in charge of not only railway communications but other communications also, I submit that he should take up the question of inland waterways also and try to come to a decision as to the improvement of the river system of Bengal. That is the main method of communication in Bengal, no doubt, and therefore, it ought to attract the serious attention of the Member in charge of Communications.

As regards cross-country construction of railways, I submit, that no doubt the railways running from east to west follow the course of the Ganges, but then, the Ganges running through a valley many rivers flow into the Ganges and the cross-country railways run across and choke them up. That is also the case with this railway line.

THE HONOURABLE THE PRESIDENT: Do you wish to withdraw your Resolution?

THE HONOURABLE MR. KUMARSANKAR RAY CHAUDHURY: I do not press it, Sir.

The Resolution was, by leave of the Council, withdrawn.

MOTION RE AMENDMENT OF THE STANDING ORDERS.

THE HONOURABLE THE PRESIDENT: I have received notice of a Motion from the Honourable Mr. Kumarsankar Ray Chaudhury for the amendment of the Standing Orders. Amendments to Standing Orders are regulated by a special Chapter, I mean Chapter X, in the Manual of Rules and Regulations. In the first instance under Standing Order 54 when a notice is received I have to read the Motion to the Council and ascertain whether the Members are prepared to give leave to the Honourable Member to move his amendment. The Motion is:

"That in clause (1) of Standing Order 71 after the words 'carried in the Council' the words 'upon a date to be fixed by the President' be added."

THE HONOURABLE MR. A. DEC. WILLIAMS (Government of India: Nominated Official): Sir, I rise to take formal objection to this Motion. In the whole history of the Council there have only been two Motions under Standing Order 71, in the years 1926 and 1930. As regards the Motion in 1930 it was ruled by the Chair that it was governed by rule 24A of the Indian Legislative Rules. Sir, there is nothing left to be done in respect of the procedure relating to these Motions and I submit that they are so infrequent that it is not worth the while of the Council to deal with this matter.

THE HONOURABLE THE PRESIDENT: I must ascertain the sense of Members of the Council by asking them if they are prepared to give leave to the Honourable Member to move his amendment. If 15 Members rise in their places, the Council will give leave; if less than 15 rise the consent of the Council will not be given. Will Honourable Members who desire to give leave to the Honourable Member to move this Motion rise?

(Four Members rose.)

Only four Members have risen. Therefore the Council refuses to give you leave to move this Motion.

I may also add that even if the Council had given permission it would not have made any difference, because of the words which you propose to add "upon a date to be fixed by the President". It is always the President's prerogative to fix the date in such cases and he fixes it.

STANDING COMMITTEE ON EMIGRATION.

THE HONOURABLE THE PRESIDENT: I have two announcements to make. First with reference to the announcement made by me on the 2nd and 4th March, 1938, regarding nominations to the Standing Committees on Emigration and for Roads, I have to announce that the following Honourable Members have been nominated for election to the Standing Committee on Emigration:

The Honourable Pandit Hirday Nath Kunzru.

The Honourable Mr. P. N. Sapru.

The Honourable Kumar Nripendra Narayan Sinha.

The Honourable Mr. B. N. Biyani.

There are four candidates for four seats and I declare them duly elected.

STANDING COMMITTEE FOR ROADS, 1938-39.

THE HONOURABLE THE PRESIDENT: The following Honourable Members have been nominated for election to the Standing Committee for Roads:

The Honourable Mr. R. H. Parker.

The Honourable Mr. Susil Kumar Roy Chowdhury.

The Honourable Rao Bahadur K. Govindachari.

The Honourable Rai Bahadur Lala Ram Saran Das.

The Honourable Rai Bahadur Sri Narain Mahtha.

The Honourable Rai Bahadur Satyendra Kumar Das.

There are six candidates for three seats and an election will be necessary. The date of election will be announced later.

The Council then adjourned till Eleven of the Clock on Thursday, the 10th March, 1938.

COUNCIL OF STATE.

Thursday, 10th March, 1938.

The Council met in the Council Chamber of the Council House at Eleven of the Clock, the Honourable the President in the Chair.

MEMBER SWORN:

The Honourable Mr. Charles MacIver Grant Ogilvie (Defence Secretary).

QUESTIONS AND ANSWERS.

INITIAL AND RECURRING EXPENDITURE FOR A FLEET OF SIX ESCORT VESSELS.

171. THE HONOURABLE MR. B. N. BIYANI (on behalf of the Honourable Mr. G. S. Motilal): Will Government be pleased to state the initial and annual recurring expenditure for a sea-going fleet of not less than six modern escort vessels which the Government of India, pursuant to arrangement with His Majesty's Government, propose to maintain?

THE HONOURABLE MR. C. M. G. OGILVIE: The details of initial and recurring expenditure have not yet been fully worked out. The Royal Indian Navy has already two modern escort vessels. It has been estimated that the arrangement with His Majesty's Government relating to the cost of the replacement of the four obsolete ships and also the provision for local naval defence, as well as all recurring expenditure involved, can be met from the existing budget allotment, including the amount of the contributions now remitted by His Majesty's Government.

THE HONOURABLE MR. HOSSAIN IMAM: On a point of information, Sir. Is it a fact that a new contribution of Rs. 14 lakhs is being made in the Naval budget of the Government of India?

THE HONOURABLE MR. C. M. G. OGILVIE: No, Sir. The contribution of Rs. 14 lakhs to the sinking fund has been made in past years except last year when it was intermitted.

THE HONOURABLE MR. HOSSAIN IMAM: What is the balance at the credit of that fund?

THE HONOURABLE THE PRESIDENT: It does not arise out of the question. I disallow it.

RECOGNITION OF MEDICAL DEGREES OF THE CALCUTTA UNIVERSITY BY THE GENERAL MEDICAL COUNCIL OF GREAT BRITAIN.

172. THE HONOURABLE MR. KUMARSANKAR RAY CHAUDHURY: (a) Are the medical qualifications granted by the universities under the

Indian Universities Act automatically registrable by the provinces entitling the holders of such qualifications to practise all over India ?

(b) Do not the Indian Medical Council maintain a Register of their own ?

(c) Has the General Medical Council of Great Britain recognised Degrees of the Indian Universities excepting those of Calcutta from 1930 ?

(d) Have not the Graduates of the Calcutta University been recognised by the General Medical Council of Great Britain from 1930 to 1936 ?

(e) Did the Indian Medical Council request the General Medical Council of Great Britain to give retrospective recognition to these Graduates of the Calcutta University ?

(f) Has such a request been rejected by the General Medical Council of Great Britain ? If so, do Government propose to take steps to remove disqualifications imposed on a large number of Graduates of the Calcutta University affected by the adverse decision of the General Medical Council of Great Britain ?

THE HONOURABLE KUNWAR SIR JAGDISH PRASAD : (a), (b) and (d). No.

(c) Yes ; except that the degrees of the Patna University have been recognised for the first time with effect from the 11th May, 1935.

(e) Yes.

(f) The reply to the first portion of the question is in the affirmative. As regards the second portion, the Medical Council of India who are concerned with the recognition of medical degrees are taking necessary action.

NUMBER OF CIRCLES UNDER THE CENTRAL PUBLIC WORKS DEPARTMENT, DELHI, ETC.

173. THE HONOURABLE HAJI SYED MUHAMMAD HUSAIN : (a) Will Government state—

(i) the total number of circles under the Central Public Works Department ;

(ii) the names of the circle officers ;

(iii) the date of appointment to the grade and the circle of the present circle officers ?

(b) Are executive engineers and subordinates transferred from one division to another in the interest of public service and also in order to acquaint these officers with different kinds of work ? Does this practice apply in the case of circle officers ? If not, why not ?

(c) Will Government state how long the present Superintending Engineer in charge of the 2nd Circle has held this post ? How long does Government propose to retain his officer on this post ?

THE HONOURABLE SIR MUHAMMAD YAKUB : (a) I lay on the table a statement giving the information asked for by the Honourable Member.

(b) The answer to the first part of the question is in the affirmative. As regards the second part, transfers of Circle Officers are made according to the exigencies of the public service. In view of their standing and experience it is considered unnecessary to transfer Superintending Engineers merely to enable them to acquaint themselves with different kinds of work.

(c) Since September, 1931. The question of his transfer will be taken up along with the transfer of other officers.

Statement showing the total number of Circles under the Central Public Works Department, the names of the Circle Officers and their dates of appointment to the grade and the Circle.

Number of Circles.	Name.	Date of appointment to grade.	Circle and date of appointment thereto.
Two permanent and two temporary.	(i) Mr. F. T. Jones, C.I.E., M.V.O., V.D.	27th January, 1928.	I Circle, 28th September, 1937.
	(ii) Sardar Bahadur T. S. Malik, C.I.E.	10th September, 1931.	II Circle, 10th September, 1931.
	(iii) Mr. A. Croad (Officiating)	15th December, 1932.	Aviation Circle, 21st October, 1935.
	(iv) Mr. A. W. H. Dean, M.C., (Officiating).	14th February, 1935.	Delhi Provincial, Circle, 1st April, 1937.

NUMBER OF SIKHS EMPLOYED IN THE SECOND CIRCLE OF THE CENTRAL PUBLIC WORKS DEPARTMENT, DELHI.

174. THE HONOURABLE HAJI SYED MUHAMMAD HUSAIN : (a) Will Government state what is the total number of Sikhs, officers, subordinates, clerks and menials, etc., employed in the 2nd Circle of the Central Public Works Department and how their number compares with the staff of other circles ?

(b) When a vacancy occurs in any posts in the 2nd Circle is the appointment filled by a nominee of the Superintending Engineer ?

THE HONOURABLE SIR MUHAMMAD YAKUB : (a) I lay on the table a statement showing the number of Sikhs employed as officers, subordinates and clerks in the four Circles in the Central Public Works Department. Information regarding menials and work-charged establishment is not readily available.

(b) No. Vacancies are filled by promotion or transfer or by recruitment in accordance with the orders of Government including the orders governing communal representation in the Central services.

Comparative statement showing the number of employees and of Sikhs employed as officers, subordinates and clerks in the four Circles of the Central Public Works Department.

	Total strength.	Sikhs.
I Circle	106	7
II Circle	183	21
Delhi Provincial Circle	110	6
Aviation Circle	57	4

SUPERSESSION OF MUSLIM OFFICERS IN THE ARCHÆOLOGICAL DEPARTMENT.

175. THE HONOURABLE HAJI SYED MUHAMMAD HUSAIN: Will Government state how many senior Muslim officers in the Archæological Department have been superseded by junior Hindu officers and how many senior Hindu officer have been superseded by junior Muslim officers in matters of promotion, confirmation, etc., during the last two years?

THE HONOURABLE KUNWAR SIR JAGDISH PRASAD: Two Muslim officers have been superseded during the period in question. No Hindu officers have been superseded during this period by their Muslim juniors.

CHARGES OF FRAUD MADE AGAINST THE SUPERINTENDENT AND THE ACCOUNTANT OF THE OFFICE OF THE DIRECTOR GENERAL OF ARCHÆOLOGY IN INDIA.

176. THE HONOURABLE HAJI SYED MUHAMMAD HUSAIN: (a) Have there been certain allegations against the Superintendent and the Accountant of the Office of the Director General of Archæology of fraudulent drawal of travelling allowance and has the matter lately been brought to the notice of the Department of Education, Health and Lands?

(b) If so, will Government place a copy of these allegations on the table of the House and also state what steps, if any, have been taken on the report?

(c) Was an officer of the Archæological Department punished some time ago in connection with almost a similar case of fraudulent drawal of travelling allowance?

(d) If the answer to part (c) is in the affirmative and that to the latter part of (b) in the negative will Government state why a distinction has been made in these cases?

THE HONOURABLE KUNWAR SIR JAGDISH PRASAD: (a), (b) and (d) Charges of fraud have been made and are under investigation. I cannot anticipate the decision that will be taken when the enquiry is complete; this will depend upon the results of the enquiry.

(c) Yes.

NUMBER OF MOSQUES AND HOLY SHRINES IN RELIGIOUS USE UNDER THE PROTECTION OF THE ARCHÆOLOGICAL DEPARTMENT.

177. THE HONOURABLE HAJI SYED MUHAMMAD HUSAIN: (a) Will Government state the total number of mosques and holy shrines under the protection of the Archæological Department and how many of each kind are still in religious use?

(b) Will they state whether all the mosques declared open to religious use are provided with such necessities as arrangements for water for public and private ablutions, sweeping and storage of prayer mats, etc.?

(c) Do Government propose to look into the matter?

THE HONOURABLE KUNWAR SIR JAGDISH PRASAD: (a) 207 mosques, of which 130 are in religious use and 297 "holy shrines", i.e., tombs of Muhammadan saints, mausoleums, etc., of which 133 are in religious use.

(b) and (c). The Archæological Department does not deal with the matters referred to in part (b) of the question.

INSTALLATION OF A TELEPHONE AT THE RESIDENCE OF THE SUPERINTENDENT, OFFICE OF THE DIRECTOR GENERAL OF ARCHÆOLOGY IN INDIA.

178. THE HONOURABLE HAJI SYED MUHAMMAD HUSAIN: (a) Will Government state whether the Office Superintendent of the Director General of Archæology has been provided with a telephone at his residence at Government expense?

(b) If so, will they state from what date the telephone has been allowed at his residence?

(c) Was a residential telephone ever allowed to the Superintendent of the Office of Director General of Archæology previously?

(d) If the answer to (c) is in the negative, will Government state what special circumstances have now justified the installation of a telephone at the Superintendent's residence?

THE HONOURABLE KUNWAR SIR JAGDISH PRASAD: (a) Yes.

(b) From the second week of August, 1937.

(c) No.

(d) The installation was sanctioned as an experimental measure. The question whether the arrangement need be continued will be examined.

GRANT FOR PRESERVATION OF ANCIENT MONUMENTS.

179. THE HONOURABLE HAJI SYED MUHAMMAD HUSAIN: (a) Will Government state whether the special grant under Demand No. 35 in the last budget for the preservation of ancient monuments was sanctioned substantially for work on the Taj Mahal, Agra?

(b) If so, how much of the grant has so far been spent on the Taj and what portion has been diverted for use on other monuments?

THE HONOURABLE KUNWAR SIR JAGDISH PRASAD: (a) No.

(b) Does not arise.

DISCOVERY OF REMAINS THROWING LIGHT ON THE PERIOD OF ARAB OCCUPATION OF SIND.

180. THE HONOURABLE HAJI SYED MUHAMMAD HUSAIN: (a) Will Government state whether any remains throwing light on the period of the Arab occupation of Sind have been discovered by the Archæological Department ever since it began to function?

(b) If the reply to (a) is in the negative will Government state whether they propose to take steps for the discovery of such remains?

(c) Has the attention of Government been drawn to the articles and notes regarding the condition of Muslim monuments and remains in Sind appearing in the magazine of the Oriental College, Lahore and *Muarif* of Azamgarh which deplore the indifference of the Archæological Department in this matter?

THE HONOURABLE KUNWAR SIR JAGDISH PRASAD: (a) Yes. The result will be found in the publications of the Archæological Department.

(b) Does not arise.

(c) The Director General of Archæology in India has seen the articles and notes in the magazine of the Oriental College, Lahore, but not those in the *Muarif*.

ALLEGATIONS AGAINST THE ARCHÆOLOGICAL SUPERINTENDENT, LAHORE.

181. THE HONOURABLE HAJI SYED MUHAMMAD HUSAIN: (a) Has the attention of Government been drawn to articles published in the *Eastern Times*, Lahore, dated October 3, November 6, 13 and 27, 1937, and *Zamindar*, Lahore, dated November 14, regarding certain allegations against the Archæological Superintendent, Lahore?

(b) If so, have they made any enquiries on the various points mentioned in these articles and with what result? If not, do they now propose to institute necessary enquiries? If not, why not? Will they make a statement on the subject?

(c) Has the Director General also dismissed, removed or transferred some Muslim servants from Taxila and recruited non-Muslims in their places?

(d) What steps do Government propose to take to protect Muslims in this Department?

THE HONOURABLE KUNWAR SIR JAGDISH PRASAD: (a) Yes.

(b) Government have made enquiries and have come to the conclusion that the allegations are unfounded.

(c) In the interest of departmental discipline a Muslim member of the Taxila staff has been transferred elsewhere. No Muslim has been dismissed or removed from service or replaced by a non-Muslim.

(d) Does not arise.

RESOLUTION *RE* DISTRIBUTION OF DEFENCE EXPENDITURE BETWEEN THE LAND, SEA AND AIR FORCES.

THE HONOURABLE THE PRESIDENT: I may inform Honourable Members that I have received a letter from His Excellency the Commander-in-Chief informing me that on account of various important duties he is unable to attend the Council today. He says:

"I should be very grateful if you would be good enough to explain to the House that my absence is due to other urgent business which has arisen".

His place is taken by the Honourable Mr. Ogilvie who will reply to the Resolutions on behalf of His Excellency the Commander-in-Chief.

THE HONOURABLE PANDIT HIRDAY NATH KUNZRU (United Provinces Northern: Non-Muhammadan): Mr. President, I beg to move:

"That this Council recommends to the Governor General in Council to redistribute the defence expenditure between the land, sea and air forces so as to provide for the more adequate defence of the country by sea and air."

Mr. President, the Budget for 1938-39 provides for a defence expenditure of a little over Rs. 45 crores. It may be regarded as a stroke of temerity in these days to say that this expenditure is high in proportion to the economic condition of India. We see military expenditure going up in every country. To take the example of England alone, compared with 1935-36 the defence expenditure in 1938-39 will absorb three times the money devoted to it then. But we may be allowed to point out that there are compensating circumstances.

in the case of England which are absent in the case of India. England is paying for the maintenance of the Empire of which she is proud. Then her forces consist entirely of Britishers. Again in the process of the development of the defensive measures, steps have been taken to add to the economic strength of the country. These mitigating circumstances are either wholly or largely wanting in the case of India. We have consequently asked that the expenditure on the defence of India should be reduced even below the figure to which it has been brought down during the last five or six years and we have suggested measures for achieving this purpose without reducing the total strength of the army. Our proposals, as was to be expected, have found no favour with the authorities. Well, we ask then, Sir, that if a large amount of money is to be spent on the defence of India, larger than the country can afford to bear even in these perilous times, we should see whether it is being spent in such a way as to adequately modernise the defences of India.

Now, Sir, looking at other countries, notably England, we find that steps are being taken there to strengthen not merely the army and the navy but also the air force. It is this arm that is principally claiming the attention of Governments all over the world. The last war demonstrated its potentialities and now it is being developed not merely with a view to co-operation with the Army or Navy but in order to perform an independent role, to carry the war, so to say, into the enemy's country, to destroy the morale of the civil population, and to attack the industrial centres and the system of transport so as to disorganise completely the defensive measures of the enemy. Now, if we are going to incur a large expenditure on defence and we are asked to follow the example of other countries, we are entitled to demand that the measures that are taken ought to be in accordance with the policies that are being pursued elsewhere. It is obvious that an agricultural country like India cannot compete in regard to expenditure, whether for purposes of defence or for civil purposes, with highly industrialised countries, but there need be no difference in the policies that are followed in the various countries, whatever their economic bases may be. Now, if the air arm is being considerably developed elsewhere, I think we have a right to ask that, if a large sum of money is spent on the defence of the country and additions are to be made to it now and in the future, that we should be provided with those defensive arms in which India is particularly deficient. I have spoken of the air arm because it is the arm that is regarded as most important at the present time. Another advantage in developing the Indian Air Force will be that we shall have a force which will be entirely Indian in personnel; both its men and its officers will be Indian and we may hope that in a short time it will be able to replace the Royal Air Force which, as the House knows, is a part of the British Air Force. At present, there is hardly any Indian Air Force. The Indian section, I understand, consists of two flights or eight aeroplanes. The Royal Air Force section, I believe, consists of about 100 aeroplanes. Now, not merely is our total strength in this respect far below that of any of those European countries of which we read in the newspapers but the situation is particularly humiliating when we come to look at the Indian section of the Force. The Air Force is a new creation. England had no particular advantage in that matter over India. Such developments as have taken place have done so only during the last 25 years. If adequate measures are now adopted by the authorities there is no reason why the Indian section of the Air Force may not be rapidly developed. I think that if Government are only serious, the Air Force cannot merely be strengthened further, taking into account the total strength both of the Indian and the Royal Air Force section, but can replace the British section also.

[Pandit Hirday Nath Kunzru.]

Now, as regards the Navy, Sir, the Indian Government by their own actions admit the need for strengthening it. I gave notice of my Resolution before the Finance Member delivered his Budget speech. It appears from this speech that His Majesty's Government have remitted a contribution of nearly Rs. 17 lakhs which we were making to it, on condition that a sea-going fleet of six escort vessels was maintained. We have five escort vessels now. The strength is therefore going to be increased by one and I gather from what my Honourable friend Mr. Ogilvie said a few minutes ago in reply to a question that the old escort vessels will be replaced by more modern ones. Now, Sir, the establishment and maintenance of the Navy are far more expensive propositions than even the maintenance of the Army. Countries that have navies worth speaking of do not rely on escort vessels. They rely chiefly on capital ships, the cost of which these days comes to about £8,000,000 apiece. It is obvious that India cannot for a long time to come dream of having a capital ship of her own. Her economic condition is such that she cannot even have a first or second class cruiser. There then remain only the other categories, namely, the surface torpedo craft and the submarine. It is hazardous for a layman like me to speak on a subject which might appear to be wholly technical but considering, Sir, that countries which are economically in a much better position than India and which are regarded as being among the major powers of the world are placing reliance for their naval defence to no small extent on the two types of vessels that I have mentioned, we shall not, I think, be far wrong in asking that, if India is to have a Navy at all, it should provide for measures not merely of defence but also offence by the employment of these cheaper vessels on which increasing reliance is coming to be placed even by first class powers. The need for strengthening the naval defences of India has been recognised by Government. If that is so they might well take into consideration the need for adding such vessels to the Navy as would enable it to discharge at any rate a part of the task that a navy in Indian waters might be called upon to perform.

Now, Sir, a difficult question arises here. All these measures that I have suggested are bound to cost a great deal of money. Honourable Members opposite will ask where all this money is to come from? I suggest in my Resolution that this money should be obtained by reducing the expenditure on the land forces. I ask not merely for the provision of more adequate aerial and naval defence but also for a reduction in the expenditure incurred on land forces in order to provide the money that will be needed. How is the expenditure on the land forces to be reduced? We have repeatedly asked for a reduction in the strength of the British forces but this has always been strongly opposed. I am not going to put forward that demand today. I am only going to suggest measures which are of a more modest kind and which, it seems to me, are not merely rendered desirable but necessitated by the military history of India of the last 70 or 80 years. We have been recently informed that certain units of the British Army, which are stationed in this country, are going to be mechanised. The total expenditure on mechanisation, according to my Honourable friend Mr. Ogilvie, is going to be about Rs. 215 lakhs. Rs. 80 lakhs of this will be met by His Majesty's Government and the remaining Rs. 135 lakhs are to be provided from the Indian revenues. The units to be mechanised are four cavalry regiments and four infantry battalions. So far as the British cavalry units are concerned, let us see whether there is any need for their retention in this country. The question of mechanisation will arise only when it is proved that the British cavalry is needed in this country. If

we consider the campaigns on the North-West Frontier, from 1852 up to the present time, we find that there have been very, very few occasions indeed on which the British cavalry has been brought into action. There is a book called *Campaigns on the North-West Frontier*, written by Captain Nevill. I gather from it that from 1852 to 1908, British cavalry was employed only on three occasions and on each of these occasions, not more than one regiment was employed. In the Third Afghan War, I believe a British regiment was again employed. But during the Waziristan operations, at any rate those of 1919-20, there was not a British cavalry regiment in the force that was mobilised. Indeed, I understand that the entire force was Indian. Judging from the account published by the Military authorities of the recent operations in Waziristan, the entire cavalry used there was Indian. We thus see, Sir, that during the last 85 years, the occasions on which British cavalry has been utilised have been notably few. If that is so, there does not seem to be any reason why it should be maintained in this country. My Honourable friend Mr. Ogilvie, discussing the subject of mechanisation in another place, said that out of the five regiments maintained in this country, one will be sent back to England, and the remaining four will be mechanised. I ask him to explain why the remaining regiments too, considering the little use to which they have been put during the last three-quarters of a century, ought not also to be sent back to England? There is no military justification for their retention in this country. But, if they must be retained and retained even when I believe they can no longer be designated by the name "cavalry", let the entire cost of the mechanisation be met by the British Government. We have been told that as the equipment will remain in this country, the material will belong to the Government of India, and that we are therefore bound in equity to provide all the money that is needed for the mechanisation of the units that I have spoken of. His Majesty's Government have however generously made a contribution of Rs. 80 lakhs and we ought to be grateful to them for this. The equipment, whether it remains in this country or not, will be for the use of the British Army. It has not been asserted that the Army is being mechanised here owing to Indian conditions. The replies given by His Excellency the Commander-in-Chief in this House, and by my Honourable friend Mr. Ogilvie elsewhere, clearly show that the mechanisation is due to the needs of England. It is being carried out because conditions of modern warfare in Europe have necessitated such a step. If that is so, if this expenditure is not necessitated by Indian conditions, if it has been incurred on an arm which has not been of any use in this country, what justification is there for throwing even a small portion of the cost of its mechanisation on Indian revenues? The bait has been thrown out to us that when the mechanisation is completed, the permanent cost will be reduced by Rs. 16½ lakhs. That seems to be due more to the sending back of a regiment to England than to any economy caused by mechanisation. But, whatever the reason for it may be, I for my part am very doubtful whether the economy in expenditure that is anticipated now will be realised in practice. I am almost certain that before many years are out, we shall be told that certain other improvements have become necessary, or that the former calculations were a little too optimistic, and that the expenditure must either remain at the old figure or even go considerably above it. I do not for a moment believe in the assurance of economy that has been held out to us. But, whatever the economy resulting from mechanisation may be, our first demand is that the cavalry regiments should be sent back to England as they are not needed by India. And our second demand is that if they are retained here, the entire cost of mechanising them ought to be borne by the British Exchequer.

[Pandit Hirday Nath Kunzru.]

Now, Sir, there is one other source of revenue, or rather reduction of expenditure, which I venture to press once more on the attention of the Military authorities. We are going to spend a sum of about Rs. 58 lakhs out of our revenues on the mechanisation of British units in the year 1938-39. This I contend should not be permitted and if the suggestion that I am going to make with regard to the Indian Army and which was originally made by the Inchcape Committee is accepted, the saving in expenditure will be appreciably above this figure. The Inchcape Committee pointed out that the peace time strength of Indian battalions was a little higher than the strength needed on mobilisation. It pointed out that there was no justification for this. It asked consequently for a reduction in their strength. But not content with that, it also proposed in accordance with the example of other countries that the battalions should be maintained on a cadre basis and that their peace time strength should be 20 per cent. below the war establishment. Now this suggestion has been made on the strength of the Inchcape Committee's recommendation more than once in this House, but we have never been told why it has not been carried out. The reserve is up to its sanctioned strength. It can be made stronger if the Military authorities so desire. There can therefore be no difficulty in bringing the battalions up to war strength on mobilisation. Why is it then that the battalions are even in peace time maintained at the strength that would be necessary on mobilisation and Indian revenues unnecessarily burdened?

Sir, there are other recommendations that could be made but I see that my time is nearly up. I will therefore only point out in the end that the policy that has so far been followed by the British Government has not merely led to heavy and unnecessary expenditure on defensive measures, but has unfortunately also tended to deceive even those people who have protested year after year against our heavy military expenditure. Judging from the debate that took place in another place a few days ago Indian members are asking for the mechanisation of the Indian Army; and why has this demand been put forward? Not because the mechanisation of the Indian Army is necessitated by the conditions prevailing on the North-West Frontier but simply because the equipment of the British Army is going to be changed. Now, I may be told that I am wrong in assuming that conditions on the North-West Frontier do not demand a change in the equipment of the Army. Well, if the conditions have changed materially it is the fault of the Army authorities that we have not been provided with information on the subject. We ask year after year for information in regard to changes in world circumstances affecting the safety of India, but our requests have so far been met with a stubborn and exasperating refusal. The Army asks both for our money and our lives, but does not vouchsafe to explain the circumstances which necessitate these demands. This year the Budget provides for additional expenditure on the Navy. It provides for expenditure in other directions also, but not a word of explanation has been offered with regard to the change of circumstances during the last year or two which have made it necessary for the British Government to take these steps.

I would just put in one word more, Sir. Our defensive measures must follow our political policies. The enemies whom we have to defend ourselves against on the North-West Frontier can only be Afghanistan or Russia. Afghanistan we are told is now friendly to the British Government and so is Russia for the time being. And they are likely to remain friendly for some time at

least. The tribal areas do not necessitate the modernisation of our equipment. What we have is more than enough for the indisciplined and disorganised tribes, however brave they may be. And if both these countries are friendly to us, are compelled to be friendly because of the circumstances that surround their national lives, why has the British Government chosen this particular moment for adding to the expenditure on the land forces? May we not, taking advantage of the present situation, reduce the expenditure on them and utilise this breathing space to strengthen our aerial and naval defences? I venture to think that more money is being spent on the Army, not to satisfy Indian needs but to enable the Indian Army to co-operate with the British Army outside India. The expenditure on the mechanisation, not merely of the British but also of the Indian Army, is being undertaken in order to keep the Army in India ready for the performance of Imperial duties. Sir, I shall be glad to hear what my Honourable friend Mr. Ogilvie has to say on the subject, but so far as I have been able to understand the questions at issue the Indian revenues are entitled to relief with regard to the expenditure on the Army, and we as the representatives of the people of India are entitled to ask that attention which has so far been concentrated on the Army, should now be devoted in an increasing measure to the development of the aerial and the naval forces of this country.

THE HONOURABLE MR. C. M. G. OGILVIE (Defence Secretary): Sir, I have listened with very great interest to the clear and thoughtful exposition of my Honourable friend the Mover. I feel, however, that the actual facts have not been taken fully into consideration, though I admit that a number of the disadvantages under which India suffers in the matter of defence have been clearly recognised by him. In the first place, it appears to me that he does admit the necessity for an army and no one who realises the long land frontiers and the enormous population of India can doubt that the army which is being maintained is too large or too strong. It is numerically much smaller than that of any considerable military powers and in fact smaller than many of those which may be described as second class powers. Its functions are to preserve the internal tranquillity and to repulse external aggression and in all the circumstances I do not think that any one can seriously consider that it is too big for its task. The nature of the Frontier problem is I think not fully understood. The North-West Frontier generally speaking is one enormous military obstacle and it is inhabited by people who are not, as the Honourable Mover said, indisciplined and disorganised, but who are, particularly in their own country or in similar country, probably among the most formidable fighting men in the world. Owing to the nature of the case they have the initiative and we have to be very careful to see that they do not use it. The fact that the Settled Districts have been immune from invasion and that the actual raids which have taken place have been on remote villages may lead people who live far removed from the Frontier itself to think that the task is an easy one. I can assure them that it is not and that those who keep the cordon on the North-West Frontier are entitled to our honour and to our sympathy, to honour for the way in which they discharge their most onerous duties and sympathy for the hardships, difficulties and dangers in which those tasks are performed. As regards the nature of the troops required, be it admitted that in such a country and against such an enemy they must be of the very best. There is to be answered the Honourable Mover's point that mechanised highly modernised troops are not required. The Honourable Mover complained that if such refinements in the art of war were now required on the Frontier it was the fault of the Army authorities for not having explained the reasons. He mentioned

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in this connection the Budget in which various changes have taken place. Well I think he can not rightly lay the blame on us because they were not explained. Members were afforded opportunities if they had chosen to avail themselves of them and the matters which were to be explained would undoubtedly have been explained. Despatches have, however, been published. Two have already appeared in the Press and one will shortly appear and those, I think, will give the Honourable Member and all those interested in this subject adequate information on the type of armaments now required to deal with the Frontier Tribes. We did not use these arms before because we had not got them and in any case in 1920, 1921 and 1922, which was the last occasion of serious fighting on the Frontier, the types of mechanised arms had certainly not reached the pitch of perfection necessary for employment in country of the Frontier type; also there was none of it in India; but we have found in the last campaign that a certain number of light tanks were invaluable; they saved casualties and prevented ambushes; probably many men are alive today owing to the fact that we had some. One of the main complaints which the Honourable Mover made was that the British cavalry had been mechanised. He gave for his reasons the fact that they had very seldom been used in active operations in India. He does not, however, suggest that no measure of mechanisation is desirable for India. Apart from the Frontier there are other potential dangers which I need not go into at any length, in fact not at all, but they exist just the same and it is obviously necessary that our Army should be kept in step with modern developments with due regard to Indian conditions and again with due regard to the overriding claims of finance. We should like to be able to spend much more on the Army than we do. The mechanisation of these four regiments will give us a nucleus of armoured troops. Even for Indian conditions or other conditions in which India may find herself one day we do not regard that as sufficient, and, as has already been announced, schemes are already in an advanced stage of consideration for the mechanisation of a number of units of the Indian Army. As the Honourable Mover is doubtless aware, the purpose of the Indian Army is largely to deal with minor dangers. There are however major dangers about and the Indian Army as well as the British, which is fully trained and equipped to deal with major dangers, must also be kept up to date as far as possible. I do not think the Honourable Mover can have it both ways. He cannot complain against us for not mechanising the Indian Army and at the same time complain against us for insuring its progress and development.

I will now turn to his main thesis, which is that expenditure on the Army should be reduced and should be devoted to increase of expenditure on the Navy and the Air Force. The expenditure on the Army has been reduced since 1922 by Rs. 23½ crores. Have we spent that on the Navy or Air Force? No. The reason why is that the cost of the civil administration has greatly risen and also that it is necessary to give every possible chance to the people of India to attain to prosperity, and to progress, and that they should not be stifled by overwhelming expenditure on defence armaments. Not a penny therefore of the Rs. 23½ crores saved in the last 15 years on army estimates has gone to any defence service. India alone of the countries of the world is today spending far less on armaments than she was 15 years ago when the dangers we now see around us did not exist and the mighty armaments both in the East and the West had hardly come into being. Well, supposing we could save some more from the Army—and only one solitary approach has been suggested—what then? The argument usually is—I think the Honourable Member was referring to it—that British troops should be exchanged for Indian troops. I do

not propose to go into that at any great length. It has been thrashed out in this House and in another place many times. All I propose to say is that were we to abandon what is for India an absolutely invaluable asset, what should we gain thereby? We should gain some Rs. 7 crores, and for all practical purposes we might as well gain seven annas. The Honourable Mover realised to the full, I think, the enormous cost of a modern navy. The United Kingdom this year is spending £123 millions on the Navy, which as far as I know is almost equal to the entire income of the whole of British India. He suggested, however, that destroyers and submarines might be built instead of escort vessels. Well, the whole of this matter has been considered in all its bearings and the conclusion has been reached that for the present, in existing circumstances, escort vessels would give India the best value for her money; that any more highly technical and complicated type of ships, such as destroyers or submarines, would necessitate vastly increased cost, not so much on the ships themselves as on the shore establishments necessary to maintain them. The machinery and engines of escort vessels can be maintained by our own Royal Indian Naval Dockyards. Those of submarines and modern destroyers and torpedo boats certainly could not. That is only one of the technical difficulties. The cost too would be in practice prohibitive. A single destroyer will cost nowadays up to £350,000. Its annual maintenance would cost very much more than that of an escort vessel. A small fleet, a single squadron, a unit of nine destroyers, would really be of very little practical use. They would be of some use certainly but India would still have to rely in the main enormously in the main, on the Royal Navy. As the Honourable the Mover very rightly said, no agricultural country can possibly compete with the intolerable burden imposed by modern armaments and we must be thankful that we do not have to pay. The cost of a modern air force is almost as great as that of a modern navy. For any independent measures, measures which would make India independent of Imperial support either in the air or on the sea, such an expenditure would be involved as would put it completely outside the sphere of practical politics, even beyond that of the imagination of reasonable men. The cost of a fighter machine now is Rs. 1½ lakhs, of a medium bomber Rs. 2 to Rs. 2½ lakhs and of a heavy bomber Rs. 3 lakhs. And a squadron has to have two if not three fully equipped planes in reserve, ready to take the air, in addition to the one actually in use, as in time of war under service conditions aeroplanes are very rapidly expended. When you multiply these figures by the number of squadrons which it would be necessary to have to be entirely independent of outside help, I think one realises that we are up against almost as impossible a proposition as the building of a first class navy. What we can do is to keep going an air force which is adequate for our own needs. We would, it is true, like to spend more money, but we cannot afford more than the Rs. 2½ crores or thereabouts which we annually spend. If we could spend more, we would. But the idea of making ourselves independent of help from the Royal Air Force is, as far as can be seen at present, impossible. The Indian wing of the Air Force is still in the experimental stage. It is, I understand, doing well. But I would like the Honourable Mover to realise that the presence of a portion of the Royal Air Force in India is an incalculably valuable asset. It means that a number of officers of the Royal Air Force are constantly being trained in Indian conditions and that, should Imperial reinforcements on a great scale be necessary, large numbers of them could be found who are aware of conditions in India, of the flying conditions which are very different from those subsisting in Europe.

Finally, Sir, I suggest that the fact that we are able to rely in time of need upon Imperial assistance is not a matter which ought to trouble us very

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much. The converse would mean that we made an attempt—and I think it would be an attempt that would be bound to fail—to enter those regions of astronomical defence expenditure in which so many of the peoples of the world are now forced to live.

I have no option, Sir, but to oppose the Resolution.

THE HONOURABLE SIR A. P. PATRO (Madras: Nominated Non-Official): Sir, the Resolution moved by the Honourable Member is a very reasonable one. The reasonableness of it was admitted by the Honourable Mr. Ogilvie when he said that considering the vastness of the country and the openness of her coast and the troubles on the Frontier and the war clouds hanging so seriously in the East and in the West, the defence force is not adequate considering the population and the size of the country. Therefore, Sir, this Resolution recommends that, in order to have an effective defence force, it is necessary that the three arms of the defence force should be developed and brought up to modern conditions, because in the matter of the Navy, we have hardly any of our own. During the war, we had 12 vessels of a very simple character. They have been gradually scrapped and replaced by others.

12 Noon. Reorganisation took place. But, even the latest development of having six modern escort vessels does not go very far in the defence of our coast. We have entirely to depend upon the Royal Navy. The term used is no doubt "Royal Indian Navy" but it is only to co-operate with and assist the Royal Navy when occasion arises. In the meanwhile they do police work on the sea. As I said the other day, suppose one big power quietly comes in and innocently has a basin in the Bay somewhere. Are we prepared to meet such a contingency? All along, we have been spending Rs. 54 crores of the people's money. Is the Government prepared to meet such a contingency? I realise that we have no mine-laying and mine-sweeping mechanism at all. These escort vessels—what will they do by themselves?

THE HONOURABLE MR. KUMARSANKAR RAY CHAUDHURY: We will escort them!

THE HONOURABLE SIR A. P. PATRO: Escort to Bengal perhaps! That is why my Honourable friend is referring to it. But Bengal is in the greatest danger today if any power establishes itself in South China. Just as the "Emden" threatened the whole of the East Coast another vessel escaping the vigilance of the Singapore basin may come to the West Coast and do havoc before the British Navy can be brought in to assist us. So, what is it that we have got in the nature of a war vessel, giving opportunities for training Indians for war purposes? Nothing. According to reports, these six vessels are to be manned by one Indian officer to two European officers. That is a very welcome proposal. That will also bring down the cost to about Rs. 57½ lakhs as proposed. But, Sir, my complaint is that the defence of the coast is not at all sufficient and adequate for the needs of the country. The object of the six vessels that we have got is to train the personnel for sea warfare during the time when there is no war. The second object is to organise and perfect the defence of India on the coasts and merchandise. Are these vessels in a fit condition to do so without the assistance of the Royal Navy? If India is to be self-dependant and to support herself, are we not to spend more money in making her naval defence stronger and more effective? I know the cost would be great. It is said that a cruiser of 7,000 tons will cost about

Rs. 2 crores. That is true. But, we can gradually build up out of the savings. As pointed out savings could be effected and these savings could be spent on improving our coast defences. Then, the protection of Indian trade in Indian waters is very important. We find jealous countries watching keenly the trade in India. Our neighbours are not very friendly with us, and yet, what is that we have got to provide against these nations? We have nothing. These vessels may scour the sea, watch and patrol the coast, and yet, how will they be able to fight a fleet of vessels? Therefore, it seems necessary that these six vessels of which two only are modern, namely, the "Hindustan" and the "Indus"—the other vessels are to be scrapped gradually,—should be strengthened and improved.

Then, as regards the Air Force, till recently we were under the protection of the Royal Air Force. We had no air force of our own. It is necessary that we must have a properly developed Indian Air Force. There will be expenditure. But we have to spend the money. I shall later on point out how we can have the money. We have now got eight squadrons of the Royal Air Force, consisting of 12 aeroplanes in each squadron, working for the defence of India. But the Indian Air Force has only got a nucleus. They are now being trained. But it will take a long time, and therefore, opportunities for developing themselves will be very slow. Thus, in the matter of our Navy and Air Force, we are asked to depend upon the Imperial Forces. Without Imperial aid, we will be nowhere. All these 50 years we have been depending upon British protection. Unless the British Royal Navy protected our coasts, and unless the British Air Force protected us, India is nowhere in the matter of her defence. Therefore, in the matter of her Navy and Air Force, it seems to me absolutely necessary that we should improve and develop our defence. Today, we have eight squadrons of air force. It has been pointed out by the Honourable Mr. Ogilvie that six squadrons were there first and then two more were added and one bomb transport flight of aircrafts, all containing about 98 aeroplanes. As regards the personnel, 164 officers and 980 other ranks man these aeroplanes. This is hardly adequate for the whole country. It is therefore right that this House should draw the attention of the Government to the necessity of strengthening the naval and air defence. No doubt, the question will be asked about expenditure. In regard to the land forces, it has been suggested by the Honourable Mover that some regiments of cavalry may be scrapped. I am not one of those who think that there should be no European element. For defence purposes we want the infantry or the cavalry. But the cavalry is now being mechanised, and so much of that expenditure will be a saving. It is not merely for the purpose of equalising the Indian Army with the British forces that this mechanisation is taking place. There will be training given to both European and Indian forces in India, which will be provided by the modern state of equipment and modern state of defence. It is not therefore only for purposes of Great Britain that this mechanisation takes place. The purposes of our Army, as has been pointed out by the Esher Committee, was defence against external aggression and maintenance of internal peace. External defence is to be carried out by the British at their expense. This was the object with which the Indian Army was formed. The strength of the Indian Army was about 179,000 men. The total fighting or field force is only 69,000. It is surprising that for all this vast country that should be the field force and how the defence of the country can be carried on by so small a force. I note that from the war up to date the strength of the Army has been reduced by 58,000. The total strength of 179,000 is divided as follows. About 70,000 are assigned to internal security and duties on the lines of communication; the covering

[Sir A. P. Patro.]

troops on the Frontier are 42,000, and the field force is 69,000. The Auxiliary, Territorial and State forces do not come into account at all as they are not properly trained or equipped. If that then is the total force in India, is there any possibility of further reduction after 58,000 have been reduced since 1914? An Honourable Member asks what is the strength of the British forces? The real fighting or field force as I have said is only 69,000, and that includes also the British units in that force. The British units are mixed together in the categories I have mentioned and are not kept separate from the Indian Army, and it is clear that at present the total strength is not at all adequate even for land defence if any emergency arises. It is true at present we are friendly with Afghanistan and we may not have trouble from Russia. That is theoretically correct, but we see, national unexpected eruptions are taking place all round; we cannot be sure of what will happen next. Therefore under present world conditions it is desirable that we should be prepared, and the way of improving aerial and naval defence is not by reducing the Army. I have here a note which says:

"The fact is that about half the Army in India would be incapable of taking the field in the war formations required for any campaign of modern dimensions".

That is the real truth. You have not got sufficiently strong land forces to be able to defend India against foreign aggression, and that is the important point that we must develop the Indian defence forces on all sides.

Then of course mechanisation has been going on. We have the armoured cars, the light tanks and improved automatic machinery. That is one form of mechanisation. The one now proposed is a different thing and that is what we want Britain to bear the whole expenditure on, because so long as we are not responsible for defence policy and so long as Great Britain undertakes responsibility, she must pay for the discharge of that responsibility. And with that contribution we shall surely be able gradually to improve both the naval and air defence. We cannot have improvement in one or two years. Gradually, by Indianisation as well as by contributions from Great Britain, our finances and the position in regard to mechanisation can also be improved.

THE HONOURABLE RAI BAHADUR LALA RAM SARAN DAS (Punjab: Non-Muhammadan): I rise to support the Resolution which has been so ably moved by the Honourable Mr. Kunzru. The Honourable Mover has dealt with the subject so fully that he has not left much for me to say. I agree with the Honourable Mr. Ogilvie that the people on the North-West Frontier are formidable fighting men. But from my own experience on various committees of this Legislature I have found that that ferocity of the Frontier Tribes has been overdone for some time. The British policy of peaceful penetration has been successful because it has raised the standard of living and given these tribal people luxurious habits. That has reduced the fighting capacity of these people. I myself have been on the Khajuri Plain, at Landi Kotal and Landi Khana and other places and in the caves of these tribal people, and I find that they are vindictive but hospitable and not so ferocious or so formidable as they are said to be. The British policy has made them better people and they care more for the sanctity of life than they used to in times past.

By the addition of an Air Force we expected that there would be a considerable saving in the army expenditure in certain units. I should like Mr. Ogilvie to say how much reduction has been made and in what direction?

Then mechanisation of the Army has come, but I fail to understand why that mechanisation should have begun with the British forces lent to us for short periods. In reply to my question the other day the Honourable the Army Member said that these forces were not lent but they came here for a number of years and when they went back they were replaced by similar units. All the same, my own opinion is that it was not the responsibility of the Indian Government to mechanise the British units lent to us for a short period; it was the responsibility of the War Office and that the Indian Government was forced to take that step. If the Indian Government felt it was necessary to mechanise, it was their duty to mechanise the Indian units before mechanising British units. I am glad, Sir, that the Army Member in reply to my question the other day in this House stated that when these lent units of the British Army when they leave India the equipment will be retained here. After all, that is a consolation. It is the duty of the Government of India to insist upon the War Office to find the money for the mechanisation equipment of British units themselves.

As regards the Frontier, the other day a letter was published in the papers from the Faqir of Ipi to Pandit Jawahir Lal Nehru containing certain serious allegations and I expected that the Honourable Mr. Ogilvie would throw some light as to whether the contents of that letter were correct and if they were wrong up to what extent and on what point they were wrong. As I see it, the Faqir of Ipi accuses the British Government that all this fighting which has taken place recently is due to their policy of aggression and annexation of tribal areas. Sir, that is a very important point, because we find that over Rs. 2½ crores have been spent upon these recent expeditions to the tribal areas. We should like to know whether it was due to the forward policy of the Indian Government to occupy the land beyond their old established limits? I understand that when the Loi-Shalwan Railway was built it cost several crores of rupees and later we found that the tribes who resented the construction of that railway took possession of it, blew away the bridges and thus rendered the line ineffective. If I am wrong, I hope the Honourable the Defence Secretary correct me. Sir, notwithstanding the annexation of the tribal areas to India, I find the number of raids on British subjects and kidnapping of people has not diminished; and that even now although we have cantonments at Razmak, Thal, Parachinar and other places, far in the frontier these raids still continue and result in casualties. I should like to ask the Defence Secretary why, notwithstanding this huge expenditure on the Frontier and notwithstanding the laying of new roads for mechanical transport extending over several hundreds of miles, the raids still exist and exist in large numbers. My friend the Honourable Sir A. P. Patro talked about the Indian Air Force. The Indian personnel of the Air Force, although it has been very very small, has proved a great success during the last war. One of our Punjabi officers, Mr. H. S. Malik, whose records of flying in the war were mentioned even in Despatches, did very well and did gallant work there. My own information is that although he was wounded in his plane he succeeded, though wounded, in getting to the ground several enemy planes. As far as Indians in the Air Force are concerned, the example of Mr. H. S. Malik, whom perhaps you all know and who has lately been appointed as Trade Commissioner in New York, will amply prove that Indians in the Air Force are as good as any other nationality. So, Sir, the pace of Indianisation of the Royal Air Force ought to be increased. As regards the addition of the six small defending boats to the strength of the Indian Navy, it will not achieve the object which Indians have in view. India is the most valuable component part of the British

[Rai Bahadur Lala Ram Saran Das.]

Empire. It finds service for such a huge number of Britishers on salaries which are unknown in any other part of the world. It is a great recruiting centre, I should say, the greatest in the British Empire, for the recruitment of man power during war. British India therefore is the greatest asset to British people and as such some portion of the army expenditure should reasonably be borne by the War Office. Hitherto, Sir, the entire naval defence of India was the duty of the British Navy. I know, Sir, that the Honourable Mr. Ogilvie has observed that we do not maintain such a big army as other important countries of the world do. But, Sir, I must say with due deference to him that the proportion of the expenditure on the Army as compared to our revenues is an unparalleled example in the world. No country in the world, as far as my information goes, spends over 50 per cent. of its revenue on the army. It is all right, Sir, to say that in case you calculate the cost of the defence per head of the Indian population it is small. That may be, but after all we have to go by our means. No country spends more than 50 per cent. of its revenue on the army and as India is the most valuable asset of the British Empire a reasonable proportion of this expenditure should be borne by the War Office. The contribution of Rs. 10 lakhs which the British Government has foregone this year is not enough. The *status quo* should have been allowed to remain and the defence by sea of India should have rested with the British Navy as was the case in the past. One more point I will make before I sit down. The expenditure on British cavalry and British units in India should be borne by the War Office as we Indians consider that this is an army of occupation and this contribution is not levied India will feel that at least partial justice has been done.

With these words, Sir, I strongly support the Resolution of my Honourable friend Mr. Kunzru.

THE HONOURABLE PANDIT HIRDAY NATH KUNZRU: Mr. President, the most important point that we have to consider is whether the mechanisation that is now in progress is demanded by Indian conditions. Now, I ventured to state that in my opinion it was due entirely to extraneous circumstances. My Honourable friend Mr. Ogilvie questioned that view and said that the rearmament of the Indian Army was necessary in view of developments on the North-West Frontier. He also said that we should not think merely of the North-West Frontier. There were other danger spots too, which we ought to keep in view. But he was not at all explicit on the subject. He was tantalisingly brief. If he meant to refer to the North-Eastern Frontier, why could he not express himself more clearly and frankly? It is our complaint year after year against the Military authorities that, while they expect us to bear the full burden of defence, they will not show any frankness on their part and give us the information that is our due in view of the responsibilities that we are asked to shoulder. My Honourable friend pointed out the huge expenditure that England is incurring on rearmament. But he forgot to bear in mind the differentiating circumstances that I had briefly touched upon in my opening speech. But, Sir, whatever the expenditure incurred by England may be, the Members of Parliament are not asked to vote the necessary expenditure without being furnished with adequate information. The British Premier and Foreign Secretary take Parliament into their confidence and speak as frankly and fully as diplomatic circumstances allow on the conditions which have made it necessary for England to strengthen her army, navy and air force. Why should the authorities here

be more reticent than the authorities in England? Why cannot they tell us what possible dangers India might have to face, either from the east or from the west? Can they not, without giving offence either to Italy or Japan, tell us how the conquest of Abyssinia or the operations in China have affected the future security of this country? So long as they observe silence in regard to these important things, they must thank themselves if the statements that they make or the demands that they put forward from time to time in regard to increase in military expenditure are viewed with suspicion by the people of this country.

Sir, as I pointed out a little while ago, my Honourable friend roundly asserted that, apart from European conditions, a change in the equipment of the Indian Army was necessary because of changing conditions on the North-West Frontier. Now, he dealt with the subject in another place three or four weeks ago, and he pointed out there that mechanisation was no new thing. It had been going on on a small scale ever since the close of the Great War but he also pointed out there that there was one new development and that was the complete mechanisation of certain cavalry and infantry units owing to the change in the equipment of the Army in England. He himself admitted that this major programme of mechanisation was due to change of policy in England. We had to follow England whether we liked it or not, whether we were able to foot the bill or not. Apart from that, Sir, His Excellency the Commander-in-Chief very frankly admitted the other day in reply to a question that the reorganisation of four British cavalry units and four British infantry units was due primarily to the mechanisation that was being followed in the British Army. After this admission on the part of His Excellency, it is too late for my Honourable friend Mr. Ogilvie to get up and assert that the mechanisation is chiefly due to the change in the conditions of warfare on the North-West Frontier.

Dealing, Sir, with my request for the strengthening of the Navy and the Indian Air Force, he pointed out the heavy cost that would be involved in the acceptance of my proposals. I would like to ask him whether the mechanisation of the Army would be a cheap affair? The mechanisation of eight units is going to cost us nearly Rs. 2½ crores. I do not know how many units of the British Army will be mechanised but judging from the policy that is being followed in England, I take it that in course of time all the units will have to be mechanised. Now, how much expenditure will this throw on the Indian revenues? And if all the Indian units are also to be mechanised, what will be the further cost they will have to bear on this account? I do not believe that in the end there will be a reduction of any kind in expenditure. My Honourable friend Mr. Ogilvie pointed out to the Assembly that one cavalry regiment would be sent back to England. Well, a cavalry regiment costs about Rs. 17 lakhs. Well, if the saving in expenditure on account of the mechanisation of certain units of the British Army is going to be Rs. 16½ lakhs, it means that it is due entirely to the elimination of one cavalry unit.

To revert to my point, Sir, the mechanisation of all the units of the British Army will involve us in heavy expenditure. The mechanisation of the Indian Army will throw a further burden upon us. If, however, we keep purely Indian conditions in mind, I think we shall be able to reduce the expenditure on the land forces and at the same time to provide for the strengthening of the navy and the air force.

[Pandit Hirday Nath Kunzru.]

Sir, my Honourable friend in his speech dealt with many of the points that I had raised but omitted altogether to tell us why in the Indian Army alone it was found necessary to keep the Army in peace time on a war footing. This point was raised, as I said earlier, by the Inchcape Committee. I thought it was important enough to merit the attention of my Honourable friend, but he has remained studiously silent about it.

THE HONOURABLE MR. C. M. G. OGILVIE : I shall deal with it in my reply.

THE HONOURABLE PANDIT HIRDAY NATH KUNZRU : I am very glad to learn from my Honourable friend that he will deal with it in his closing speech. Well, Sir, if we can save the expenditure that we shall have to incur on the mechanisation of the British units and can accept the recommendation of the Inchcape Committee for reducing the peace strength of the Army, I venture to think that we shall be able to find a sufficient sum of money to make a modest beginning in the direction that I have indicated.

The Commander-in-Chief told us the other day that the Government of India had asked the British Government to bear the full cost of mechanisation of the British units. We asked him how it was then that the Government of India came to accept the grant of Rs. 80 lakhs only. He said he could add nothing to the answer he had already given. I hope that my Honourable friend Mr. Ogilvie will be able to throw some light on that question. If the Government of India had asked the British Government in the first instance to pay the entire bill, I take it it was due to a consciousness on their part of the fact that the British Army was being mechanised owing to British needs. I hope that there is still time for the Indian authorities, in view of the support they have received both in this House and elsewhere, to press this matter once more on the attention of the British authorities and ask them to do justice to India in this small matter.

Sir, there is one other point in my Honourable friend Mr. Ogilvie's reply which I would like to deal with before I sit down. He told us that in asserting that the mechanisation of the Indian Army was not necessary, we were showing our ignorance of the nature of the North-West Frontier Province. To repeat his words, the nature of the problem was not fully understood by us. Now, Sir, we all know that the tribesman on the Frontier is an extremely brave and hardy fellow. The history of the last 80 years points eloquently to that fact. But all the lessons of modern warfare tend to show that mere bravery in the field is not enough these days. If bravery were enough, China would not have suffered in the way she is doing at the present time and the Abyssinians would still have been masters of their country. In these days, equipment counts for much more than man power. We have never been told before that our man power and our equipment are in any way inferior to that possessed by the tribesmen. On the contrary, all that we have been told has tended to foster in us the impression that however backward we might be from the European point of view, our standards were far higher compared with the equipment possessed by the tribesmen. The tribesman's bravery is undoubtedly extraordinary, but that does not in any way alter the fact that our equipment is immeasurably superior to his and that we can without mechanising our army deal adequately for a long time to come with the danger on the North-West Frontier.

THE HONOURABLE MR. C. M. G. OGILVIE : Sir, I propose first to deal briefly with the arguments adduced by Honourable Members on the subject of the Royal Indian Navy and its inadequacy for the duties which it has to perform. Its duties are simply these—to assist the local naval defence organisation which is, or is about to be started in the task of keeping Indian ports and their approaches free from enemy submarines and minelayers ; secondly, to act as escort vessels, that is, as sea-going ships, to escort convoys of merchant ships or transports and to protect them against attack from submarines or light surface craft. More they cannot do. For defence against a raid by even a single heavily armed ship, India must rely upon the Royal Navy. The Honourable Rai Bahadur Lala Ram Saran Das was wrong in thinking that India, by accepting the remission of the contribution, has forfeited her claim to defence by the Royal Navy. She has not. She now will obtain that defence free of all charge—

THE HONOURABLE RAI BAHADUR LALA RAM SARAN DAS : I am glad you have corrected me.

THE HONOURABLE MR. C. M. G. OGILVIE—the defence that is costing England in the coming year £123 millions or so. The position is entirely unchanged except that India, instead of having to pay something, pays nothing.

I cannot say very much about the remarks of the Honourable Sir A. P. Patro who thinks that not only should we increase the Naval and Air Force but also the Army. I am in this matter in entire agreement with the Honourable Rai Bahadur Lala Ram Saran Das who says that the expenditure on defence in this country is already as high as it ought to be. I cordially agree with this, and every effort is being made by Government to keep it down. Where we can get the services of armaments free, we take them. Where we can get grants from His Majesty's Government to eke out our slender resources, we take them, but we take them thankfully. As regards the grant for mechanisation, His Excellency the Commander-in-Chief has said in this House that we are all thankful for what we have got. His Excellency is perfectly right. If we could have got more, we should be even more thankful than we are now. It is not, however, correct to think that the rearmament of the British Army demanded a certain type of equipment and that was unhesitatingly applied to India. The reason for the sudden rearmament, or rather the decision to effect rearmament—they have not yet done it—the decision was due certainly to the fact that there was a change of organisation in England. But we should not have accepted it if we were not convinced that it was for the benefit of the Army in India. Again, there is no doubt I think that we could quite readily maintain our position on the Frontier without mechanisation, but we should maintain it at a greater cost of men and ultimately of money.

I was asked to say why we kept Indian units up to war strength. The answer is that the Army has been reduced to so small a size that it is imperatively necessary to keep what we have on a war footing, ready to go to war at once. Also our experiences in the last war in the matter of reservists was that if they had been absent from the colours for any length of time they were not at once efficient physically for the hardships of modern war. We cannot therefore afford to fill up with reservists when war starts. Reservists we must have to replace casualties, but we do not want to depend on them to take the field in the first instance.

In his last speech the Honourable Mover made all manner of gloomy prophecies. He said that he believed to start with that the saving which has

[Mr. C. M. G. Ogilvie.]

been envisaged on the mechanisation of certain units of the Army will not materialise. The answer is that as far as I know at present it will exceed the sum stated. He appeared to find a grievance in the fact that much of the saving had been secured by sending one of the cavalry units back to England. I do not see why. Surely we are entitled to get our savings in any way we can. Mechanisation is an extraordinarily expensive process. It will cost a very great deal; but the saving was effected and I do not think that the method of effecting it should be a cause of wrath. We shall have to work out some similar scheme for any further degree of mechanisation that is found to be necessary. But as for a vast additional burden, in addition to that which at present rests on this country, being imposed by an enormous expansion of mechanisation in the future, I can assure the Honourable Member that that will not happen. We are fully aware that this country cannot afford to endure much more of a burden than it does already. At present India has to rely for her defence at sea and in an emergency also in the air on the Empire. She can to a very great extent rely on herself for defence on land. If it became necessary for England to take that burden upon herself also, she would do so rather than cripple the people of India.

One or two other misunderstandings I think I must mention before I sit down. Rai Bahadur Lala Ram Saran Das in opening his speech said that he thought that the people of the Frontier were becoming less dangerous, less ferocious and more kindly disposed towards their fellowmen. At the end of his speech however, he said that raids and kidnappings still went on as before in spite of the expenditure on Frontier operations. Well, he may be right about their becoming more amenable and civilised. I think to some extent he is. He is certainly right that raids and kidnappings do still go on, and the conclusion is that if the expenditure which we have had to bear had not been incurred, those raids and kidnappings would have been multiplied accordingly.

The Honourable Pandit Kunzru at the close of his speech said that modern equipment was not necessary against people on the Frontier because the only asset they had was bravery, and compared them with the Abyssinians and the luckless Chinese. I assure him that he is entirely mistaken. The only equipment they have, it is true, is their rifles. But they know how to use them and know how to use their country, which is their most valuable asset. If they were to come out into the plains and take on the Regular Army in the open, then of course they would stand no chance whatever. But they do not. They bide their time. (*An Honourable Member*: "What about the Fakir of Ipi's letter?") I am not very clear about the Fakir of Ipi's letter. I do not remember myself having seen it, but all that I can say on the subject of the Fakir of Ipi is that his aggression on British territory, the aggression inspired by him, was deliberate and unprovoked.

With these words, Sir, I resume my seat.

THE HONOURABLE PANDIT HIRDAY NATH KUNZRU: My Honourable friend promised to deal with the suggestion of the
1 P.M. Incheape Committee that the Army in ordinary times should not always be on a war footing.

THE HONOURABLE MR. C. M. G. OGILVIE: I did so at considerable length.

THE HONOURABLE THE PRESIDENT: Resolution moved:

"That this Council recommends to the Governor General in Council to redistribute the Defence expenditure between the land, sea and air forces so as to provide for the more adequate defence of the country by sea and air."

Question put: the Council divided:

AYES—14.

Biyani, The Honourable Mr. B. N.
Chettiyar, The Honourable Mr. Chidambaram.
Hossain Imam, The Honourable Mr.
Kalikar, The Honourable Mr. V. V.
Kameshwar Singh of Darbhanga, The Honourable Maharajahdhiraja Sir.
Kunzru, Honourable Pandit Hirday Nath.
Mahapatra, The Honourable Mr. Sitakanta.

Mitha, The Honourable Sir Suleman Cassum Haji.
Motilal, The Honourable Mr. G. S.
Muhammad Husain, The Honourable Haji Syed.
Padshah Sahib Bahadur, The Honourable Saiyed Mohamed.
Pantulu, The Honourable Mr. Ramadas.
Ram Saran Das, The Honourable Rai Bahadur Lala.
Ray Chaudhury, The Honourable Mr. Kumarsukar.

NOES—25.

Akram Husain Bahadur, The Honourable Prince Aisar-ul-Mulk Mirza Muhammad.
Ataullah Khan Tarar, The Honourable Chaudhri.
Bata Singh, The Honourable Sardar.
Charanjit Singh, The Honourable Raja.
Devadoss, The Honourable Sir David.
Ghosal, The Honourable Sir Josna.
Govindachari, The Honourable Rao Bahadur K.
Haidar, The Honourable Khan Bahadur Shams-ud-Din.
Hissamuddin Bahadur, The Honourable Lt.-Col. Sir.
Ismail Ali Khan, The Honourable Kunwar Haji.
Jagdish Prasad, The Honourable Kunwar Sir.

Khurshid Ali Khan, The Honourable Nawabzada.
Menon, The Honourable Diwan Bahadur Sir Ramunni.
Muhammad Yakub, The Honourable Sir.
Niamatullah, The Honourable Chaudhri.
Nihal Singh, The Honourable Sirdar.
Nixon, The Honourable Mr. J. C.
Ogilvie, The Honourable Mr. C. M. G.
Puckle, The Honourable Mr. F. H.
Reid Kay, The Honourable Mr. J.
Roy, The Honourable Mr. S. N.
Russell, The Honourable Sir Guthrie.
Singh, The Honourable Raja Devaki Nandan Prasad.
Williams, The Honourable Mr. A. deC.
Yeatts, The Honourable Mr. M. W. M.

The Motion was negatived.

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

The Council reassembled after Lunch at Half Past Two of the Clock, the Honourable the President in the Chair.

RESOLUTION RE REDUCTION IN DEFENCE EXPENDITURE.

THE HONOURABLE MR. HOSSAIN IMAM (Bihar and Orissa: Muhammadan): Sir, I rise to move:

"That this Council recommends to the Governor General in Council to form a Committee of the Members of the Central Legislature to examine the Defence Budget with a view to reducing the expenditure generally, and in particular to attain the following objectives: (a) reductions in Ancillary and Engineering Department expenses; (b) increase in the income from disposal of stores; (c) the possibility of transferring part of pension charges to the British Government; (d) the feasibility of questioning the composition of capitation charges; and (e) the equity or otherwise of charging the whole or part of the contribution for the National Health Insurance and the Unemployment Assurance for British soldiers."

[Mr. Hossain Imam.]

Sir, this very long Resolution has been brought forward with a small objective, that is, to reduce the expenditure of the Government of India on its Defence Department. There is a similarity between the Resolution which our Honourable colleague Pandit Hriday Nath Kunzru moved and the one I am now moving.

THE HONOURABLE THE PRESIDENT: If you say it is a similar Resolution to that, I will disallow it.

THE HONOURABLE MR. HOSSAIN IMAM: Sir, what I am saying is, that which was a means for him is an end for me, that one of the methods which he adopted for the attainment of his Resolution is the objective of my Resolution. What was a means to an end for him is the end itself for me.

THE HONOURABLE THE PRESIDENT: If you argue that it is substantially the same Resolution, I will not allow you to move it.

THE HONOURABLE MR. HOSSAIN IMAM: It is not substantially the same. His objective was quite different to mine, but one of the methods which he adopted is the objective of my Resolution.

Sir, the terms of the Resolution are wide enough to embrace in it the whole question of the defence expenditure, including the strength, equipment and composition of our defence forces. But I am going to impose a self-denying ordinance on myself in not questioning the equity of fostering British forces on Indian revenues. And, Sir, when I say this, I bear also in mind that even this Government of India had once claimed from the Garron Tribunal that His Majesty's Government should pay us the entire cost of the British personnel in the Army in India. That will remain, Sir, a monument of unwilling nationalism—although it was not pursued—of the Government of India. Sir, the Motion which I move is not a cut Motion in which I have to substantiate my claim before I can ask the Government to accept the demand. It is a recommendation that a committee should be formed to examine certain items. And for that, Sir, my duty is simply to make out a *prima facie* case and leave the details and the items to be worked out by the committee, if it is ever formed.

Sir, before we take up the items of my Resolution I should like to mention two things which would help to give us a correct picture. Are the defence expenditures now and that of former years comparable? Usually, Sir, the net figure of defence expenses is brought forward and we are told that a saving has been made over the past expenditure. But the correct method is to look at the gross budgeted amount without any reduction being made for receipts from His Majesty's Government and from the Defence Reserve Funds, because His Majesty's contribution of Rs. 2 crores per year is a new item. It did not exist formerly and the reduction in the expenditure charged to the Defence Reserve Fund does not mean that the defence expenses have been brought down.

THE HONOURABLE THE PRESIDENT: Mr. Ogilvie told us this morning that since 1922, Rs. 23½ crores have been reduced in the military budget.

THE HONOURABLE MR. HOSSAIN IMAM: Sir, I am not going to trace the history so far back but I will be able to trace it for about five or six years.

The fact that Burma has been separated from India has also contributed to a reduction in the expenses. These three items—contribution from His Majesty's Government, separation of Burma, and payments from the Defence Reserve Funds—are extraordinary items and not so small that they should be overlooked. I therefore suggest, Sir, that the comparable item of expenditure is the gross expenses. On that basis, Sir, I find that within the space of a year there has been an enormous increase in the defence expenses of the Government of India. The accounts for the year 1936-37 show that the gross expenditure of the Government of India at the time when Burma formed part of India was Rs. 50 crores 67 lakhs, and they have budgeted this year for an expenditure of Rs. 52 crores and 28 lakhs—an increase of Rs. 1·51 crores on expenses. And if you add to it the probable saving of Rs. 1 crore from the separation of Burma you really get the figure of increase between the expenses up to the 31st March, 1937 and for the coming year of nearly Rs. 2½ crores. This is what has been stated by the Honourable the Finance Member to be very minor increases in the defence expenditure. The items with which I am particularly concerned are the main heads in the Defence Estimates, Nos. 2, 3, 4, 5, 7 and 8. These are the parts which do not deal with the pay and emoluments of the fighting forces, I will call them the business part of the Defence Department. Here we find that in 1931-32, before retrenchment started, the Government had budgeted for an expenditure of Rs. 25·38 crores, and the accounts for 1936-37 showed that the expenditure incurred by the Government of India was Rs. 21·82 crores, but for the future the Government budgeted for an expenditure of Rs. 23·37 crores, which means an increase of Rs. 1·55 crores under these six heads. To this has to be added Rs. 40 lakhs which the Budget papers show as the amount of reduction secured on separation of Burma under these six heads. So, the increase is nearly Rs. 2 crores on the business side of the administration of the defence forces in these two years. That, Sir, is alarming enough. But when we go into details, we find that the condition is still worse. The Honourable Member referred to the fact that our defence expenditure has been reduced by Rs. 22 crores—

THE HONOURABLE MR. C. M. G. OGILVIE: Rs. 23½ crores.

THE HONOURABLE MR. HOSSAIN IMAM:—Rs. 23½ crores. That shows how great is the necessity of having a constant vigilance and care and scrutiny of the Department by outsiders. He will bear me out when I say that the first reduction was brought about by the Incheape Committee and the second reduction of the enormous amount of Rs. 6 crores was brought about by the formation of the Retrenchment Committee in 1931. The Retrenchment Committees, whenever they have been formed, have borne fruit and but for them the Defence Department would not have been able to reduce the expenditure as substantially as it has done in these years. I do not complain, Sir. The Army people are notoriously good-hearted and are easily caught in this world which is full of business men who know only one thing, and that is, to make money, and whose one desire and whose whole attention is directed towards this laudable object.

THE HONOURABLE THE PRESIDENT: And what is your desire?

THE HONOURABLE MR. HOSSAIN IMAM: I am suggesting that the Army Department are not quite as astute as the business men.

THE HONOURABLE THE PRESIDENT: I am speaking of your personal desire.

THE HONOURABLE MR. HOSSAIN IMAM : Everybody has got a desire to make money. That is why I say, the laudable desire of our business men. I do not condemn them for it. I was saying, Sir, that the Defence Department have committed a mistake in deciding that the ancillary services and manufacturing departments and other things pertaining to them should be run by the Military authorities. In England itself, this is not the system. There is a great deal of the civilian element there. The Retrenchment Committee also made a pointed recommendation to the effect that there should be more and more association of Indians on the business side of the Army. That one recommendation, if fully given effect to, would give beneficial permanent results. The fact is well known that a British soldier costs about three times more than an Indian soldier. The Army authorities employed to deal with the business side of the Defence Department could be substituted by Indian personnel at less than half the cost. That is a very fruitful source of gain. In one instance, I can say to the credit of the Defence Department, that they have accepted our demand. I am told that they are in this one instance acting on the principle of Indianisation. I am referring to the Cantonment Officers. They are taking Indians there. But in the manufacturing departments and in the administration of other ancillary services they do not take Indians. I hope that this measure will be adopted finally. I do not want the present incumbents to be dismissed, but I certainly desire that whenever there is a vacancy, it should first go to an Indian and if an Indian is not available, then and then alone should it go to anybody else. I am told, Sir, that in the other House, a gallant Member, who has had some experience of the Army also, was very critical that the Defence Department employed British nurses in place of Indian nurses. That shows one of the ways in which economy might be effected by substitution of Indian personnel in new recruitment. It might be said that already there has been more than enough of retrenchment and that it was not necessary to flog a dead horse. But I may be excused if I say that slowly but surely expenditure is rising up to its ordinary old level. If the figures are suitably modified by taking into account, as I said at the beginning, the contribution of His Majesty's Government and the separation of Burma, you will find that the figure stands very nearly at the old figure at which it was about 1931. What is the harm if we form a committee? The committee will at the most cost you a few thousands. But do you believe that the management of the Defence Department is so perfect that there is not room for a saving of a few lakhs? There are any amount of loopholes left, not through any fault of the Department but merely because they being small are overlooked, and the great advantage of having a retrenchment committee is that it brings out the latent powers of scrutiny and improvement which there is in the officials. I can say from personal experience that we received more ideas from the Departments themselves than we could suggest ourselves, and it is only to bring out those latent possibilities that I want a retrenchment committee.

Now, let me deal with the general question which does not involve economy but appertains to the correct method of accounting. I was told that Burma is contributing something to the Government of India for the Indian troops serving in Burma, but in the budget estimates while there is a receipt for troops serving in Hong Kong there is no receipt shown from the Government of Burma. That would not make any difference in our total budget, but it would be a correct method if that income is shown in the defence budget rather than in the Finance Department's income. Secondly, there are the pensionary charges for military personnel which Burma is paying now on an actual basis. Formerly it was decided that the payments would

be on an estimated basis. Then it would have been difficult to distribute it between savings and military pensions. But since the appropriation committee have decided that the division should be on the actual payments made by the Government of India, I think it would be proper that this contribution from Burma for military pensionary charges should also find a place in the defence budget.

Now we come to the general questions of the relief given by His Majesty's Government by way of help for mechanisation and in letting us off from the naval contribution. The Honourable the Finance Member remarked that it is not proper to look a gift horse in the mouth, but I wonder what a man should do if the gift horse is only a carcass which costs much to throw out. Our mechanisation is of this nature. We are getting Rs. 80 lakhs so that we may be asked to spend Rs. 2½ crores. That point has been sufficiently stressed in the discussion on Pandit Kunzru's Resolution and I need not dilate upon it. Suffice it to say that we all think that mechanisation has been forced upon us by the bait of Rs. 80 lakhs. Up to the time that Rs. 80 lakhs was not promised, the Government of India with all its callousness had not the heart to foist this scheme upon us. It is only under cover of this gift of the gods that they have taken courage and come forward with a mechanisation programme. We would not object to mechanisation provided a stabilised military budget at the actual figure of last year was fixed and savings in the Budget are utilised for mechanisation. But we seriously object to any increase of expenditure under whatever guise it might be. The fact that His Majesty's Government have absolved us from the payment for naval defence has been made dependent on the condition that we will maintain a better navy than we are doing at the present moment. My Honourable friend Mr. Kunzru and the Honourable Member on behalf of the Government have both stated how expensive the maintenance and equipment of a navy is. Everything starts from a small beginning. What we are really afraid of is that this is the thin end of the wedge. This year we might be able to balance our Budget without the Government coming up for supplementary demands. But will it be possible to do so continuously for years to come? May I suggest to him the possibility that India might utilise those vessels of the Royal Navy which on account of their being over-age and not quite up to date are being scrapped by His Majesty's Government. Every year there is a great amount of naval shipping which is scrapped, not because it is not serviceable but because it is no longer of first class equipment. If ships of that kind are given as a gift to India they would be very welcome gifts and they will not be looked in the mouth.

Now, I come to the detailed heads which I have given. I am afraid I have very little time to do them justice. The first item mentioned in my Resolution was reduction in the ancillary and engineering department expenses. Under these two heads our expenditure amounted to Rs. 10.38 crores in 1936-37, and we have budgeted for an expenditure of Rs. 10.88 crores next year, and this in spite of a saving of Rs. 27 lakhs due to the separation of Burma. So really the increase is Rs. 77 lakhs in these two items. The Retrenchment Committee in 1931-32 recommended a very substantial reduction. As I have not the time to deal with the whole of it I shall illustrate the point by only citing one department, the Medical Department. For the medical services the expenditure this year amounts to Rs. 1.53 crores. Before the retrenchment it amounted to Rs. 1.64 crores. Therefore there has been a reduction of Rs. 11 lakhs. We find from the estimates that a reduction of Rs. 8 lakhs is due to the separation of Burma. That means

[Mr. Hossain Imam.]

there has been a reduction of the paltry sum of Rs. 3 lakhs between the years 1931 and 1938. Compare this with conditions in His Majesty's forces in England. The number of officers maintained in those services is much below that required here. For an army whose strength is 140,000 His Majesty's Government maintain a force numbering 471 in the Royal Army Medical Corps, whereas we have 280 in the Royal Army Medical Corps and 300 odd in the Indian Medical Service. In addition there are the non-commissioned officers. I was simply referring to the officers with King's commissions. 260 and 288 are the correct numbers. Now in England it costs Rs. 1 crore and 40 lakhs to maintain the Medical Department and here it costs us Rs. 1 crore and 53 lakhs. England is a much more expensive country than India and is able to spend much more. Consider the expenditure of the Medical Department compared with the total military budget of His Majesty's Government and of the Government of India; the disparity will be simply staggering. It is one-sixty-third in England and one-thirtieth in India of military budget.

Sir, my second recommendation is that we should increase the income from disposal of stores. That, Sir, is a very petty item as far as the present income is concerned; but if you look at the value of the stores sold, you will find that there is a great waste in this Department. Things worth thousands are sold by the Military authorities not even for hundreds but for tens.

THE HONOURABLE THE PRESIDENT: Will you please bring your remarks to a close now?

THE HONOURABLE MR. HOSSAIN IMAM: Yes, Sir. I am skipping over things. I may simply here say that the Government is living upon the provinces in this particular respect. The stock of medicines carried by the Defence Department is foisted on the heads of the Provincial Governments for public bodies and Government requirements and they have to purchase things at a much higher cost than the market supplies. It is only recently that some daring Government authorities have decided to boycott the Medical Department, but that idea has not filtered through to all Governments that they can boycott and they can give it up as a bad job. If they do that, you will stand to lose Rs. 29 lakhs which you are now drawing from this imposition.

The third point is the possibility of transferring part of the pension charges to the British Government. That brings us to a very big question with which I cannot deal at the present moment. The Resolution of the House of Commons on the contribution to be paid by India and the expenditure to be borne by Indian revenues out of the war expenses is not explicit.

THE HONOURABLE THE PRESIDENT: Please close your remarks. I have already allowed you five minutes extra.

THE HONOURABLE MR. HOSSAIN IMAM: I will close in two minutes, Sir. That Resolution leaves a loophole for us to urge that His Majesty's Government should undertake part of the burden.

The feasibility of questioning the composition of capitation charges is a very important question, because on this the statement made in this House and before the Garron Tribunal do not agree. While the Government spokesman has told us that Government disputed liability for the whole of the capitation

charges, I find from the unabridged Report of the Tribunal that the items making up were also questioned, but the Tribunal did not come to any conclusion on the items and therefore it can be reopened.

Sir, about Health Insurance, I had intended to quote from the Act, but I find more information on these heads in the British Army estimates than from our own Budget papers. From the British Army estimates I find that the payment is made directly by the Government of India to the Ministry of Health for National Health Insurance, but the Act says that money will be paid by the Army Department out of the moneys voted by Parliament. I may refer Honourable gentlemen to section 57 of the National Health Insurance Act in which it is explicitly stated that for His Majesty's Forces the liability is on the Army Department out of the moneys voted by Parliament and from the constitutional point no expenditure can be incurred out of Indian revenues outside India unless it has the sanction of His Majesty's Government and that is why I have included it in the items which might be profitably looked into by this Committee.

Sir, I commend this Resolution to the consideration of the House.

THE HONOURABLE MR. C. M. G. OGILVIE (Defence Secretary): Sir, the Honourable Mover stated that the terms of his Resolution were wide enough to embrace the whole question of defence policy, finance and I think he said also the composition of the forces, but that he proposed to inflict a self-denying ordinance on himself and not to spread his net quite so wide. I accordingly wish to limit myself as far as I can to the exact terms of the Resolution and I do not propose again to go into the question of mechanisation of the Indian Army or the British Army or of remission of the contributions to the Royal Navy. The Resolution is divisible into two parts. The first is a general request for the appointment of a Committee to consider the reduction of defence expenditure. I can only ask Honourable Members to consider whether this is the time for such a general consideration? I need not again go into the facts of the world situation as they present themselves; they are well known, and I submit, Sir, they do not ask for reduction, they ask for an increase. That we have been able to do without an increase is I think a tribute both to the way in which the defence services have conserved the tax-payers' money and the way in which the financial authorities have looked after us all. That in the present year of grace the Budget should stand at the figure it does, that last year's Budget, even the revised estimate, should stand at the figure it did, after the very considerable war charges have been met is, I submit, a matter for thankfulness and congratulation. The Honourable Member's main point, I think, was that our reductions have been set off to some extent by windfalls—contributions from His Majesty's Government and off-sets from Burma, and so forth. Even so, the Budget in 1929-30 stood at Rs. 55.1 crores and the Budget in 1938-39 at Rs. 45.18 crores. The saving therefore, even allowing for the fact that we have had these windfalls, amounts to Rs. 9.92 crores since 1929-30.

Now, we are still trying to effect economies. We try all the time and occasionally, in fact quite frequently, minor economies are discovered and made. But the idea now of solemnly sitting down to retrenchment on a large scale is quite unthinkable. We have, as you know, the Public Accounts Committee, which does deal very fully indeed with the whole of what may be called the financial and business sides of the Defence Services. The Audit report, the

[Mr. C. M. G. Ogilvie.]

Financial Adviser's review, the commercial appendix to the appropriation accounts, are all published in very great detail and they show with what particular care the Public Accounts Committee does its work. It would, I submit, be useless to appoint another committee to do the work which is already done by the Public Accounts Committee and done very well. They are at liberty to make any suggestion they wish for economies in the administrative sphere. As regards questions of policy, of course, the responsibility of the Executive here as in every other country cannot be encroached upon. It can neither be shared nor shelved.

I proceed now to consider the particular proposals of the Honourable Member. I am not sure if he is quite clear as to what the functions of the ancillary services are. His idea in this Resolution is a very wide one. But it is not too much to say that many of the trials and troubles to which the Empire was exposed from 1914 to 1918—the hampering of operations, the delay of achievement, the immeasurable hardships to the soldiers concerned—were due to the fact that the ancillary services were not in existence in sufficient numbers and had to be improvised. The conditions can better be imagined than described, but anyone who has read the history of the early days of the Great War should have no difficulty in realising that a large army of fighting troops is hopelessly handicapped if it has not its due proportion of ancillary services. It is true to say that a small army, such as we possess, with a proper quantity of ancillary services, is a better fighting machine than a very large army without them.

The Military Engineer Service was briefly touched upon by the Honourable Member. Since the war, the accommodation and furniture supplied to Indian troops has been very greatly increased. Before, they had to provide their own barracks—they built them themselves—and they were given an allowance by Government for keeping them up. Now, they are provided with good barracks, properly furnished, and I should say, speaking at random, that the capital value of the Indian lines is now something in the vicinity of Rs. 10 crores, the upkeep of which will not be less than Rs. 12½ lakhs a year. The activities of the Military Engineer Service are moreover subjected to the closest possible examination by the Public Accounts Committee and I think that that body is now as fully satisfied as an Accounts Committee can be with the way in which the money is being spent.

As regards stores, I think the Honourable Mover was labouring under a complete misapprehension when he said that stores which were valued at enormous sums of money were sold for a small amount. It is indeed true that most military stores have no value except for military purposes and can only be sold as scrap. A 6-inch gun, for example, may cost £40,000. When it is worn out and it has to be sold; it is sold not as a 6-inch gun but as a few tons of steel. The work, as a matter of fact, of the disposal of stores is most carefully and conscientiously done. It is concentrated in an organisation at headquarters. Such stores as can be disposed of to other Government departments are so disposed of. Such surplus stores as can be utilised in one way or another by the defence services are so utilised. The remainder are sold at prices prevailing in the world market. The income, which he complained of as being small, is I may say, likely to be reduced rather than to rise, as the vast bulk of surplus stores consists of metal articles which can be sold only as scrap. The price of metal is now rising, is indeed comparatively very high, and we are accordingly making every effort to use our own scrap to turn into new articles and are likely in consequence to sell even less than we do now.

As regards pension charges, India pays only for value received, and I do not think that anyone could seriously question the equity of the arrangement whereby services rendered to India are paid for by India and on the other hand services rendered to the United Kingdom by personnel on the Indian establishment are paid for by the United Kingdom.

As regards capitation charges, I was not quite clear as to what the Honourable Member had in mind, as to what particular iniquity he had discovered or was thinking of.

THE HONOURABLE THE PRESIDENT: He said it was a big question and he could not discuss it.

THE HONOURABLE MR. C. M. G. OGILVIE: I agree, Sir, that this is a big question but the basis on which these charges are made are calculated actuarially and so far as I know their composition cannot be questioned. I admit, however, without hesitation that the award which followed the Garron Tribunal Report was disappointing to us and we have made and will make every attempt, whenever the opportunity seems to be favourable, to have it readjusted.

As regards unemployment and national health payments also, I was not quite clear as to the Honourable Mover's opinions. But all I can say about them is that they are in discharge of the liability or rights to which the persons concerned are as entitled as they are to their pay. The amount concerned, though considerable, is not overwhelmingly large. It is, I think, about Rs. 18½ lakhs.

In conclusion, as I trust I have made clear, the present circumstances do not justify the appointment of a general committee of this character, and neither the general proposal nor the particular items mentioned commend themselves to Government as justifying the appointment of an *ad hoc* committee, like that of the Army Retrenchment Committee which sat in 1931. That, however, was for very good reasons. At present those reasons do not exist. Government does, however, recognise that occasions arise—they have arisen in the past and may well arise again—when non-official opinion on matters of this kind may well be of value. When such an occasion arises, an *ad hoc* committee will undoubtedly be appointed. For the present, however, I have no option but to oppose the Resolution.

THE HONOURABLE RAI RAHADUR LALA RAM SARAN DAS (Punjab : Non-Muhammadan): Sir, I rise to support the Resolution. One of the main reasons is the unfortunate incidents which have taken place in this House and in the other House. In the British Parliament, assurances have been given that there are other ways and means in which the Legislature can have their say on the defence estimates and policy. Of course, I am not entering into that controversy for the moment. But all I want to say at present is that as a mark of goodwill, it is much better if they take Indians into their confidence at last and let them make suggestions. These subjects which my Honourable friend the Mover has narrated in his speech are not technical, as far as the civil side of the Defence Department is concerned. In case any recommendations are made by such a committee, they will be only in the form of recommendations to Government and it will be for the Government to decide which of those recommendations be adopted and which should be thrown out. Sir, I understand—if I am wrong, the Honourable Mr. Ogilvie will put me right—as regards the present strength of the Army which is retained in India, I understand

[Rai Bahadur Lala Ram Saran Das.]

that there has been a saving of Rs. 90 lakhs this year owing to the absence of British troops from India. Am I right?

THE HONOURABLE MR. C. M. G. OGILVIE: Yes.

THE HONOURABLE RAI BAHADUR LALA RAM SARAN DAS: That Sir, is due to the curtailment of British troops in India *plus* a little shortage of Indian troops. This is a time which the Honourable Mr. Ogilvie has admitted is rather a very delicate period, and when in this delicate period we can make savings of Rs. 90 lakhs in a year, it follows that that saving can be made permanent. However, Sir, this is a matter which is worth considering, and at this juncture, when there is such a complicated international situation in the Far East as well as in the West, it is sufficient proof that you can do away with army expenditure to the extent of Rs. 90 lakhs a year.

As regards the saving in stores, I may mention for the information of the Honourable Mr. Ogilvie that some time back, there was a case of embezzlement or theft on the Royal Engineer's Park at Lahore, and I understand, the amount embezzled or stolen was about one million and odd rupees. I am not quite positive about the figure, but it was a big figure anyhow. We of course heard nothing about the result of the enquiry which was made regarding this loss of money. We also find that in certain supplies to the Defence Department, certain contractors became multi-millionaires in no time. That is a fact. One of them was a contractor who, within a couple of years, made several crores of rupees.

THE HONOURABLE SIR DAVID DEVADOSS (Nominated: Indian Christians): Gold mine!

THE HONOURABLE RAO BAHADUR LALA RAM SARAN DAS: I do not know whether it was a gold mine or whether it was a weak military mind! But something happened and certain contractors became multi-millionaires. That shows that there is some leakage or some defect somewhere. This being a purely commercial proposition, business people are the right persons to make useful suggestions in this direction. After all, when Government means to take Indians into confidence, and when they say that it is a matter of justice, in order to prove their sincerity of their own declaration, they must take Indians into confidence and set up this committee and see what recommendation it makes.

THE HONOURABLE THE PRESIDENT: Are there any commercial people on the Public Accounts Committee?

THE HONOURABLE RAI BAHADUR LALA RAM SARAN DAS: I am not saying that the committee might be from the Legislature, because, after all, the election to these sub-committees is made not on business grounds but on political grounds. You must have a man from a certain province whether he knows the job or not. Government cannot deny the fact that the composition of these committees is made on other than business considerations. Each province has to be given a chance and somebody has to be elected, and Government generally pushes the man who suits them best. I press for this because at a time when the privileges and suggestions of the Central Legislature are being withdrawn, and assurances are being given in England by the authorities concerned that the Indian Legislature can have even now opportunities of criticising the Budget, why not accept this committee? The

recommendations of this committee will not be binding upon the Government. After all, they will make recommendations, and it will be for Government to say how far those recommendations can be accepted. The time is quite opportune to show goodwill and to prove to the people of India that all this unfortunate controversy, which is still going on in the other House and also in this House as regards the change of policy and mentality of Government, is misunderstood. It will be a proof of goodwill from you and it will certainly pacify the feelings which have now arisen in the minds of the public that Government so far as defence expenditure is concerned, does not care for the wishes of the true representatives of the people.

THE HONOURABLE MR. V. V. KALIKRISHNAN (Central Provinces: General): Sir, I rise to support the Resolution moved by my Honourable friend. I had no mind to take part in the debate but certain remarks of the Honourable the Defence Secretary induced me not to give a silent vote on this question. It was stated this morning that the Defence Department have made a reduction of about Rs. 23½ crores during the last 14 or 15 years. That very statement proves, according to me, the necessity of the committee desired by my friend. When the Incheape Committee was constituted and recommended retrenchment in defence expenditure, the Defence Department never came before that Committee with the plea that their expenditure was higher than was needed in the interests of India. Then when the Retrenchment Committee of 1932 investigated the expenditure and made reductions of about Rs. 6 crores, at that time also the Defence Department never brought forward the plea that their expenditure was high. In fact every year we are told at the time of the Budget that the equipment of the Army is not up to the necessities of modern conditions and that more money is required for making the Army more efficient. These two facts clearly prove the necessity of a committee to review the expenditure of the Government of India and to see whether it can be reduced to the extent we desire. Sir, the question of policy and expenditure are interrelated. We can say on the authority of military experts that a large number of British troops in India are here for Imperial purposes and not in the interests of India. The late Mr. Ramsay MacDonald in his book stated quite clearly that much of the expenditure that India has to bear for British troops in India should be paid from the British exchequer. Even military experts say that if British troops are kept in India some of the expenditure involved must be met by the British exchequer. So my friend desires that this question should also be investigated by the committee he proposes and then we shall know where we stand. The Honourable the Defence Secretary told us just now that the Executive cannot share responsibility for the defence of India with the Legislature. Here my friend does not ask the Defence Department to share their responsibility, though we do, as representatives of the people, and as those who are burdened with high taxes for the sake of meeting this huge military expenditure, desire that we should share the responsibility for the defence of India. We do desire that the policy to be followed in the defence of this country should be guided and controlled by us. Sir, I am not a single individual holding this view. I may remind my friend the Defence Secretary that even the Simon Commission said clearly in their report the necessity of appointing such a committee. If the Honourable Member reads carefully the Instrument of Instructions to the Governor General he will find therein also that the Governor General is enjoined by His Majesty after the inauguration of Federation to consult his Ministers on certain questions of policy. So my friend Mr. Hossain Imam does not

[Mr. V. V. Kalikar.]

want his proposed committee to control military expenditure; but he wants through it to find ways and means of avoiding the unnecessary expenditure that is being incurred and which the Indian taxpayer has to meet for the maintenance of this huge army in India. For instance, the case of pensions was mentioned and it was stated that it was for the value of the services rendered to India. That is again a question of policy and expenditure being interrelated to each other. We shall come to know whether really the services are meant for the sake of India or for Imperial purposes. Sir, if really they are true to their declarations, if they want to take us into their confidence about military matters and if they really desire that we should know something of what is going on in the Defence Department, I submit my friend the Defence Secretary should not oppose this modest demand made by the Honourable Mr. Hossain Imam.

THE HONOURABLE PANDIT HIRDAY NATH KUNZRU (United Provinces Northern: Non-Muhammadian): Mr. President, there are only two ways in which this country can be helped to bear the burden of military expenditure. One way is the elimination of British troops and their replacement by Indian soldiers, and the other is the industrialisation of the country. Government have refused repeatedly to change their policy in regard to the withdrawal of British troops, notwithstanding the fact that their presence in this country imposes an extra charge of nearly Rs. 10 crores a year on us. As regards industrialisation they are proceeding slowly. The Defence Department is one of those departments which can help largely in the industrialisation of the country. To a certain extent the Defence Department is trying to make provision for the manufacture of ammunition and stores in this country, but I venture to think that this policy should be followed much more vigorously than the Defence Department seems inclined to do. If our suggestions were accepted, then without reducing the strength of the Army in India by a single soldier we could reduce the expenditure in this country and at the same time find money for the other arms which I dealt with in my own Resolution. And had the Resolution been accepted by Government it, I think, would have led to the starting of factories connected with the manufacture of equipment and stores needed by the Air and Naval services. But being helpless in these matters, we must now confine ourselves to making suggestions which would not be regarded as revolutionary by those in power.

Earlier in the day, I referred to an important source of economy, namely, the maintenance of the Indian Army in peace time on a cadre basis which would be 20 per cent. below the war establishment. I could not hear my Honourable friend Mr. Ogilvie's reply clearly. In fact on that point I could not hear him at all; but I gathered from those who heard him that all that he had to say on that subject was that the strength of the Indian Army had been considerably reduced during the last 14 or 15 years. If he said this, let me remind him that the Inchcape Committee, in accordance with whose suggestions the reductions to which he referred were made, suggested in spite of those reductions that the Indian Army should not in peace time be maintained on a war footing. It is not a suggestion made before those reductions were carried out. The suggestion was made by the very Committee which recommended a reduction in the strength both of British and Indian troops. To say therefore that the Indian Army is not as strong in numbers as it was in 1922-23 when the Inchcape Committee reported is to say absolutely nothing on the subject. The example of every country warrants our demand that in peace time the strength of the Indian battalions should be 20 per cent. less than that needed on mobilisation. I hope that the Honourable Member

opposite will give a more adequate reply on this point than he has done so far.

Several Honourable Members have dealt with the economies that can be made in the Budget without affecting the efficiency of the Army. My Honourable friend Mr. Ogilvie was surprised at the audacity of the men who in these days of increasing expenditure on defence in every country asked for a reduction in defence expenditure here. But why should such a demand perturb him? My Honourable friend the Mover of the Resolution did not suggest that the Army in India should be disbanded; he did not even suggest that it should be reduced by 50 per cent. All that he said was that no expenditure that was not justifiable or necessary should be incurred. My Honourable friend must meet that point if he wishes to convince us and not deal in airy generalities which are almost an insult to our intelligence.

Sir, I said earlier in the course of my speech that one of the best ways of reducing the expenditure on the Indian Army was to Indianise it. I do not wish to take up the time of the House unnecessarily but there are certain points connected with Indianisation on which I should like the Defence Secretary to throw some light. The Army Sub-Committee of the Central Retrenchment Advisory Committee which reported finally in 1932 made recommendations with regard to the substitution of Indian for British personnel in certain departments. I cannot deal with all those departments at the present time. I will refer only to three or four of them. I shall take up first, Sir, the Army Ordnance Factories. Now, the staff that is employed here is of two kinds. There is the ordinary supervisory staff and there is the inspectorate. Now, the recommendations of this Committee were that in both these directions efforts should be made to appoint a substantial number of Indians. In regard to the employment of Indians on the supervisory staff the Committee, although a Retrenchment Committee, was prepared to suggest the incurring of additional expenditure in order that Indians might be given adequate facilities for receiving the necessary technical instruction. As regards the inspectorate even after paying due regard to the views of the Military authorities that it was necessary to have for purposes of inspection military officers possessing practical knowledge and experience of the use of the stores, the Committee recommended that the ratio of military to civilian officers should be reduced. It asked that young Indians with high educational qualifications be recruited with a view to their training in lower grades and subsequent promotion to the officer class if they proved fit. Another instance to which I may refer is furnished by the India Unattached List. From this List men are drawn for various departments of the Army, for instance, for the supply services and animal and mechanical transport services, and so on. Now, the Committee recommended the substitution of qualified Indians for British other ranks of the Unattached List in all these establishments. Similarly there were other recommendations dealing with the Indian Army Ordnance Corps. Now, I ask for information in regard to these things because the pamphlet, "Summary of important matters concerning the Defence Services in India", gives very brief information with regard to the employment of Indians. For instance, with regard to the Ordnance Factories all that is said in the Summary for 1936-37 is that one Indian with requisite academic qualifications had been appointed as Assistant Works Manager in an Ordnance Factory. Nothing is said here with regard to the policy which is going to be followed in future. The other day, I looked up the *Army List* in order to find out what was the number of Indians appointed in the

[Pandit Hirday Nath Kunzru.]

various factories under the control of the Defence Department. And what did I find, Sir? There is one Indian in the Ammunition Factory at Kirkee who was appointed at the commencement of the current year and there are two Indians in the Inspectorate of Commercial Stores at Kirkee. As regards the higher personnel in the remaining factories, I do not find the name of a single Indian. Take, Sir, the Harness and Saddlery Factory at Cawnpore or the Clothing Factory at Shahjahanpur. Even there I did not find the name of a single Indian. The other factories deal with the manufacture of rifles, ammunition, etc. It may be said that the men employed in them must possess military experience or high technical qualifications. As regards the first point, I would say that I find the names of a number of civilians in their staffs. Do not substitute Indian civilians for the military men employed in these departments, if you think this cannot be done. But when you employ civilians, you can certainly take care to see that an adequate number of Indians are employed. I could, Sir, refer to a number of factories to bring out the point that I have in view, but it is not necessary for me to dwell any more on the subject. As regards the second point, I shall grant that it is necessary that those who are employed in the factories to which I have drawn attention should have received highly efficient and specialised training. Well, the Defence Department has accepted the policy of employing Indians in the Army Veterinary Department and I think is even prepared to send capable young men to England to receive the necessary training. Even if this be not so, what is there to prevent Government from sending capable men to England and giving them the necessary training. With regard to civil aviation, the practice of giving scholarships for the training of Indian young men is followed by the department concerned. In other departments too, under pressure from the Legislature a similar policy has occasionally been followed. Why should the Defence Department not follow these examples? I hope, Sir, that when my Honourable friend Mr. Ogilvie gets up to make his closing speech, he will be good enough to answer the questions that I have put to him so that we may know to what extent the recommendations of the Retrenchment Committee appointed in 1931 have been carried out.

THE HONOURABLE MR. HOSSAIN IMAM: Mr. Prèsident, my task has been greatly lightened by the reply of the Honourable the Defence Secretary. He blamed me, Sir, for spreading my net too wide. But he should consider the magnitude of the budget for which he is responsible. Unless I spread it wide, I am afraid I will not be able to catch any fish.

Now, I come to his arguments. One was, whether the present is the time for revising and looking into our defence budget; on that question, Sir, the Honourable Pandit Kunzru replied that we do not want, at least in this Resolution, a reduction in the fighting forces. If we had asked for that, the reply of the Honourable Member would have been opportune. But when we ask that the administration should be looked into, I think this is the most suitable time to do it, because now we are embarking on an expansion programme. And it is in these conditions that expenditure outstrips the scrutiny of the Financial Departments. Everyone knows how profiteering went on during the war. I have learned of one instance even in my own country. A contractor in the Poona area was given a contract to build something. The war ended. The contractor was asked to stop the work and he was actually paid more for the unfinished work than he would have been paid for the finished work. That is the kind of thing which has the habit of cropping up in times

of stress, and therefore I thought this to be a most opportune time to investigate and to find out the condition of our military disbursements. Now, Sir, the Honourable Member stated that the Public Accounts Committee scrutinises all the expenses and therefore there is no necessity of having a retrenchment committee. Personally, Sir, I think the functions of the Public Accounts Committee are not of this character. It is not there to reduce expenses. Its proper function, Sir, as far as I have been able to study the question, is to scrutinise whether proper sanctions have been taken for all expenses or not, whether, if there has been an increase in the Budget, it was a preventable increase or not. It is more a body which examines the equity of the expenditure as affecting the Budget and not as affecting the expenses *per se*.

Sir, he referred to the fact that I have not been able to make myself clear about the capitation charges. I am sorry, Sir, that in my original speech I did not find the time, although I came prepared to deal with the question. There is not time even now to go into details but I would refer him to question No. 55 of the 27th February, 1935, in the Council of State. If he will study that and compare it with the unabridged Garron Tribunal Report, with the notes of the people composing it, he will find that there is a serious discrepancy, inasmuch as the items which make up the capitation charges were questioned in England by our representatives. But the Garron Tribunal did not come to any conclusion. In order to hide this fact, it is not publicly admitted that we had questioned the components of the charge. I have given a list of the items which are new charges imposed by the War Office after the war and which had not been paid in former years. We are paying capitation charges now for well nigh 65 years.

The Honourable Mr. Ogilvie also said that I have not cleared up exactly what I want in respect of the Military Engineering Service.

I admit, Sir, that I have not done so. But I would remind him that in the Military Engineering Service, the position is that you have to maintain a reserve for your requirements during war. For peace time, such a huge army of officers as you maintain in the Military Engineering Service is not required. In England, they have tried a method whereby the civilians get a salary or payment from the War Office for making themselves liable to serve in war. This they have done in the Medical Department. Under the Warren Fisher Scheme, there has been a great reduction in the number of officers in the Royal Army Medical Corps. It is quite possible that in India we might do the same thing with the Military Engineering Service, if there is a will to do it.

I welcome the Honourable Member's assurance that when there is a necessity—

THE HONOURABLE THE PRESIDENT: Your time is up now.

THE HONOURABLE MR. HOSSAIN IMAM: Sir, I commenced only at three or four minutes to four.

THE HONOURABLE THE PRESIDENT: You are mistaken.

THE HONOURABLE MR. HOSSAIN IMAM: Very well, Sir, I shall conclude now.

The Honourable Pandit Kunzru referred to a very pertinent question about the reduction from the sanctioned strength of the Army. The Honourable the Army Secretary referred us back to the reduction made in the strength

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of the Army. But what he meant was that the sanctioned establishment and the actual number of people on the establishment is different in peace time. In England, although the establishment of all ranks in 1937 was expected to be 155,225, the effective all ranks on the 1st January, 1937, was 130,000—a reduction of very nearly 20 per cent. It is this kind of reduction which the Honourable Member demands. Sir, the condition of the British Army in India was exactly the reverse. I find that the sanctioned strength of the British Army in India was 57,045, whereas the effective, all ranks, on 1st January, 1937, was 58,239, so that, of the British Army at least, the peace strength was more than the sanctioned strength. If we follow the precedent of the British Army, and maintain our portion also on the reduced scale, there will be an enormous saving not only in the British part of the army but in the Indian Army as well. Now, Sir, it is useless to try to convince Government because they cannot be moved until there is an earthquake like that at Quetta! But there are any number of methods by which we can reduce our expenses. There is an item—disposal of stores—to which I have referred. There are bullets and shells and other things of that kind. Do they mean that these stocks are kept on from year to year and not disposed of? There must be a time when they will become either useless or obsolete or unreliable. They can be profitably dealt with if there is a desire to do so. I am told they are sometimes sent to be sunk in the ocean, but I can not vouchsafe the correctness of this.

I will only touch on one more point—

THE HONOURABLE THE PRESIDENT: You cannot go into a new point now.

THE HONOURABLE MR. HOSSAIN IMAM: I am not going into any new point. The Honourable Member also referred to National Health Insurance, and said a very small sum was involved—Rs. 18 lakhs. I would remind him, Sir, that two very trustworthy persons recommended during the retrenchment campaign a course of action which the Government did not accept. In Appendix C to the Interim Report of the Army Sub-Committee of the Central Retrenchment Advisory Committee, in paragraph 5 it is stated:

“As regards certain items of expenditure in England, Mr. Mudaliar thought that the payments for National Health and Unemployment Insurance were not a fair charge upon India and that these items should be included with the capitation rate before the forthcoming Tribunal. Mr. Benthall was not prepared to give his opinion upon the justification for these payments but agreed that they should be dealt with as proposed”.

I want to know, Sir, whether this case was placed before the Capitation Tribunal. Mr. Ramaswami Mudaliar is now a Member of the India Council, and Sir Edward Benthall needs no more to be said than the mere mention of his name. He is a person who is neither a revolutionary nor an irresponsible man as we are ordinarily called. There is enough ground for retrenchment if Government is ready to be convinced. There is no harm if we have a retrenchment committee, but it will disturb their equilibrium and that is why Government oppose this Resolution.

THE HONOURABLE MR. C. M. G. OGILVIE: Sir, I am surprised to hear the unqualified condemnation of Committees of the Legislature made by my Honourable friend Rai Bahadur Lala Ram Saran Das. When talking of the inadequacy of the Public Accounts Committee he said that Committees of the

Legislature were appointed from political grounds and not because they knew anything whatever of the subjects with which they were to deal.

THE HONOURABLE RAI BAHADUR LALA RAM SARAN DAS: On a point of personal explanation, Sir. I might mention that the remarks I made referred only to Government support of certain candidates on political grounds. I did not cast any reflection upon them. What I said was that when these political considerations prevailed the right sort of men who knew the subject very well could not be elected.

THE HONOURABLE MR. C. M. G. OGILVIE: Well, Sir, I was going to say that I did not agree with the Rai Bahadur in his condemnation and that the Public Accounts Committee at any rate does its work extremely well. The Honourable Mr. Hossain Imam said that it had confined itself to more or less technical accounting. I think that is not so. If he will examine the evidence that is taken by it, which is printed in full in its report, he will see that every possible avenue of economy which may be revealed by any single business transaction of any kind, is investigated by them with the utmost care and that whenever possible alternatives of procedure are put forward designed to save the nation money.

THE HONOURABLE RAI BAHADUR LALA RAM SARAN DAS: May I ask the Honourable the Defence Secretary whether these Public Accounts Committees go into the several instances which I and the Honourable Mr. Hossain Imam have pointed out, and if they have not, why not?

THE HONOURABLE MR. C. M. G. OGILVIE: The instances which the Honourable Member and Mr. Hossain Imam pointed out are extremely old. Whether they were examined by the Public Accounts Committee or not I really cannot off-hand say. One of them I know of myself concerned the Punjab and it took place during the vast upheaval of the war when owing to our complete unpreparedness in every way vast quantities of stores of every kind had to be bought at a moment's notice. I think it is quite true, that certain contractors did make a great deal of money. But I submit that it is no use going back to the hurly-burly of 1914 to find a reason for the appointment of a retrenchment committee in 1938. The Poona case I admit has escaped me, but I have no doubt it happened. It also apparently related to the days of the war when, as I pointed out in my answer to the Honourable Mover's initial speech, the administrative and ancillary services were not nearly so good as they ought to have been, and as they are now.

The Honourable Mr. Kalikar called my attention to the Instrument of Instructions. I must call his attention to the fact that the Instrument of Instructions applies to the period after the Federation has supervened and it is presumed that the Ministers in power would very strongly object to the Governor General, who will then be the authority responsible for Defence, consulting a committee of the House. They will presumably require that he consult none but the Government of the day.

My Honourable friend Mr. Kunzru said that there were only two ways of assisting this country to bear the burden of defence and armaments, the elimination of British troops and the industrialisation of the country. In other words, the only two ways that India can be helped are, in the first place by a calamity and in the second place by a miracle. He did however submit that as far as in us lay the defence services did endeavour to foster in any way possible any industrial enterprise which may assist them.

THE HONOURABLE PANDIT HIRDAY NATH KUNZRU: I did not say "any". I said they do something in this direction.

THE HONOURABLE MR. C. M. G. OGILVIE: I accept the correction. I may say however without fear of contradiction that if the defence services were able to obtain every possible article which they require in this country the authorities responsible would be rejoiced. Wherever possible they do by educative orders encourage industrialists to undertake to produce articles at present not produced in this country. But when it comes to heavy industry, the Honourable Member must know as well as I do that an educative order would be quite impossible. Suppose we gave one for a battleship or even for a light tank, who could possibly fulfil it? He said that the making of ammunition, etc., should be pushed forward more vigorously. I thoroughly agree with him, but what we are talking about here is retrenchment and not spending more money, and the policy of pushing forward the making of ammunition more vigorously will require a lot more money.

Minor points—perhaps they are not very minor but they are certainly very detailed—were the extent of the Indianisation among certain ratings in the harness and saddlery and clothing factories at Cawnpore, Shahjahanpur, etc. I am afraid that I am not in a position now to answer detailed questions of that kind, but again I must fall back upon a general statement which may be open to contradiction and may arouse displeasure. It is that as far as these highly technical matters are concerned, particularly in metal works, I very much doubt whether Indianisation, however desirable, is an economy. Efficient trained Indian technicians, particularly in sciences requiring a knowledge of metallurgy, are rare, and the demand so far as I know exceeds the supply and they are correspondingly expensive. I should not myself be surprised to learn that they were much more expensive than Englishmen. Certainly to send men to England to give them the necessary training may be desirable from the point of view of Indianisation, but it is hardly, I submit, a measure of economy. As regards Indianisation of factories generally, the Honourable Member may recollect that His Excellency the Commander-in-Chief in this House stated that he was considering the finding of places for Indian commissioned officers in the Ordnance service among others.

Mr. Kunzru also said that I did not explain to any extent at all the suggestions that troops of the Indian Army should be maintained in peace time on a cadre basis. Well, Sir, I submit that I did so, that I said much more about it than either he himself heard or subsequently heard from others, and I think I need not again repeat what I said then. He went on to say that to say that the Army has been reduced since the Inchcape Committee made its Report is to say nothing. However, Sir, with all due respect, I must contradict him quite definitely. Since the Inchcape Committee made its Report the Army in India has been very materially reduced, very materially indeed. Reductions have been going on year after year. Only comparatively recently 10 whole battalions passed away. Only the other day preparations were made for the despatch home of a cavalry regiment. He complains against airy generalities. I was not conscious of having given him any. I will now give him what I believe to be a solid and incontrovertible fact, and that is, that the Army as we have it today is not above strength and that to attempt to reduce it, either its fighting forces or its equally important ancillary and administrative services, would be an act of the gravest consequence; it is one for which no one at the present time would accept responsibility. I repeat that these days are not days for retrenchment. The Inchcape Committee sat at a certain time when cadres of the army were very large owing to

the war which did not come to end in India until well into 1922. Reductions had to be made. We all thought then that the piping times of peace had come. In 1931 when the second Retrenchment Committee sat India had just received the full effects of the disastrous slump. At that time again the League of Nations and collective security held the field. The recent developments which have entirely altered the situation had not then even appeared above the horizon. Even so the Commander-in-Chief of the day was compelled to state that he was taking a very serious risk in going as far as he consented to go. That since that time the defence budget has not materially increased and that the Army on the other hand has increased in efficiency is, I submit, a triumph of organisation and economy. (Applause.)

THE HONOURABLE THE PRESIDENT: Resolution moved:

"That this Council recommends to the Governor General in Council to form a committee of the Members of the Central Legislature to examine the Defence Budget with a view to reducing the expenditure generally, and in particular to attain the following objectives; (a) reductions in Ancillary and Engineering Department expenses; (b) increase in the income from disposal of stores; (c) the possibility of transferring part of pension charges to the British Government; (d) the feasibility of questioning the composition of Capitation charges; and (e) the equity or otherwise of charging the whole or part of the contribution for the National Health Insurance and the Unemployment Assurance for British soldiers."

Question put and Motion negatived.

RESOLUTION *RE* ESTABLISHMENT OF A SUPREME COURT OF CRIMINAL APPEALS.

THE HONOURABLE HAJI SYED MUHAMMAD HUSAIN (United Provinces West: Muhammadan): Sir, I beg to move the Resolution which stands in my name:

"That this Council recommends to the Governor General in Council to take immediate steps to introduce measures to provide for civil appeals to the Federal Court from the judgments of High Courts in British India as provided by section 206 (1) of the Government of India Act of 1935 and to establish at the earliest possible date a Supreme Court of Criminal Appeals in India."

Sir, I consider this Resolution to be one of the most important Resolutions and the object of the Resolution is to expedite the matter as much as possible and to ask the Government to take the measures if they accept the principle of this Resolution. This Resolution recommends to the Governor General in Council to provide for civil and criminal appeals from the High Courts, Chief Courts and Courts of Judicial Commissioners in India to be heard in this country. There is already provision in the Civil Procedure Code for civil appeals to His Majesty in Council, but as everybody knows there has been a great demand and a long one to have these appeals heard in this country and as a result of discussion in the Round Table Conference a sort of compromise was arrived at and section 206 was enacted and thus the principle of hearing the appeals in this country from the judgment and decree of the High Courts has been accepted.

Now, I would like to point out to Honourable Members the section in the Government of India Act which gives power to the Federal Legislature to give by means of an Act, jurisdiction to the Federal Court for hearing all the

[Haji Syed Muhammad Husain.]

civil appeals above a certain valuation from the highest courts in the provinces and that section runs thus :

" 206. (1) The Federal Legislature may by Act provide that in such civil cases as may be specified in the Act an appeal shall lie to the Federal Court from a judgment, decree or final order of a High Court in British India without any such certificate as aforesaid, but no appeal shall lie under any such Act unless—

(a) the amount or value of the subject-matter of the dispute in the court of first instance and still in dispute on appeal was and is not less than fifty thousand rupees or such other sum not less than fifteen thousand rupees as may be specified by the Act, or the judgment, decree or final order involves directly or indirectly some claim or question respecting property of the like amount or value ; or

(b) the Federal Court gives special leave to appeal.

(2) If the Federal Legislature makes such provision as is mentioned in the last preceding sub-section, consequential provision may also be made by Act of the Federal Legislature for the abolition in whole or in part of direct appeals in civil cases from High Courts in British India to His Majesty in Council, either with or without special leave.

(3) A Bill or amendment for any of the purposes specified in this section shall not be introduced into, or moved in, either Chamber of the Federal Legislature without the previous sanction of the Governor General in his discretion "

THE HONOURABLE SIR DAVID DEVADOSS (Nominated : Indian Christians) : On a point of order, Sir. Is it competent to the present Legislature or even to the Governor General to accept this recommendation ?

THE HONOURABLE THE PRESIDENT : Not at all, because there is no Federal Legislature as yet and Part II of the Act has not come into operation yet.

THE HONOURABLE SIR DAVID DEVADOSS : How is this Resolution relevant ?

THE HONOURABLE THE PRESIDENT : I have to hear what the Honourable Member has to say.

THE HONOURABLE HAJI SYED MUHAMMAD HUSAIN : During the transitory period under section 316 the powers given to the Federal Legislature can be exercised by the present Legislature.

THE HONOURABLE THE PRESIDENT : Only those mentioned in the Ninth Schedule to the Act.

THE HONOURABLE HAJI SYED MUHAMMAD HUSAIN : In this Resolution I say " to take immediate steps to introduce measures to provide for civil appeals " and one of the measures would be a recommendation to the Secretary of State for His Majesty's Standing Order in Council for the operation of this section. That is one of the things which will be taken up immediately and after that there will be no difficulty so far as my proposal is concerned.

THE HONOURABLE THE PRESIDENT : And if the Federal Legislature does not come into existence ?

THE HONOURABLE HAJI SYED MUHAMMAD HUSAIN : That does not matter. As far as the powers of the Federal Legislature are concerned, this

Legislature is seized of those powers. I want to read section 316 and that would make it quite clear :

" The powers conferred by the provisions of this Act for the time being in force on the Federal Legislature shall be exercisable by the Indian Legislature, and accordingly references in those provisions to the Federal Legislature and Federal Laws shall be construed as references to the Indian Legislature and laws of the Indian Legislature, and references in those provisions to Federal taxes shall be construed as references to taxes imposed by laws of the Indian Legislature "

Therefore, so far as that is concerned, there is absolutely no difficulty.

THE HONOURABLE THE PRESIDENT : There is nothing to prevent you from having an academical-discussion of the subject but your recommendation to the Governor General will be absolutely unprofitable at this stage.

THE HONOURABLE HAJI SYED MUHAMMAD HUSAIN : Sir, my respectful submission is that it is not a question of academic discussion. It is really a question of importance and Government ought to see whether it is time to adopt immediate measures with a view to provide work for the Federal Court.

THE HONOURABLE THE PRESIDENT : The Government cannot take immediate measures till Chapter 2 of the Act comes into operation.

THE HONOURABLE MR. HOSSAIN IMAM (Bihar and Orissa : Muhammadan) : Why not, Sir ? I hope the Honourable the Leader of the House will enlighten us on the legal position.

THE HONOURABLE THE PRESIDENT : I say there is nothing to prevent the Honourable Member moving this Resolution. I would not have allowed the Resolution if I found there was any legal difficulty. But, as I have repeated twice today, the Resolution would be absolutely infructuous and the Governor General can take no notice of it till Federation comes into force.

THE HONOURABLE HAJI SYED MUHAMMAD HUSAIN : Thank you, Sir. But there is another thing I want to point out in this connection and I hope Honourable Members will consider it in that light also. The second portion of this Resolution has nothing to do with the new Act. The Government of India Act, 1935, has nothing to do with this. Nor has the Federal Legislature anything to do with it. The Legislature here can provide the highest court of appeal in this country.

THE HONOURABLE THE PRESIDENT : I quite agree with you. Then you ought to have put that as a separate Resolution.

THE HONOURABLE HAJI SYED MUHAMMAD HUSAIN : There is no difficulty in joining the first part also and certainly the Government, if they want to get something out of the tremendous lot of money that they are spending on the Federal Court ought to take some measures to get the return and provide work for highly paid unemployment.

THE HONOURABLE SIR A. P. PATRO (Madras : Nominated Non-Official) : Sufficient unto the day is the evil thereof ! Enough one court ! Why another court !

THE HONOURABLE HAJI SYED MUHAMMAD HUSAIN : Well, that is my view.

THE HONOURABLE THE PRESIDENT: Please proceed with your speech.

THE HONOURABLE HAJI SYED MUHAMMAD HUSAIN: Now, Sir, what I wanted to say was that the principle of providing for civil appeals has been accepted and there is no doubt about that. I have read the section and during the transitory period this Legislature has exactly the same powers which the Federal Legislature would have when it comes into existence. We do not know when it will come into existence and the form in which it may come is also uncertain. And it is not possible for us to go on waiting and spending about Rs. 75,000 a month and also imagining that the Federal Court is functioning without any function. It may be having a rest cure!

THE HONOURABLE SIR DAVID DEVADOSS: The American Federal Court did not function for four years. There were no cases.

THE HONOURABLE MR. HOSSAIN IMAM: They could afford it.

THE HONOURABLE HAJI SYED MUHAMMAD HUSAIN: And that does no credit to them. The Federal Court is no doubt an accomplished fact. It has been formally opened and the taxpayers' money is being spent on it. Now, is it or is it not really the desire of the Members to get some return for that money which they voted and spent on the Federal Court? Who knows when Federation will come in the Centre?

THE HONOURABLE RAI BAHADUR LALA RAM SARAN DAS (Punjab: Non-Muhammadan): It may not come at all.

THE HONOURABLE HAJI SYED MUHAMMAD HUSAIN: Yes, it may not come at all. And we do not know in what form it will come, if it does come at all. We do not even know whether there is any chance of it coming within the life of this House. What we thought about the time of introduction of Federation last year is not the same what we think today.

THE HONOURABLE THE PRESIDENT: All the greater reason why you ought not to move this Resolution.

THE HONOURABLE HAJI SYED MUHAMMAD HUSAIN: I beg your pardon, Sir. I say, Federation may be anywhere, or nowhere, but what about the Federal Court which is staring us in the face with about Rs. 75,000 a month out of our pocket and which is an accomplished fact? You see, Sir, the Federal Court is essential. The units have been established. The new constitution is working in the provinces. How can they work without a Federal Court? So the Federal Court is there. It is a *fait accompli*. Therefore, we must try and take some useful work. In the first place, we want that we should get work out of them and in the second place we also want to provide for a great need of the people, which they have demanded for a very long time. Therefore, I want to impress upon the House, Sir, that this is one of the most useful and necessary things and Honourable Members on the other side ought to unanimously not only support it but try and remove every kind of difficulty from the way of providing for civil appeals to the Federal Court. As I have said, the new constitution is in full swing in the provinces and even those who were out to wreck the constitution are now working the constitution and, if I may say so, hugging it most passionately. While there is no certainty of the kind of Federation we are going to have in the Centre, there is at least certainty

of the constitution being worked in the provinces for a long time to come. Therefore the existence of a Federal Court is absolutely essential but, at the same time, there will be very little or no work for it until the Federal constitution is introduced in the Centre. Why not rise to the occasion and provide the work which you can, and work of the type for which there has been a great demand in the past? I have read to the Honourable Members the sections which give them power to provide the work, and which also gives them the authority during the transitory period to exercise that power. There is, no doubt, a preliminary difficulty in the way, i.e., the section has not come into operation, but this is probably due to the fact that, when the Standing Orders were promulgated about the middle of last year, we were expecting Federation at an early date and that is why this section was not included. But today the thing is entirely different. It is being opposed from every direction, although it is difficult to say which party opposes it ostensibly and which genuinely. However, it is not possible to say whether Federation will come at least in the lifetime of this House or not and until then the taxpayers' money will be entirely wasted on the Federal Court. You have already accepted the principle by giving power to the Legislature. Why not put the section into operation? That can easily be done if the Governor General in Council accepts the recommendation and approaches the Secretary of State for India for an Order in Council. When I say "immediate", I do not mean that the whole thing must be done within 48 hours. I mean that a step in that direction should be taken as quickly as possible. That is so far as the civil side is concerned.

The other part is, in my opinion, still more important. I will request Honourable Members to consider this aspect rather more carefully, because, on the civil side, as I have already said, there is provision in the Civil Procedure Code for appeals to His Majesty in Council but there is no such provision in the Criminal Procedure Code and so there is no right to appeal to His Majesty in Council. It is only very rarely that the Privy Council interferes in a criminal case, and that only on a point of jurisdiction. I take first the case of the three High Courts where criminal cases are tried on the original side. What about appeals from those judgments?

THE HONOURABLE SIR DAVID DEVADOSS: They are jury cases.

THE HONOURABLE HAJI SYED MUHAMMAD HUSAIN: It does not matter what they are. After all, even in jury cases, the Criminal Procedure Code gives a right to appeal, but in these cases there is no Court to which you can go in appeal.

THE HONOURABLE MR. KUMARSANKAR RAY CHAUDHURY (East Bengal: Non-Muhammadan): I think that on a fiat of the Advocate General there is a right of appeal.

THE HONOURABLE HAJI SYED MUHAMMAD HUSAIN: As I said before, it is only on a very limited point. You take another case, the case in which a person has been acquitted by the Sessions Judge, the Government files an appeal to the High Court and the High Court convicts the acquitted man. What remedy has he? Is it fair that an accused person, who already had an acquittal, should be convicted by appellate courts who do not have the witnesses before them and yet he should have no right to appeal? He may even be hanged but can not appeal. There are other cases also. Take, for instance, the jury cases. There are cases in which the verdict of a jury is considered by the Sessions Judge to be absolutely perverse; the cases are referred to the High

[Haji Syed Muhammad Husain.]

Court and the High Court sets aside the verdict of acquittal by the jury and convicts the accused. What is that man to do? He has to sit quiet without any right of appeal. The most remarkable thing is that in cases of a very petty character—ordinary quarrels—a person after being tried and convicted has a right of appeal to the Judge, or District Magistrate, and from their decision he has the right to file an application for revision in the High Court or before the Sessions Judge if the appeal was heard by the District Magistrate. But in serious cases—cases of murder and other very serious offences in which the sentence is transportation for life—there is no right of revision. There is only one door which he can knock at and if that door is closed or if an adverse decision is made there, then every other door is shut. There are some High Courts who consider that they are doing a great charitable act if they interfere in revision. Even if there is a good legal point some Judges say, "It is a matter of discretion, and we may or may not exercise it". Therefore, in criminal cases, where a person's liberty, honour, and his very life is at stake, you do not give him even as much right as you give in cases where property worth about Rs. 10,000, or a little more, is involved, I cannot imagine that the consequences of a decision in a criminal case are less serious than those in a civil case. In the establishment of a Supreme Court of Criminal Appeal you do not even have to face the difficulty of any Standing Order or the introduction of the Federal Legislature. This Legislature has the power to amend the Criminal Procedure Code and to establish another higher court for hearing appeals in criminal cases. If you are convinced that the law on the criminal side is administered more to the detriment of the people concerned than on the civil side, then I think it is the duty of every one of us to remedy the defects. That portion of the criminal law which provides for appeals requires amendment. So far as that is concerned, my recommendation in the Resolution to the Governor General in Council is that a Bill to that effect should be introduced. Of course, it is very easy to introduce a private Bill, but this House has experience of the delay which takes place in getting a private Bill through the Legislature, and an evil should be removed as quickly as possible. That is really the object of this Resolution, and if the principle of the Act in connection with civil appeals has been accepted as it has it should be given effect to. I would request my Honourable friends on the other side to seriously consider, and particularly the Member in charge, the necessity of taking steps to provide for civil appeals as soon as possible and to introduce a Bill to establish a Supreme Court of Criminal Appeal.

THE HONOURABLE THE PRESIDENT: The debate on this Resolution will proceed on the next non-official day, and Members will have an opportunity also of studying the law and be in possession of the real facts of the case.

STATEMENT OF BUSINESS.

THE HONOURABLE KUNWAR SIR JAGDISH PRASAD (Leader of the House): Sir, I think this House might transact only formal business on the 17th, that is to say the Finance Bill might be laid on the table, provided it is sent up to this House by that date. I suggest that there should be no questions on that day and that the only business should be the laying of the Finance Bill should it be sent to this House by that date.

THE HONOURABLE THE PRESIDENT: I entirely agree with the Honourable the Leader of the House. This will give an opportunity to Honourable Members to go back to their homes during this recess of a few days. But I would request those Honourable Members who will be in Delhi to be present here for a few minutes on the 17th March at 11 A.M. when the Government hopes to lay the Finance Bill on the table of this House.

The Council then adjourned till Eleven of the Clock on Thursday, the 17th March, 1938.

COUNCIL OF STATE.

Thursday, 17th March, 1938.

The Council met in the Council Chamber of the Council House at Eleven of the Clock, the Honourable the President in the Chair.

MEMBER SWORN :

The Honourable Mr. Dhirendra Nath Mitra (Government of India : Nominated Official).

MESSAGES FROM HIS EXCELLENCY THE GOVERNOR GENERAL.

THE HONOURABLE THE PRESIDENT: Honourable Members, I am directed by His Excellency the Governor General to deliver to you two Messages. The first Message runs thus :

"Whereas the Legislative Assembly has by its vote of the 10th March, 1938, refused leave to introduce a Bill entitled a Bill to fix the duty on salt manufactured in, or imported by land into, certain parts of British India, to fix maximum rates of postage under the Indian Post Office Act, 1898, and to fix rates of income-tax and super-tax ;

Now, therefore, I, Victor Alexander John, Marquess of Linlithgow, in pursuance of the provisions of sub-section (1) of section 67B of the Government of India Act, as set out in the Ninth Schedule to the Government of India Act, 1935, do hereby certify that the said Bill is essential for the interests of British India.

(Sd.) LINLITHGOW,

Viceroy and Governor General."

New Delhi ;

The 12th March, 1938.

The second Message runs thus :

"In pursuance of the provisions of sub-section (1) of section 67B of the Government of India Act, as set out in the Ninth Schedule to the Government of India Act, 1935, I, Victor Alexander John, Marquess of Linlithgow, do recommend to the Council of State that it do pass the Bill to fix the duty on salt manufactured in, or imported by land into, certain parts of British India, to fix maximum rates of postage under the Indian Post Office Act, 1898, and to fix rates of income-tax and super-tax, in the form hereto annexed.

(Sd.) LINLITHGOW,

Viceroy and Governor General."

New Delhi ;

The 12th March, 1938.

(The Messages were received by the Council, standing.)

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INDIAN FINANCE BILL, 1938, LAID ON THE TABLE.

SECRETARY OF THE COUNCIL: Sir, in pursuance of the provisions of section 67B of the Government of India Act, as set out in the Ninth Schedule to the Government of India Act, 1935, I lay on the table a copy of the Bill to fix the duty on salt manufactured in, or imported by land into, certain parts of British India, to fix maximum rates of postage under the Indian Post Office Act, 1898, and to fix rates of income-tax and super-tax, leave to introduce which in the form recommended by the Governor General was refused by the Legislative Assembly at its meeting of the 10th March, 1938: the said Bill having been certified under the provisions of the same section by the Governor General as essential for the interests of British India.

The Council then adjourned till Eleven of the Clock on Monday, the 21st March, 1938.

COUNCIL OF STATE.

Monday, 21st March, 1938.

The Council met in the Council Chamber of the Council House at Eleven of the Clock, the Honourable the President in the Chair.

QUESTIONS AND ANSWERS.

DETAILS OF INITIAL AND RECURRING EXPENDITURE ON A FLEET OF SIX ESCORT VESSELS, ETC.

182. THE HONOURABLE RAJA YUVERAJ DATTA SINGH: (a) Will Government state what approximately is the estimated capital and annual "recurring expenditure to maintain a sea-going fleet of not less than six modern escort vessels which will be free to co-operate with the Royal Navy for the defence of India, and in addition to fulfil their responsibility for local naval defence of Indian ports" as stated by the Honourable the Finance Member in his Budget speech?

(b) What steps are being taken to bring into existence such a fleet and to man them with Indian officers?

(c) Did the Government of India make any calculation of their financial commitments before accepting this proposal of the British Government?

HIS EXCELLENCY THE COMMANDER-IN-CHIEF: (a) I would refer the Honourable Member to the answer given to the Honourable Mr. G. S. Motilal's question No. 171 of 10th March, 1938. The details of initial and recurring expenditure have not yet been fully worked out and much will depend on the class of escort vessels selected to replace obsolete craft.

(b) As already indicated in (a), it has been decided to replace obsolete ships by modern ones as funds become available.

As regards Indianisation of officer ranks, the present proportion is one Indian to two British and there are now 26 Indian officers either serving or under training. The development of Local Naval Defence, as it progresses, will automatically create an increase in these figures more rapidly than would have been possible otherwise.

(c) Yes.

RETURN TO INDIA OF RAJA MAHENDRA PRATAP.

183. THE HONOURABLE MR. B. N. BIYANI: (a) Has the attention of Government been drawn to a statement of Raja Mahendra Pratap published in the *Hindustan Standard* of Calcutta?

(b) Has the attention of Government been drawn to the declaration in the statement that he (Raja Mahendra Pratap) has returned the passport of Afghanistan with the intention of returning to the land of his birth?

(c) Has the attention of Government been drawn to a reply in the United Provinces Council on January 29th stating that there was no ban on the entry of Raja Mahendra Pratap into the United Provinces?

(d) Do the Government of India contemplate allowing Raja Mahendra Pratap to return to India without any fear of prosecution for any of his past actions?

(e) If not, why not?

THE HONOURABLE MR. F. H. PUCKLE: (a) to (e). I have seen Mahendra Pratap's statement and a press report of the reply to a question in the United Provinces Council. These do not alter the position explained in this House on the 15th September last in Mr. Maxwell's speech on the Honourable Member's Resolution, and I have nothing to add to what was stated in regard to Mahendra Pratap on that occasion.

APPOINTMENT OF CROWN COUNSEL OR LAW OFFICERS IN CONNECTION WITH THE FEDERAL COURT.

184. THE HONOURABLE MR. ABDUR RAZZAK HAJEE ABDUS SATTAR: (a) Will Government state the total number of Crown Counsels or Law Officers intended to be appointed in connection with the Federal Court of India?

(b) Have they been appointed? If so, how many of them are Musalmans and how many are non-Muslims?

(c) If the answer is in the negative, when are they likely to be appointed and do Government intend to bear the principle of communal proportion in mind in making appointments?

THE HONOURABLE MR. F. H. PUCKLE: (a) to (c). As the Honourable Member is aware, the Advocate General for the Federation has already been appointed. There is no proposal at present to appoint any Crown Counsel or other Law Officers in connection with the Federal Court.

HIGHER POSTS IN THE OFFICE OF THE FEDERAL COURT.

185. THE HONOURABLE MR. ABDUR RAZZAK HAJEE ABDUS SATTAR: What is the number of higher posts in the office of the Federal Court and what is the number of Muslims, Hindus and Christians recruited for those posts?

THE HONOURABLE MR. F. H. PUCKLE: I presume that by "higher posts" the Honourable Member means "gazetted staff". If so, the answer is that there has been only one appointment, that of temporary Assistant Registrar, to which a Hindu has been appointed.

COMPOSITION OF THE ESTABLISHMENTS OF THE FEDERAL COURT.

186. THE HONOURABLE MR. ABDUR RAZZAK HAJEE ABDUS SATTAR: Will Government state the number of Muslims and non-Muslims recruited since the creation of the Federal Court in the offices connected with it in clerical services, lower or higher?

THE HONOURABLE MR. F. H. PUCKLE: Ten appointments have been made so far in the clerical service (higher and lower) of the Federal Court. Three of the persons appointed are Muslims and seven are non-Muslims.

INTRODUCTION OF LEGISLATION IN CONNECTION WITH THE QUESTION OF *Phooka*.

187. THE HONOURABLE MR. G. S. MOTILAL: Will Government state whether they propose to bring in an anti-*Phooka* Bill in the current session, as promised by them in the last special session?

THE HONOURABLE MR. F. H. PUCKLE: Government hope to introduce in the course of the current session a comprehensive Bill dealing *inter alia* with the question of *phooka*.

BUDAPEST INTERNATIONAL FAIR.

188. THE HONOURABLE RAJA YUVERAJ DATTA SINGH: Will the Budapest International Fair be held in April-May 1938, and will the Indian Government Trade Commissioner, Milan, participate in it? If so, will Government state what approximately will be the expenditure out of the Indian exchequer, and what steps have been taken to advertise the fact to Indian traders and business men, and what are the main details of the arrangements in this connection?

THE HONOURABLE SIR MUHAMMAD YAKUB: The reply to the first part of the question is in the affirmative. As regards the second part, the approximate cost of participation will be £500. A notice regarding the Fair and the arrangements for the despatch, etc., of goods intended for exhibition has been published in the *Indian Trade Journal* of the 27th January, 1938, a copy of which is in the Library. A short statement has also been issued to the Press for publication.

VACCINATION CERTIFICATES FOR PASSENGERS TO AND FROM BURMA.

189. THE HONOURABLE RAJA YUVERAJ DATTA SINGH: Are passengers going to Burma from India required to take a small-pox licence before they are allowed to disembark in Rangoon? If so, are passengers coming to India from Burma required to take a similar certificate? Will Government state the difference, if any, in the procedure?

THE HONOURABLE KUNWAR SIR JAGDISH PRASAD: 1st part. Such passengers are liable to vaccination unless they can prove immunity.

2nd part. No.

3rd part. As the Honourable Member is aware, each country has discretion as to the health protection measures adopted at its ports. In this case the majority of the passengers from Burma to India are returning Indian labourers who have already been protected and, therefore, special precautions are not considered necessary.

RATE WARS BETWEEN SHIPPING COMPANIES ON THE WEST COAST.

190. THE HONOURABLE RAJA YUVERAJ DATTA SINGH: Have Government taken any steps, or do they propose to take any, to minimise shipping rate war, and consequent uneconomic competition among the steamship companies on the Konkan coast, or elsewhere? If so, what?

THE HONOURABLE SIR MUHAMMAD YAKUB: The attention of the Honourable Member is invited to the reply given by me to question No. 131 on the 2nd March, 1936.

RETRENCHMENT ON THE CEYLON GOVERNMENT RAILWAY AND EVICTION OF INDIANS FROM KANDAPOLA, CEYLON.

191. THE HONOURABLE RAJA YUVERAJ DATTA SINGH: Will Government state what steps they have taken to safeguard the interests of Indian employees in Ceylon in giving effect to the proposals for retrenchment on the Ceylon Government Railway; and of the Indian cultivators as regards their proposed eviction from Portswood vegetable gardens at Kandapola, Ceylon?

THE HONOURABLE KUNWAR SIR JAGDISH PRASAD: So far as retrenchment on the Ceylon Government Railway is concerned, suitable representations were made by the Agent of the Government of India in Ceylon with the result that the racial discrimination involved in the retrenchment proposals has been removed. As regards Kandapola, I have nothing to add to the concluding portion of my reply to the Honourable Member's question No. 28 on the 14th February, 1938.

SEIZURE AT CALCUTTA OF SILVER FROM JAPAN FOR NEPAL.

192. THE HONOURABLE RAJA YUVERAJ DATTA SINGH: Was silver worth about Rs. 2,00,000 smuggled or attempted to be smuggled without payment of customs duty into Nepal from Japan via Calcutta, and was the silver seized in Calcutta some time back? What are the facts of the case, and what steps have been taken in the matter?

THE HONOURABLE MR. J. C. NIXON: Government are not aware of any recent case of seizure at Calcutta of silver from Japan for Nepal.

STRIKE OF RAILWAY COOLIES AT BENARES STATION, E.I.R.

193. THE HONOURABLE RAJA YUVERAJ DATTA SINGH: Will Government state whether the railway coolies at the Benares station have only recently gone on strike for the redress of alleged grievances against the contractor? Are Government aware that the travelling public are put to great inconvenience on this account? Do Government propose to make an enquiry into the matter and to restore normal conditions?

THE HONOURABLE SIR GUTHRIE RUSSELL: The Agent, E.I.R., reporting on the 8th March, 1938, stated that there had been no strike of railway coolies at Benares station, but that endeavours were being made to stir up trouble amongst them.

FISCAL ARRANGEMENTS BETWEEN INDIA AND BURMA UNDER THE OTTAWA AGREEMENT.

194. THE HONOURABLE RAJA YUVERAJ DATTA SINGH: Will Government state whether the fiscal arrangement between British India and Burma under the Ottawa Agreement is in operation? If so, for how long?

THE HONOURABLE SIR MUHAMMAD YAKUB: I regret that I am unable to follow the precise purport of the Honourable Member's question. The Ottawa Trade Agreement does not govern the fiscal relationship between British India and Burma. The trade relationship is governed by the India and Burma (Trade Regulation) Order, 1937, which includes provisions as to the tariffs of both countries, and is to remain in force for a period of at least three years from the 1st April, 1937.

DUTY LEVIED ON PETROL IMPORTED FROM BURMA.

195. THE HONOURABLE RAJA YUVERAJ DATTA SINGH: Do Government contemplate that the duty levied on petrol imported into India from Burma be hereafter treated as customs revenue and not as excise as a result of the separation of Burma from India?

THE HONOURABLE MR. J. C. NIXON: This is already being done.

INCLUSION OF DEV NAGRI (HINDI) SCRIPT ON STATION NAME-BOARDS, N.W.R.

196. THE HONOURABLE MR. B. N. BIYANI: (a) Are not the name-boards of railway stations in the Punjab written in "Dev Nagri" script?

(b) If not, do Government propose to do so in the future?

THE HONOURABLE SIR GUTHRIE RUSSELL: (a) and (b). I understand from the Agent, N.W.R., that it has been decided to include the Hindi script on station name-boards at stations in all cases in which new name-boards are to be provided.

In the case of stations at which the names are not cut into the boards or stones, it is considered that, with a slight re-arrangement, it will be possible to show the names in four scripts, i.e., English, Urdu, Gurmukhi and Hindi, this is being done when boards are repainted.

In the case of stations at which the names are cut into the boards or stones and the length of the station name makes its addition in another script impracticable, the existing name-boards are being supplemented.

In due course, all station name-boards will include the station name in the Dev Nagri (Hindi) script.

LEVEL CROSSING NEAR AKOLA STATION, G.I.P.R.

197. THE HONOURABLE MR. B. N. BIYANI: (a) Is there a level crossing near Akola station on the G.I.P.R. on the road between Akola and Akot?

(b) Are there habitations on both sides of the level crossing?

(c) Is there heavy traffic on this road and are carts and motors required to wait for a long time many times during the day and night at the level crossing?

(d) Do Government propose to construct a bridge on this level crossing?

THE HONOURABLE SIR GUTHRIE RUSSELL: (a), (b) and (c). Government have no information.

(d) Their policy is to leave to the discretion of Railway Administrations the provision of overbridges where circumstances justify them, and when the local authorities are prepared to pay the share due from them. They suggest that the matter be referred to the Agent of the Railway concerned through the Local Advisory Committee or the local road authorities.

RETURN TO INDIA OF RASH BEHARI BOSE.

198. THE HONOURABLE MR. B. N. BIYANI: (a) Has the attention of Government been drawn to a statement published in the *Hindustan Standard*, dated Calcutta, 20th January, 1938, issued by Mr. Rash Behari Bose from Japan contradicting the Honourable Mr. Maxwell's speech in the last Simla session of the Council in reply to my Resolution regarding the political exiles that Mr. Bose was not allowed to come back to India to see his father when petitioned by his relatives 10 years back?

(b) Is Mr. Rash Behari Bose still prohibited from entering India?

THE HONOURABLE MR. F. H. PUCKLE: (a) Government have L. press report in question.

GH: "

(b) Mr. Bose has discarded British Indian nationality. The position in regard to the return to India of such persons was explained very fully in this House on the 15th September last in Mr. Maxwell's speech on the Honourable Member's Resolution, and there is nothing in Mr. Bose's statement to alter that position.

INTER CLASS ACCOMMODATION ON THE G.I.P.R.

199. THE HONOURABLE MR. B. N. BIYANI: (a) Have Government brought the suggestion to the notice of the Agent, G.I.P.R., to arrange for inter class accommodation on passenger trains on the G.I.P.R. as promised by the Honourable Sir Guthrie Russell in reply to my question No. 131 (c) on the 20th September, 1937?

(b) Have Government received any reply?

(c) If so, what?

(d) If not, do Government propose to remind the Agent, G.I.P.R., in the matter?

THE HONOURABLE SIR GUTHRIE RUSSELL: (a) A copy of the Honourable Member's previous question and of my reply thereto was forwarded to the Agent, G.I.P.R.

(b) Yes.

(c) I am laying on the table a copy of the reply received.

(d) Does not arise.

Copy of a letter No. 15101-L/3, dated the 9th December, 1937, from the Agent, G.I.P.R. Bombay, to the Secretary, Railway Board, New Delhi.

Inter class accommodation on the G.I.P.R. Railway Board's No. 772-T. of 5th November, 1937.

I beg to inform the Board that inter class accommodation is provided by this Railway as shewn below:—

On Mail trains	(i) Punjab Mail.
	(ii) Calcutta Mail (via Chheoki).
	(iii) Calcutta Mail (via Nagpur).
	(iv) Madras Mail.
	(v) Poona Mail.
On Express trains	(vi) Poona Express.
	(vii) Mail and Express between Jhansi and Lucknow.
	(viii) Peshawar and Lucknow Express.
	(ix) Nagpur Express.
	(x) Madras Express.
	(xi) Grand Trunk Express.
On ordinary passenger trains running on sections.	(xii) Allahabad Express.
	(a) Jhansi-Cawnpore.
	(b) Jhansi-Manikpur.
	(c) Itarsi-Allahabad.
	(d) Bina-Katni.
	(e) Cawnpore-Banda.

It is proposed to provide, on renewal account during 1939-40, twenty-six bogies (consisting of I, II, III and Inter classes) to the design of the quadri-ccmpo bogies in use on the E.B.R. These bogies, when provided, will be run on the main and branch line passenger trains.

LL.M. EXAMINATION OF THE DELHI UNIVERSITY.

200. THE HONOURABLE MR. V. V. KALIKAR: (a) How many applications have been made since 1923 by the Law Graduates of the Delhi University, and other Universities for permission to appear for the examination of Master of Law of the Delhi University, and what is the result?

(b) Does the University send the following reply to those who apply for permission to appear at the LL.M. examination: "The Executive Council of the University has not appointed, nor is likely to appoint in the near future, a person or persons under the general direction of whom you may carry on legal studies as required by the Ordinance. In these circumstances, I regret very much to say, that the University is unable to make the necessary arrangements for your admission to the examination"?

(c) Is an application made on 30th of April, 1936 for permission to appear for the LL.M. examination of the Delhi University still pending and not disposed of?

THE HONOURABLE KUNWAR SIR JAGDISH PRASAD: (a) Since 1924 when the Faculty of Law was instituted, the Delhi University has received a number of enquiries about the possibility of admission to the LL.M. examination of the University but no record is kept of such enquiries. The University received four applications for permission to appear for the examination of Master of Laws, of which two were rejected and one is still pending. Permission was granted to one applicant but he did not take the examination.

(b) The reply is in the affirmative.

(c) Yes.

SURPLUS ACCOUNTS IN THE LAW DEPARTMENT OF THE DELHI UNIVERSITY.

201. THE HONOURABLE MR. V. V. KALIKAR: What was the surplus in the Law Department of the Delhi University during the time beginning with 1923 and ending with 1937-38.

THE HONOURABLE KUNWAR SIR JAGDISH PRASAD: The information is not available as separate accounts for the different Faculties or Departments of the University are not maintained.

LL. M. EXAMINATION OF THE DELHI UNIVERSITY.

202. THE HONOURABLE MR. V. V. KALIKAR: (a) What steps did the Delhi University take to make provision for giving instructions to the LL.M. students since it was first discovered that the students could not appear for the LL.M. examination on account of the failure of the University to make the necessary arrangement?

(b) Does the Delhi University now propose to make at an early date the necessary provision for giving instructions to the candidates appearing for the LL.M. Examination of that University?

THE HONOURABLE KUNWAR SIR JAGDISH PRASAD: (a) and (b). The matter is under the consideration of the University.

PROVISION FOR RESEARCH WORK IN THE DELHI UNIVERSITY.

203. THE HONOURABLE MR. V. V. KALIKAR: Does the University sanction some amount for research work in their budget every year. If so, what research work has been done up to this time in the subject of Law under the auspices of the Delhi University? If not, why not?

THE HONOURABLE KUNWAR SIR JAGDISH PRASAD: The University does not make any provision for research work in their budget.

CONFERMENT OF THE DEGREE OF DOCTOR OF LAWS BY THE DELHI UNIVERSITY.

204. THE HONOURABLE MR. V. V. KALIKAR: (a) Did the Delhi University confer any degree of Doctor of Law on the submission of a thesis?

(b) Did the University confer any honorary degrees of Doctor of Law?

THE HONOURABLE KUNWAR SIR JAGDISH PRASAD: (a) No.

(b) Yes.

STEPS TAKEN TO MINIMISE THE CHANCES OF INFECTIOUS OR OTHER DISEASES BEING CONVEYED BY AIRCRAFT.

205. THE HONOURABLE RAJA YUVERAJ DATTA SINGH: Will Government state what steps have been taken, or are proposed to be taken, to minimise the chances of infectious or other diseases being conveyed by aircraft in this country?

THE HONOURABLE KUNWAR SIR JAGDISH PRASAD: A statement is laid on the table.

Statement showing the action taken or proposed to be taken for the prevention of the conveyance of infection by aircraft.

Aircraft enter India either from the West or from the East. Those entering from the West alight at Karachi where adequate facilities already exist for sanitary control both in respect of the aircraft and of passengers. These facilities include apparatus for disinfecting and disinsectisation of aircraft, medical staff for examination of the passengers and accommodation for the isolation of persons exhibiting suspicious symptoms. In the case of aircraft flying from the East, the risk of the import of dangerous diseases not already endemic in India if not remote is very small. Notwithstanding this, however, and in view of the desirability of excluding all forms of dangerous disease, a scheme is under execution for elaboration at Dum Dum—the first port of call in India in respect of these craft—of arrangements similar to those already operating at Karachi.

No aircraft which has previously alighted in an area infected with or suspected to be infected with yellow fever is permitted to arrive in India within 9 days of departing from that area. The same prohibition is imposed upon the arrival of individual passengers who may similarly have been exposed to infection. This prohibition is only relaxed where aircraft or passengers, as the case may be, have taken certain specified precautions calculated to obviate the possibility of their importing the disease into India.

In addition a set of rules is under promulgation making permanent all temporary measures at present imposed and found to be necessary and effective. These rules also supply various omissions in these measures and generally tighten up sanitary control of aircraft entering India.

With respect to aircraft flying from place to place within the frontiers of India, the question of the degree of sanitary control necessary at aerodromes is receiving attention and all adequate measures that enquiry reveals to be essential and possible will be taken.

CURRENT AVERAGE VALUE AND THE *ad valorem* INCIDENCE OF EXPORT DUTY ON RAW JUTE AND JUTE MANUFACTURES.

206. THE HONOURABLE MR. G. S. MOTILAL: (i) Will Government state the average price for the quantity on which duty is chargeable on

(a) cuttings of raw jute on which there is an export duty of Rs. 1-4-0 per bale of 400 lbs.;

(b) other descriptions of raw jute on which there is an export duty of Rs. 4-8-0 per bale of 400 lbs.;

(c) jute manufactures described as "sacking" on which there is an export duty of Rs. 20 per ton;

(d) jute manufactures known as "Hessians" on which there is an export duty of Rs. 32 per ton?

(ii) Will Government state the approximate *ad valorem* incidence of export duty on each description of jute goods referred to above?

THE HONOURABLE MR. J. C. NIXON: I lay on the table a statement giving the information asked for.

Statement showing the current average value and the *ad valorem* incidence of export duty on raw jute and jute manufactures.

Description of goods.	Unit.	Average value.	Duty.	Incidence.
		Rs. A.	Rs. A.	Per cent.
Raw jute—	Bale of 400 lbs.			
Cuttings		20 8	1 4	6.1
Other descriptions		30 10	4 8	14.7
Jute manufactures—	Ton.			
Sackings		208 4	20 0	9.6
Hessians		310 3	32 0	10.3

COURTYARDS OF QUARTERS ALLOTTED TO DUFTRIES IN THE RAJA BAZAR AND MINTO ROAD AREAS, NEW DELHI.

207. THE HONOURABLE MR. HOSSAIN IMAM: (a) Are the courtyards of duftri quarters at Raja Bazar and Minto Road, New Delhi, small and are latrines and bathrooms built inside the quarters?

(b) Were applications received requesting the removal of latrines and bathrooms from the courtyard to outside?

(c) What action was taken on these applications?

THE HONOURABLE SIR MUHAMMAD YAKUB: (a) Latrines and bathrooms are built inside the quarters which are rent free. The courtyards cannot be regarded as unreasonably small having regard to the status and pay of the tenants.

(b) Yes.

(c) The requests of the applicants could not be acceded to in view of the expenditure involved which was estimated at about Rs. 40,000.

THE HONOURABLE MR. HOSSAIN IMAM: What is the measurement of the courtyard, Sir?

THE HONOURABLE SIR MUHAMMAD YAKUB: I am afraid I could not say off-hand.

QUARTERS ALLOTTED TO DUFTRIES IN SIMLA.

208. THE HONOURABLE MR. HOSSAIN IMAM: (a) Are there no duftri quarters at Simla and do duftries occupy peons' quarters?

(b) Are two or four persons required to live together in a single quarter?

(c) Did Government issue any resolution on the subject of the provision of family quarters for duftries at the time Government granted them family travelling allowance?

(d) If the answer to part (a) is in the negative, do Government propose to take steps to pay duftries suitable house rent allowance?

THE HONOURABLE SIR MUHAMMAD YAKUB: (a) The inferior servants' quarters at Simla are distributed to Departments *pro rata* to the demand of each Department and can be allotted either to peons or to duftries at the discretion of the Departments.

(b) The quarters are not uniform and have varying capacities. Departments allot the quarters with due regard to the number of persons which can be accommodated in each quarter without detriment to the health of the occupants.

(c) No orders have been passed by Government for the provision of family quarters for duftries, but a scheme for the construction of such quarters was under contemplation in 1919. It has not been found possible to give effect to this scheme, but duftries in the Government of India Secretariat have been given compensation in the form of a family visiting allowance.

(d) Government consider that the existing rates of Simla house rent allowance admissible to duftries are adequate.

STANDING FINANCE COMMITTEE.

209. THE HONOURABLE MR. HOSSAIN IMAM: Will Government state why no Standing Finance Committee was formed for the current year? Do they propose to constitute such a Committee for the next financial year? If not, why not?

THE HONOURABLE MR. J. C. NIXON: A Resolution for the election of a Standing Finance Committee was put down on the Order Paper in the two previous sessions of the Legislative Assembly; it was not moved, as it was clear that the proposal would not be readily acceptable to the House. It is hoped to table a suitable Resolution before the end of the current session of the Assembly.

THE HONOURABLE MR. HOSSAIN IMAM: How did the Government arrive at the conclusion that it would not be favourably received?

THE HONOURABLE MR. J. C. NIXON: One way—there were amendments on the Order Paper.

THE HONOURABLE MR. HOSSAIN IMAM: Were those amendments unacceptable to the Government?

THE HONOURABLE MR. J. C. NIXON: Yes.

THE HONOURABLE MR. HOSSAIN IMAM: Have they acceded to those amendments?

THE HONOURABLE MR. J. C. NIXON: The Honourable Member must wait and see what Resolution is tabled.

SCRUTINY OF NEW CHARGES AND NEW POSTS BY THE STANDING FINANCE COMMITTEE.

210. THE HONOURABLE MR. HOSSAIN IMAM: Will Government state whether new charges and new posts created under the Central Government have not been scrutinised and approved by any Committee of the Central Legislature? Was it the convention in former years? If not, what was the system, how long did it continue: when and why was it changed?

THE HONOURABLE MR. J. C. NIXON: Yes, since no Standing Finance Committee has been appointed during the current financial year. With reference to the latter part of the question, I would invite a perusal of the memorandum on the functions and procedure of this Committee contained in its proceedings, dated the 21st January, 1937 (Volume XVI, No. 3), a copy of which is available in the Library of the House and which gives the information required by the Honourable Member.

THE HONOURABLE MR. HOSSAIN IMAM: Will a *post facto* sanction be taken for the appointments sanctioned this year?

THE HONOURABLE MR. J. C. NIXON: No, Sir.

THE HONOURABLE MR. HOSSAIN IMAM: Then how do you propose to take the sanction of the Committee for the appointments already made during the period that the Committee was not in existence?

THE HONOURABLE MR. J. C. NIXON: I would point out to the House that the Committee never had any sanctioning powers at all.

PROPOSED NEW APPOINTMENTS FOR THE CENTRAL EXCISE SERVICES.

211. THE HONOURABLE MR. HOSSAIN IMAM: Will Government give the following information in regard to the new appointments proposed to be made for the Central Excise Services:

- The number and categories of new appointments proposed?
- The names of the newspapers in which the posts were advertised?
- The number of categories expected to be maintained in each province?
- The classification as superior and inferior appointments?
- The number of applications received, and the number called for interview from each province?

THE HONOURABLE MR. J. C. NIXON: (a) to (e). A statement is laid on the table.

(a) Number and categories of new appointments proposed.

Name of posts.	Number of appointments.	Number to be filled by direct recruitment.	Number to be filled by promotion.
Deputy Commissioners	2	..	2
Assistant Commissioners	3	..	3
Superintendents	5	3	2
	(includes 2 leave reserves).		
Deputy Superintendents	7	7	..
Inspectors	85		
<i>Ministerial staff.</i>			
Selection grade clerks	4		
Upper grade clerks	5		
Lower grade clerks	17		
Stenographers	3		
Supervisors	47		
<i>Inferior establishment.</i>			
Daftri	1		
Jamadars	30		
Peons	226		

Appointments have not yet been made.

(b) The names of newspapers in which the posts were advertised.

- The Statesman, Calcutta.
- The Star of India, Calcutta.
- The Hindustan Times, New Delhi.
- The Civil and Military Gazette, Lahore.
- The Leader, Allahabad.
- The Pioneer, Lucknow.

(c) The number of categories expected to be maintained in each province.

Name of posts.	Delhi.	Punjab.	United Provinces.	Bihar.	Bengal.
Deputy Commissioners	1	..	..	..	1
Assistant Commissioners	2	..	..	..	1
Superintendents	2	1	..	1	1
Deputy Superintendents	..	1	2	1	3
Inspectors	17	6	27	10	25
Clerks	15	1	..	1	12
Supervisors	12	3	7	..	25
Inferior servants	36	23	73	28	97

(d) The classification as superior and inferior appointments.

With the exception of "Inferior Establishment" under part (a) above all the appointments are "Superior".

(e) Number of applications received and the number called for interview from each province.

Province.	Number of applications received.	Number of candidates called for interview.
North-West Frontier Province	27	15
Sind	2	..
Punjab	1,097	216
Delhi	387	49
United Provinces	1,085	167
Bihar	77	11
Bengal	418	49
		excluding 43 being called for interview at Calcutta.
Assam	20	..
Central Provinces	24	3
Ajmer	6	..
Indian States	36	12
TOTAL	3,179	523

METHOD OF SELECTION OF CANDIDATES FOR THE APPOINTMENTS CREATED FOR THE CENTRAL EXCISE SERVICES.

212. THE HONOURABLE MR. HOSSAIN IMAM: With reference to the preceding question, will Government state the method adopted for selecting candidates? Was any member of the Federal Public Service Commission, or non-official, or Member of the Legislature, or official of the Home Department, or any other independent person associated in interviewing the candidates? What was the composition of the Selection Board?

THE HONOURABLE MR. J. C. NIXON: The reply to the first part of the question is in the negative. As regards the second part, candidates were interviewed by a Selection Committee composed of the Commissioner of Central Excises and Salt, Northern India and two Deputy Commissioners of the Department. Selected candidates for the posts of Superintendent were then interviewed by the Central Board of Revenue by whom a final selection was made.

THE HONOURABLE MR. HOSSAIN IMAM: Is it the procedure in the Finance Department that only the appointing authority compose the selecting board?

THE HONOURABLE MR. J. C. NIXON: That is the usual practice in Government service unless the appointments are put in the hands of the Public Service Commission.

INTEREST-BEARING OBLIGATIONS OF THE GOVERNMENT OF INDIA.

213. THE HONOURABLE MR. HOSSAIN IMAM: Will Government lay on the table a statement showing the interest-bearing liabilities of the Government of India on 31st March, 1936 and 1937 and 1st April, 1937, together with the interest yielding assets on those days (on the lines of Appendix II of the Explanatory Memorandum of the Finance Secretary for the year 1935-36)?

THE HONOURABLE MR. J. C. NIXON: I place a statement on the table.

Interest-bearing Obligations of the Government of India.

	31st March, 1936.	31st March, 1937.*	1st April, 1937.
(In crores of rupees.)			
In India—			
Loans	426.18	437.88	437.88
Treasury Bills	32.13	28.54	28.54
Other obligations—			
Post Office Savings Bank	67.25	74.68	72.59
Postal Cash Certificates	65.98	64.40	64.40
Provident Funds, etc.	96.12	102.00	76.96
Depreciation and Reserve Funds	13.25	19.82	18.10
Provincial Balances	4.93	1.00	..
Total—Loans, etc.	458.31	466.42	466.42
Total—Other obligations	247.53	261.90	232.05
TOTAL	705.84	728.32	698.47

*These figures are based on actuals and therefore differ from those furnished on the 14th September, 1937, which were based on the revised estimates, in reply to the Honourable Member's question No. 148.

Interest-bearing Obligations of the Government of India—contd.

	31st March, 1936.	31st March, 1937.*	1st April, 1937.
(In millions of pounds.)			
In England—			
Loans	317.76	300.73	300.73
War contribution	16.72	16.72	16.72
Capital value of liabilities undergoing redemption by way of terminable railway annuities.	41.75	39.86	39.86
Provident Funds	1.27	12.50	12.50
Total	377.50	369.81	369.81
(In crores of rupees.)			
Equivalent at 1s. 6d. to the Rupee	503.33	493.08	493.08
Total—Interest-bearing obligations	1,209.17	1,221.40	1,191.55
Interest-yielding assets—			
Capital advanced to railways	750.04	751.49	716.80
Capital advanced to other Commercial Departments.	24.24	25.88	24.53
Capital advanced to provinces	186.58	183.93	127.18
Other interest-bearing loans	21.55	20.74	23.35
Burma's debt to India	..	..	50.75
Total—Interest-yielding assets	982.41	982.04	942.61
(In crores of rupees.)			
Cash, bullion and securities held on treasury accounts.	17.67	23.59	10.87
Balance of interest-bearing obligations not covered by above assets.	209.09	215.77	238.07

* These figures are based on actuals and therefore differ from those furnished on the 14th September, 1937, which were based on the revised estimates, in reply to the Honourable Member's question No. 148.

DEBT OWED TO THE GOVERNMENT OF INDIA BY PROVINCES ON 1ST APRIL, 1937, ETC.

214. THE HONOURABLE MR. HOSSAIN IMAM: Will Government state the amount of interest and capital received by them up to date from each province and Burma, together with the dates; and the amount expected before the close of the year and the amounts due?

THE HONOURABLE MR. J. C. NIXON: I lay a statement on the table. In every case the amounts expected coincide with the amounts due.

Statement.

(Figures are in lakhs of rupees.)

Province.	Debt owed to the Government of India on 1st April, 1937.	Dates on which instalments are to be paid.	Amounts payable in 1937-38.		
			Capital.	Interest.	Total.
Madras	756.71	15th September and 15th March.	4.07 2.71	15.58 16.94	19.65 19.65
Bombay—			6.78	32.52	39.30
Municipal and Improvement Trust Loans.	1060.76	31st March . . .	42.15	53.35	95.50
Other Loans	2253.86	31st July and 31st January.	24.57 8.03	33.62 50.16	58.19 58.19
			74.75	137.13	211.88
United Provinces	2577.05	7th August and 7th February.	25.45 10.57	36.13 51.05	61.60 61.60
			36.02	87.18	123.20
Punjab—				35.00	35.00
Special debt	1000.00	31st March . . .	17.93	22.66	40.59
Other debt	1698.88	1st August and 1st February.	6.97	33.62	40.59
			24.90	91.28	116.18
Central Provinces	330.25	30th September and 31st March.	1.18 1.19	7.41 7.40	8.59 8.59
			2.37	14.81	17.18
Sind—				116.72	116.72
Lloyd Barrage debt	2501.52	31st March . . .	5.89	4.24	10.13
Other d. bt	425.67	1st July and 1st January.	1.73	8.40	10.13
			7.62	129.36	136.98
Burma	5075.00	30th September and 31st March.	47.59	177.23	224.82*

* In addition to this amount Burma will pay Rs. 80 lakhs on account of pensions.

AMOUNT TRANSFERRED TO ENGLAND FOR THE PENSION FUNDS.

215. THE HONOURABLE MR. HOSSAIN IMAM: Will Government state the dates and the amounts of money transferred to Commissioners for Service Pension Funds? The reason for delay, if any?

THE HONOURABLE MR. J. C. NIXON: The total amount transferred up to the end of February was £2,210,000. The Commissioners were not appointed until October, 1937. In any case it is more convenient both for the Government of India and for the Commissioners that the transfer should be effected gradually.

THE HONOURABLE PANDIT HIRDAY NATH KUNZRU: Can the Honourable Member tell us what is the amount that remains to be transferred?

THE HONOURABLE MR. J. C. NIXON: The sum has been mentioned in the Budget speech. My recollection is that it is about £5 millions, but I would not like to swear to it.

VALUE OF OBJECTIONS TO TRANSFER TO ENGLAND OF PENSION FUNDS.

216. THE HONOURABLE MR. HOSSAIN IMAM: Will Government state the total money value of objections to transfer to England of Pension Funds received by Government from persons concerned?

THE HONOURABLE MR. F. H. PUCKLE: The amounts of the interest of persons who objected to transfer will not be known until the actuarial valuations which are at present being made are completed. In accordance with Mr. Maxwell's undertaking to the Honourable Member during the Simla session full information will be laid on the table of the House when it is available.

SECURITIES HELD IN THE GOLD STANDARD RESERVE.

217. THE HONOURABLE MR. HOSSAIN IMAM: Will Government lay on the table a detailed statement of the securities held in Gold Standard Reserve on 31st March, 1935, showing the securities held in Gold Standard Reserve transferred to the Reserve Bank of India and to the Silver Redemption Fund, and those retained by Government on the dissolution of Gold Standard Reserve.

THE HONOURABLE MR. J. C. NIXON: I would invite the attention of the Honourable Member to page 515 of the Finance and Revenue Accounts for 1934-35 and pages 518 to 521 of the Finance and Revenue Accounts for 1935-36. These references give all the information which it is in the public interest to publish. Copies are available in the Library.

SECURITIES HELD IN THE SILVER REDEMPTION RESERVE.

218. THE HONOURABLE MR. HOSSAIN IMAM: Will Government lay a statement showing the various kinds of Sterling Securities now held in the Silver Redemption Fund and the depreciation written off in each year, the interest received in each year, the kind of Sterling Securities added each year to the Fund and the market value of all the securities on 31st December, 1937?

THE HONOURABLE MR. J. C. NIXON: A statement is laid on the table.

SILVER REDEMPTION RESERVE.

A.—Securities held on the 31st December, 1937.

Security.	Nominal value.			Market value.		
	£	s.	d.	£	s.	d.
5 per cent. Conversion Loan, 1944-64	1,000,000	0	0	1,140,000	0	0
4½ per cent. Conversion Loan, 1940-44	1,048,550	0	0	1,134,926	2	0
2½ per cent. Funding Loan, 1952-57	237,100	0	0	224,652	5	0
2½ per cent. National Defence Loan, 1944-48.	5,018,800	0	0	4,962,338	10	0
TOTAL	7,304,450	0	0	7,461,916	17	0

B.—Interest and depreciation.

Year.	Interest realised.			Depreciation.		
	£	s.	d.	£	s.	d.
1935-36	159,684	15	0	19,155	3	6
1936-37	222,419	15	0	358,156	7	8

C.—Securities added.

Year.	Loan.	Nominal value.
		£
1935-36	2½ per cent. Conversion Loan, 1944-49.	18,800
1936-37	2½ per cent. Funding Loan, 1952-57.	237,100

POST OFFICE CASH CERTIFICATES.

219. THE HONOURABLE MR. HOSSAIN IMAM: Will Government give the following information about the Post Office Cash Certificates:

(a) Up to what year payment of interest on actual discharge was debited in the Government Budget?

(b) Since what year and up to date interest on accrued basis has been included in the Budget?

(c) The system on which Budget figures for the next year has been prepared?

(d) Whether on 1st October, 1930, the accrued bonus was Rs. 8,34,82,000?

(e) What was the accrued bonus on 31st March, 1937?

THE HONOURABLE MR. J. C. NIXON: (a), (b) and (c). I would invite a reference to page 16 of the Explanatory Memorandum on the Budget for 1938-39.

(d) Yes, approximately.

(e) About Rs. 8,30 lakhs.

DEBT OWED TO THE GOVERNMENT OF INDIA BY THE GOVERNMENT OF BURMA.

220. THE HONOURABLE MR. HOSSAIN IMAM: Will Government lay on the table a statement showing details of the divisible liability of the Governments of India and Burma, together with the rate of interest settled and the amount fixed as debt of Burma to India, the interest and capital portion paid in 1937-38 and receivable in 1938-39?

THE HONOURABLE MR. J. C. NIXON: I would refer the Honourable Member to the press communiqué and other documents published on the 15th of February, 1938. I place a copy on the table.

New, Delhi, the 15th February, 1938.

COMMUNIQUE.

The first and second interim reports of the Committee for the Application of the Recommendations of the Indo-Burma Financial Settlement Tribunal are being published to-day. The final audited figures as on the date of separation are not yet available. The Reports are therefore based on estimates framed by the Committee, the first in November, 1936 and the second in November, 1937. The final report of the Committee based on the final audited figures will be ready before the end of the current year. The payments to be made by the Government of Burma during 1937-38 and 1938-39 will be based on the second interim Report and any difference between these figures and the final figures will be adjusted later.

2. The Committee has now estimated the debt of Burma to India at Rs. 50.75 crores and the annuity required to redeem the principal and interest in 45 years at Rs. 2.25 crores.

3. In addition to the above annuity the Burma Government has to bear 7½ per cent. of the liability of the Government of India in respect of central pensions in issue on the date of separation. The Tribunal recommended that this liability should be capitalised and discharged by an annual payment, decreasing by level decrements over a period of 20 years. In the first interim report the Committee gave a rough estimate of the capital value and of the amount to be paid by Burma in 1937-38. Later, however, it was found almost impossible to collect the data, in respect of thousands of pensioners, required by the Actuary to arrive at the accurate capital value. The Secretary of State for India, at the instance of the Governments of India and Burma, therefore decided that the liability should be discharged by an annual payment by Burma of 7½ per cent. of the actual sum paid from Central Revenues in each year in respect of this category of pensions. The second interim report takes this decision into account. The amount payable by Government of Burma on this account is estimated at Rs. 80 lakhs in 1937-38 and Rs. 75 lakhs in 1938-39.

4. The Tribunal also recommended that:—

- (a) pensions commencing after the date of separation and earned in part by central service prior to separation, termed "part earned" pensions, should also be capitalised and that Burma's share of this should be 7½ per cent.; and
- (b) all civil and military buildings, stores and other miscellaneous assets, termed "dead" assets, held by the Central Government in India and Burma on the date of separation should be valued and taken into account in the distribution of assets and liabilities between the Government of India and the Government of Burma.

The capitalisation of (a) was found impossible for the reasons given in paragraph 3 above. No account of the "dead" assets is included in the published accounts of the Government of India and no accurate valuation could be arrived at except at the expense of an enormous amount of time and labour. Taking account of the order of magnitude of Burma's liability to India for (a) and comparing it with the order of magnitude of India's liability to Burma on account of (b) it was decided by the Secretary of State, at the instance of the two Governments, that these two elements, extremely difficult to compute, if not incommensurable, should be taken as cancelling one another.

5. All the other calculations in the reports of the Committee strictly follow the recommendations of the Tribunal.

Finance Department.

The first interim report of the Committee for the Application of the Recommendations of the Indo-Burma Financial Settlement Tribunal.

INDIA OFFICE,
WHITEHALL, S.W.1.
30th November, 1936.

MY LORD MARQUESS.

In pursuance of the instructions conveyed in Sir Findlater Stewart's letter of 1st February last, I have the honour to submit, on behalf of the Committee for the application of the recommendations of the India-Burma Financial Settlement Tribunal, an interim report on the sum to be paid from the Revenues of Burma to the Revenues of India in liquidation of Burma's share of the net liabilities estimated to be outstanding on 31st March next.

2. The Committee recommends that the sum to be paid in the year 1937-38 should be Rs. 3,23,01,000. A statement showing the manner in which this amount has been calculated is attached.

3. The figures in the statement refer to liabilities and assets assumed to be outstanding on 31st March next. Of the various items some are capable of fairly accurate prediction. Others may be subject to material amendment in the light of future experience or further investigation. Of the latter the most important are the liability for pensions, including both those in course of payment on 31st March next, and those to be paid in future to officers serving at that date, and the value of the "dead" assets.

4. It was recommended by the Amery Tribunal that an attempt should be made to assess the capital value of pensions, both in issue and part earned, and that the share attributable to Burma of the capital value so assessed should be discharged, in the former case by an annuity decreasing by equal decrements over twenty years, and in the latter by a level annuity payable half yearly over forty-five years. It has not been possible, within the time available, and in advance of the actual date of separation, to make any great progress with this investigation. In the case of pensions in issue, the Government Actuary has furnished an estimate, which it is anticipated will require only minor revision, of the capital value of the pensions in issue in this country. No detailed investigation into the value of pensions in issue in India has however been practicable; and in respect of these pensions it has been necessary to add to the value obtained for sterling pensions a tentative figure arrived at on very broad assumptions. In the case of part-earned pensions it has likewise been impracticable to form any estimate based on adequate data, and it has been necessary to omit from the calculation both this item and that relating to dead assets. As however there is reason to believe that these two items which fall on opposite sides of the account, are not widely different in magnitude, it is hoped that any error so introduced may prove to be comparatively small.

I have the honour to be,

MY LORD MARQUESS.

Your Lordship's obedient servant.

(Sd.) S. TURNER,
Chairman.

The Most Honourable the Marquess of Zetland,
P.C., G.C.S.I., G.C.I.E.,
Secretary of State for India.

APPENDIX.

Liability of Burma 1937-38.

LIABILITIES—	Rs. Lakhs.
Permanent Debt—	
Sterling	4,49,94.09
Rupee	4,56,03.90
	9,05,97.99
Treasury Bills including accrued discount	39,94.00
Cash Certificates including accrued bonus	72,30.94
Post Office Savings Bank deposits	75,50.00
Provident Funds, special loans, etc.	1,02,63.56
Family Pension Funds	16,65.20
Provincial balances interest bearing	3,61.60
Part earned pensions	28,79.37
Miscellaneous liabilities	
	12,45,42.66
Total liabilities, exclusive of liability for pensions in issue	
ASSETS—	Rs. Lakhs.
Railways—	7,53,29.00
Cost met from Government funds as recorded	39,05.00
Add—Amount written off before 1924	
	7,92,34.00
Deduct—	Rs. Lakhs.
Excess of stock nominal value over cash	1,87.00
Amounts set aside for depreciation	47,47.00
	49,34.00
	7,43,00.00
Securities held on account of the General Reserve	47.00
	7,43,47.00
Other Commercial Assets—	18,17.23
Posts and Telegraphs	3,14.20
Less Depreciation	
	15,03.03
Irrigation	70.21
Security Printing Press	39.51
Currency Note Press	22.61
Northern India Salt Department	88.79
Less depreciation	29.51
	59.28
Forests	14.52
Visagapatam Port	3,92.21
	21,01.37

	Rs. Lakhs.
New Delhi	15,94.24
Military Lands at Bombay	2,31.12
Advances to Provinces	1,86,20.00
Other interest bearing advances	21,62.16
Investment of cash balance	.70
Silver redemption reserve	10,00.00
"Dead" assets	..
Cash and miscellaneous assets	29,06.28
Total Assets	10,29,62.87
Excess of liabilities over assets	2,15,79.79
Share of excess assignable to Burma 7½ per cent.	16,18.48
Assets of which Burma will assume possession—	
Railways—	Rs. Lakhs.
Cost met from Government funds as recorded	35,01.00
Less amounts set aside for depreciation	1,75.00
	33,26.00
Other Commercial Assets—	
Posts and Telegraphs	1,35.76
Less depreciation	23.44
	1,12.32
Advances to Provinces	6,75.94
Other interest bearing advances	24.42
Cash to provide working balance	2,00.00
Total	43,38.68
Liabilities for which Burma will assume direct responsibility—	
Post Office Savings Bank deposits	2,33.73
Provident Funds	3,92.65
Non-interest bearing liabilities	1,54.92
Total	7,81.30
Net assets of which Burma will assume possession	35,57.38
Debt of Burma to India, being net assets as above Rs. 35,57.38 lakhs, plus share of excess liabilities Rs. 16,18.48 lakhs	51,75.86

	Rs. Lakhs.
Annuity required to redeem principal and interest in 45 years	2,29.26
Capital value of pensions in issue, 1st April, 1937	1, 4,05.24
Share of above assignable to Burma	7,80.39
1st Year's payment of equivalent annuity decreasing by equal decrements over 20 years	93.75
Total payment due from Burma in 1937-38	3,23.01

The rate of interest used for the valuation of debts and pensions, and for the conversion of capital sums into annuities, is 3½ per cent.

The second interim report of the Committee for the Application of the Recommendations of the Indo-Burma Financial Settlement Tribunal.

INDIA OFFICE,
WHITEHALL, S.W. 1.
2nd December, 1937.

THE MOST HONOURABLE THE MARQUESS OF ZETLAND, P.C., G.C.S.I.,
G.C.I.E.

MY LORD MARQUESS,

In continuation of my Report dated 30th November, 1936, I have the honour to submit, on behalf of the Committee for the application of the recommendations of the India-Burma Financial Settlement Tribunal, a second interim report on the sum to be paid from the Revenues of Burma to the Revenues of India in liquidation of Burma's share of the net liabilities outstanding on 31st March, 1937.

2. The Committee recommends that the sum to be paid in the year 1938-39 should be Rs. 2,24,82,000. A statement showing the manner in which this amount has been calculated is attached.

3. In accordance with the instructions conveyed in Sir Findlater Stewart's letter dated 22nd October, 1937, the Committee has excluded from consideration, in arriving at the above figure, the liability in respect of pensions, whether in issue on 31st March 1937 or part-earned at that date, and the value of the dead assets.

4. The Committee regrets that it has not found it possible, at this date, to submit a final recommendation as to the sums to be paid in future years to achieve a complete extinction of Burma's indebtedness. It is anticipated however that the annual payment recommended in the final report, which will be submitted at the earliest possible date, will not differ to any material extent from that indicated in the Appendix.

I have, &c.,
(Sd.) SIDNEY TURNER,
Chairman.

APPENDIX.

Estimate of Burma's Liability to the Government of India after separation, excluding liability for pensions.

LIABILITIES—	Rs. Lakhs.	Rs. Lakhs.
Permanent Debt—		
Sterling	4,49,94.00	
Rupee	4,56,04.13	
		9,05,98.22
Treasury Bills, including accrued discount		28,50.49
Cash Certificates, including accrued bonus		72,70.43
Post Office Savings Bank deposits		74,67.66
Provident Funds, special loans, etc.		1,02,30.31
Family Pension Funds		16,66.07
Provincial balances, interest bearing		2,54.07
Miscellaneous liabilities		33,79.27
Total liabilities, exclusive of liability for pensions		12,37,17.12
ASSETS—		
Railways—	Rs. Lakhs.	
Cost met from Government funds, as recorded	7,51,49.00	
Add—Amount written off before 1934	39,05.00	
		7,90,54.00
Deduct—	Rs. Lakhs.	
Excess of stock nominal value over cash	1,87.00	
Amounts set aside for depreciation	46,49.00	
		48,36.00
		7,42,18.00
Securities held on account of the General Reserve		47.00
		7,42,65.00
Other Commercial Assets—		
Posts and Telegraphs	18,02.12	
Less Depreciation	3,06.02	
		14,95.20
Irrigation		1,76.98
Security Printing Press		38.51
Currency Note Press		28.03
Northern India Salt Department	89.31	
Less Depreciation	29.05	
		60.26
Forest		14.44
Vizagapatam Port		3,81.79
		21,95.21

	Rs. Lakhs.
New Delhi	15,31.50
Military Lands at Bombay	2,31.12
Advances to Provinces	1,84,02.77
Other interest bearing advances, including estimate for accrued interest Rs. 20,000	20,99.60
Investment of cash balance	83
Silver redemption reserve	9,78.18
Cash and miscellaneous assets	26,30.34
Total Assets, exclusive of "dead" assets	10,23,33.95
Excess of liabilities over assets	2,13,83.17
Share of excess assignable to Burma 7½ per cent.	16,03.74
Assets of which Burma will assume possession—	Rs. Lakhs.
Railways—	
Cost met from Government funds as recorded	34,69.00
Less amounts set aside for depreciation	1,48.00
	33,21.00
Other Commercial Assets—	
Posts and Telegraphs	1,35.70
Less depreciation	23.34
	1,12.36
Advance to Provinces	6,74.94
Other interest bearing advances	24.50
Cash to provide working balance	2,00.00
	43,32.80
Liabilities for which Burma will assume direct responsibility—	
Post Office Savings Bank deposits	2,09.05
Provident Funds	3,89.08
Non-interest bearing liabilities	2,62.92
Total	8,61.05
Net assets of which Burma will assume possession	34,71.75
Debt of Burma to India, being net assets as above Rs. 34,71.75 lakhs, plus share of excess liabilities Rs. 16,03.74 lakhs	50,75.49
Annuity required to redeem principal and interest in 45 years	2,24.82

The rate of interest used for the valuation of debts and for the conversion of capital sums into annuities, is 3½ per cent.

TOTAL GOVERNMENT TRANSACTIONS WITH THE RESERVE BANK OF INDIA, DELHI AND THE IMPERIAL BANK OF INDIA, NEW DELHI.

221. THE HONOURABLE MR. HOSSAIN IMAM: Will Government state whether the Reserve Bank or their agents the Imperial Bank transact Government business in Delhi and New Delhi? What was the total amount handled by each in the year 1937?

THE HONOURABLE MR. J. C. NIXON: The Reserve Bank transacts Government business in Delhi and the Imperial Bank in New Delhi. During the year 1937 the total Government transactions were approximately as follows:—

Reserve Bank, Delhi.—Receipts Rs. 2,29 lakhs, payments Rs. 5,04 lakhs.

Imperial Bank, New Delhi.—Receipts Rs. 92 lakhs, payments Rs. 3,22 lakhs.

NET INCOME FROM GOLD STANDARD RESERVE AND CURRENCY DEPARTMENT.

222. THE HONOURABLE MR. HOSSAIN IMAM: Will Government lay on the table the combined net income from the Gold Standard Reserve and Currency Departments from 1925-26 to 1934-35 and the combined net income from the Reserve Bank and the Silver Redemption Fund from 1935-36 up to date?

THE HONOURABLE MR. J. C. NIXON: A statement is laid on the table.

Net Income from Gold Standard Reserve and Currency Department.

Year.	Gold Standard Reserve.	Currency Department.	Total.
	Rs.	Rs.	Rs.
1925-26	2,63,08,987	3,72,77,800	6,36,46,847
1926-27	2,59,71,520	3,42,97,298	6,02,68,818
1927-28	2,44,52,480	1,69,89,337	4,14,41,817
1928-29	1,65,71,600	1,99,14,432	3,64,86,032
1929-30	3,06,66,667	2,00,49,580	5,07,16,247
1930-31	2,13,33,333	69,30,658	2,82,63,991
1931-32	96,85,520	1,22,03,760	2,18,89,280
1932-33	63,69,800	1,54,63,739	2,18,33,539
1933-34	44,81,213	35,94,726	80,55,939
1934-35	1,41,94,907	32,78,930	1,74,73,837
1935-36	7,19,733		7,19,733

Net Income from Silver Redemption Reserve and Reserve Bank.

Year.	Silver Redemption Reserve.	Reserve Bank.	Total.
	Rs.	Rs.	Rs.
1935-36	18,73,733	42,93,244	61,66,977
1936-37	Nil.	35,92,100	35,92,100
1937-38	12,00,000*	10,41,200	22,41,200

* Revised estimate.

STARTING OF A CINEMATOGRAPH TALKIE HOUSE IN AJMER.

223. THE HONOURABLE MR. HOSSAIN IMAM (on behalf of the Honourable Saiyed Mohamed Padshah Sahib Bahadur): (a) Does the hall of the B.B.&C.I.R. Institute, Ajmer, where a cinematograph talkie is going to be started, consist only of one floor of the same level throughout, instead of gradual elevation from the screen towards the rear, involving the risk of the audience on the back rows overstraining their eyes?

(b) Is not the hall provided with such means of ventilation as are necessary for a cinematograph house?

(c) If the replies to the questions at parts (a) and (b) above are in the affirmative, will Government please state why the District Magistrate, Ajmer-Merwara, has not insisted on the removal of the defects in the said hall before granting licence for its use for cinematograph talkie exhibitions?

THE HONOURABLE MR. F. H. PUCKLE: With your permission, Sir, I propose to answer questions Nos. 223, 224 and 225 together.

I am obtaining information and will lay replies on the table of the House in due course.

STARTING OF A CINEMATOGRAPH TALKIE HOUSE IN AJMER.

224. THE HONOURABLE MR. HOSSAIN IMAM (on behalf of the Honourable Saiyed Mohamed Padshah Sahib Bahadur): (a) Under the rules framed by the Chief Commissioner, Ajmer-Merwara, is an application to the District Magistrate, Ajmer-Merwara, for licence for using a building for cinematograph exhibitions required to be supported by certificates from (i) the Superintendent of Police, (ii) the Civil Surgeon, (iii) the Chairman, Municipal Committee, and (iv) the Chief Electrical Engineer, Ajmer-Merwara and Delhi?

(b) Did the District Magistrate, Ajmer-Merwara, grant a licence for the use of the hall of the B.B.&C.I.R. Institute, Ajmer, for commencement of the exhibitions, without the production of the certificates referred to above? If so, what action do Government propose to take in the matter?

(See reply to question No. 223.)

STARTING OF A CINEMATOGRAPH TALKIE HOUSE IN AJMER.

225. THE HONOURABLE MR. HOSSAIN IMAM (on behalf of the Honourable Saiyed Mohamed Padshah Sahib Bahadur): (a) Was an application made to the Commissioner, Ajmer-Merwara, in his capacity as Advocate

General of Ajmer-Merwara, by four citizens of Ajmer, praying for permission to be granted to them for filing a suit against Mr. C. Lindsay, President of the B.B. & C.I.R. Institute Committee, Ajmer, and two others, for a perpetual injunction prohibiting the use of the hall of the said Railway Institute for cinematograph talkie exhibitions, on the ground of danger to the safety of the lives and health of the cinema-going public?

(b) Did the Commissioner and Advocate General take no action on this application? If none, why?

(See reply to question No. 223.)

TOTAL AMOUNT REALISED FROM THE SURCHARGE ON COAL, ETC.

226. THE HONOURABLE RAI BAHADUR LALA RAM SARAN DAS:

(a) Will Government state the total amount of surcharge realised on railway freight on steam coal, coal slack, coal rubble and hard coke during each of the years that this surcharge has been in force (i) for short distances, (ii) for long distances, and (iii) for all kinds of coal for shipment?

(b) What does Government estimate will be its total income from this surcharge during the next year, i.e., 1938-39?

(c) What is the total tonnage of these coals (i) for short distances, and (ii) for long distances, each year?

THE HONOURABLE SIR GUTHRIE RUSSELL: If the Honourable Member will let me know what maximum distance he has in mind by the use of the term "short distances", I will see whether it is possible to obtain the information he requires without undue labour.

THE HONOURABLE PANDIT HIRDAY NATH KUNZRU: After to-day's Resolution has been discussed?

THE HONOURABLE THE PRESIDENT: Order, order.

DYNAMOS PURCHASED BY STATE-MANAGED RAILWAYS.

227. THE HONOURABLE MR. HOSSAIN IMAM: Will Government give the following information in respect of the Indian Railways:

(a) The number and average price of dynamos purchased by each Railway in 1935-36 and 1936-37?

(b) The number and average realised price of dynamos scrapped by each Railway in 1935-36 and 1936-37? and

(c) The number and total price of dynamos budgeted for purchase in each Railway in the year 1938-39?

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THE HONOURABLE SIR GUTHRIE RUSSELL: (a), (b) and (c). If the Honourable Member refers to train lighting dynamos, the number and average price of dynamos purchased for State-managed Railways in 1935-36 was 181 and Rs. 2,468 and in 1936-37, 289 and Rs. 2,438 respectively. Train dynamos are purchased both as replacements and for new carriage but in neither case is their provision separately budgeted for a special course. To endeavour to trace the number and average realised price of dynamos scrapped during 1935-36 and 1936-37 would involve labour immensurate with the results.

THE HONOURABLE MR. HOSSAIN IMAM: Is there any record of the materials scrapped?

THE HONOURABLE SIR GUTHRIE RUSSELL: There is presumably a record in the scrap books. That is all the record we have.

THE HONOURABLE MR. HOSSAIN IMAM: Are any prices given—the value realised?

THE HONOURABLE SIR GUTHRIE RUSSELL: We have got no prices.

THE HONOURABLE MR. HOSSAIN IMAM: Will the Honourable Member enquire from the Railways if they have got the prices?

THE HONOURABLE SIR GUTHRIE RUSSELL: No, Sir.

EXTENSIONS AT DELHI STATION, N.W.R.

228. THE HONOURABLE RAJA YUVERAJ DATTA SINGH: Is there any proposal of the N.W.R. for the extension of the Delhi junction station? If so, what are the chief features of the proposal, and what will be its approximate cost?

THE HONOURABLE SIR GUTHRIE RUSSELL: Yes, the chief features of the proposal are an extension of the third class waiting halls and booking offices and the provision of a covered porch for tongas and taxis to pick up and set down passengers in all weathers, the extension of the upper class concourse, which is at present very congested, and also the provision of an adequate circulating area for road vehicles within railway premises. The scheme will entail a slight diversion of the Queen's Road running in front of the station. The estimated cost of the work is Rs. 1,57,771 and that of the land required Rs. 3,10,600. If the negotiations now in progress are successful, the land will be acquired by exchange and not by cash payment.

CONSTRUCTION OF A RAILWAY BETWEEN LAKHIMPUR KHERI, R.&K.R. AND NANPARA JUNCTION, B.&N.-W.R.

229. THE HONOURABLE RAJA YUVERAJ DATTA SINGH: Do Government propose to explore whether it would be remunerative to have a railway line constructed between Lakhimpur Kheri (R.K.R.) and Nanpara Junction (B.&N.-W.R.) or such other point as may be deemed suitable, with a view to facilitate the traffic in timber trade and agricultural produce in that area, in addition to passenger traffic?

THE HONOURABLE SIR GUTHRIE RUSSELL: Any railway on the proposed alignment would have to cross two large rivers. Government do not consider that there is likely to be enough traffic to justify the cost of the line, which would be heavy on account of these two large bridges. Should the United Provinces Government consider the line of sufficient importance to justify them giving a subsidy, they will, no doubt, approach the Central Government.

RECIPROCITY BETWEEN BRITISH INDIA AND THE GOVERNMENT OF BURMA IN
THE MATTER OF EXECUTION OF DECREES OF COURTS.

230. THE HONOURABLE RAJA YUVERAJ DATTA SINGH: (a) Will Government state the arrangements which have been made, or are proposed to be made with reference to the execution of decrees in Burma, passed by the British Indian Courts, or *vice versa*? Have the separation of Burma affected in any way the interests of such Indians? If so, in what respects?

(b) Has there been any correspondence between the Governments of India and Burma on this subject? If so, what is the conclusion arrived at?

THE HONOURABLE MR. F. H. PUCKLE: (a) and (b). It is not possible for me to detail the various respects in which the separation of Burma may arguably have affected the interests of Indians in Burma. My reply is therefore confined to the particular aspect of the matter referred to at the beginning of part (a). This matter has been under correspondence with the Government of Burma, but no final decision has yet been reached. As the Honourable Member is aware, the Code of Civil Procedure (Amendment) Act, 1937 (VIII of 1937), was enacted with a view to provide reciprocity in the matter of enforcement of judgments between the Courts in the United Kingdom and other parts of His Majesty's Dominions and those in British India. That Act has been brought into force in Burma, and the question of declaring British India a reciprocating territory is under the consideration of the Government of Burma. The question which Courts in British India should be declared superior Courts for the purposes of new section 44A of the Code of Civil Procedure has been referred to the Provincial Governments and as soon as their replies are received steps will be taken to bring Act VIII of 1937 into force in British India and to complete reciprocal arrangement with both the United Kingdom and Burma.

APPOINTMENT OF A SUB-COMMITTEE BY THE AIR DEFENCE COMMITTEE,
KARACHI.

231. THE HONOURABLE RAJA YUVERAJ DATTA SINGH: (a) Was a sub-committee appointed by the Air Defence Committee of Karachi? If so, with what object; and what are its proposals and their financial implications?

(b) Was any Indian appointed as a member of the sub-committee or of the Air Defence Committee? If so, what are their names?

THE HONOURABLE MR. F. H. PUCKLE: (a) and (b). The Government have no information beyond what has appeared in the Press.

POST OF SECRETARY TO THE PERMANENT CENTRAL OPIUM BOARD, LEAGUE OF
NATIONS SECRETARIAT, GENEVA.

232. THE HONOURABLE RAJA YUVERAJ DATTA SINGH: (a) Has the post of Secretary to the Permanent Central Opium Board in the League of Nations Secretariat, Geneva, fallen vacant?

(b) If so, do Government propose to press for the appointment of a suitable Indian to this post? If so, what steps have been taken in the matter?

THE HONOURABLE MR. A. DEC. WILLIAMS: (a) The answer is in the affirmative.

(b) The position is that the President of the Permanent Central Opium Board has sent notice of the vacancy to all Governments who are parties to the Geneva Opium Convention and the Convention for limiting the manufacture and regulating the distribution of narcotic drugs, with a view to their bringing the vacancy to the knowledge of duly qualified persons who might be interested. Government have caused the existence of the vacancy and the steps to be taken by persons desirous of applying for the same to be widely published. The question of pressing for the appointment of an Indian will not arise unless and until a qualified Indian candidate submits an application.

RESERVATION FOR INDIAN MEDICAL SERVICE OFFICERS OF JAIL APPOINTMENTS
IN THE UNITED PROVINCES.

233. THE HONOURABLE RAJA YUVERAJ DATTA SINGH: (a) Were five out of the six posts of the Superintendents of Central Prisons reserved for the Indian Medical Service officers and have the Government of India represented to the Secretary of State for the withdrawal of this reservation?

(b) If so, when is a decision likely to be arrived at?

THE HONOURABLE MR. F. H. PUCKLE: (a) Yes; five posts of Superintendents of Central Jails in the United Provinces were reserved for the Indian Medical Service. It is the intention that the reservation should be retained only in favour of officers who were in service on 31st March, 1937.

(b) I hope fairly soon.

PARLIAMENTARY AND MUNICIPAL FRANCHISE RIGHTS OF INDIANS IN NATAL.

234. THE HONOURABLE RAJA YUVERAJ DATTA SINGH: Have the Indians in Natal who had both parliamentary and municipal franchise been deprived of the same? What are the latest steps which Government have taken to restore the franchise, when were they taken, and with what results?

THE HONOURABLE KUNWAR SIR JAGDISH PRASAD: Indians in Natal were deprived of the Parliamentary franchise by Law XI of 1896 and of the municipal franchise by Ordinance No. 19 of 1924. As regards the second part of the question, the attention of the Honourable Member is invited to the reply given by me on the 15th November, 1937 to his question No. 311.

INFORMATION PROMISED IN REPLY TO QUESTIONS LAID ON THE
TABLE.

THE HONOURABLE SIR MUHAMMAD YAKUB (Commerce and Labour Member): Sir, I beg to lay on the table the information promised in reply to question No. 61 asked by the Honourable Mr. Kumar Sankar Ray Chaudhury on the 14th February, 1938 and question No. 96 asked by the Honourable Mr. B. N. Biyani on the 17th February, 1938.

EXPORT OF FRUITS.

Statement showing the value of fresh fruits exported during the years 1932-33 to 1936-37.

	1932-33.	1933-34.	1934-35.	1935-36.	1936-37.
Fresh fruits.	Rs.	Rs.	Rs.	Rs.	Rs.
(a) Coconuts	7,718	9,479	9,261	4,077	12,638
(b) Others	1,88,834	3,91,986	1,93,374	1,76,813	1,95,742
TOTAL	1,96,552	4,01,465	2,02,635	1,80,890	2,08,380

NOTE.—Excepting coconuts, different kinds of fresh fruits are not separately recorded in the Sea-borne Trade returns.

IMPORTS OF CULTURE PEARLS.

- (a) (i) Culture pearls are imported into India mostly by post from Japan.
(ii) Statistic relating to imports of culture pearls are not separately recorded in the Sea-borne Trade returns of British India. It is roughly estimated that imports during 1937 were worth less than Rs. 5,000.

BILLS PASSED BY THE LEGISLATIVE ASSEMBLY LAID ON THE TABLE.

SECRETARY OF THE COUNCIL: Sir, in pursuance of rule 25 of the Indian Legislative Rules, I lay on the table copies of the following Bills which were passed by the Legislative Assembly at its meeting held on the 18th March, 1938, namely:

A Bill further to amend the Trade Disputes Act, 1929, for certain purposes.

A Bill to amend the Hindu Women's Rights to Property Act, 1937.

RESOLUTION RE ESTABLISHMENT OF A SUPREME COURT OF CRIMINAL APPEALS—contd.

THE HONOURABLE THE PRESIDENT: The debate will now proceed on the Honourable Haji Syed Muhammad Husain's Resolution.*

THE HONOURABLE MR. P. N. SAPRU (United Provinces Southern Non-Muhammadan): Sir, I should like to give my support to the Resolution which was moved by the Honourable Haji Syed Muhammad Husain at the last meeting of the Council. It is a matter of regret to me that I was not present at the last meeting to hear how my Honourable friend put the case for the establishment of a Supreme Court and what the other speakers, who

* "This Council recommends to the Governor General in Council to take immediate steps to introduce measures to provide for civil appeals to the Federal Court from the judgments of High Courts in British India as provided by section 206 (1) of the Government of India Act of 1935 and to establish at the earliest possible date a Supreme Court of Criminal Appeals in India."

spoke on the Resolution said. I could not hear them. As I understand the legal position, it would appear to me to be like this. Under section 206 of the Government of India Act, the Federal Legislature has power to give jurisdiction to the Federal Court to hear appeals from the High Courts in India in cases valued at not less than Rs. 15,000. Under section 316 of the Government of India Act, during the transitory period, all the powers which can be exercised by the Federal Legislature can be exercised by the Central Legislature. The present Legislature has the powers of the Federal Legislature for the purposes of section 206, and what the Honourable Mover, as far as I have been able to understand would like the Governor General in Council to do is to approach the Secretary of State to get an Order in Council bringing into operation section 206. If section 206 is brought into operation, then the Central Legislature would have all the powers of the Federal Legislature and even before Federation is established, if it is ever established, we shall have a Supreme Court working in India. The Resolution therefore suggests that this step should be taken. The principle that there should be appeals to the Federal Court from the High Courts has been accepted by the Government of India Act itself. The Government of India Act itself contemplates that there shall at some time or other be appeals from the High Courts to the Federal Court. The Federal Court has been established. It is functioning. But Federation is not yet in sight. The position is that the Court at present has no work. The Court from our point of view is a costly business. It has some very very distinguished and eminent Judges; it has strong judicial talent but there is no scope for that talent. Therefore some work should be provided for the Federal Court. It ought to be made to justify its existence, and if this jurisdiction is conferred upon the Federal Court you will be conferring a boon upon the Judges of that Court, because they will find some occupation and work to do. There has been a demand for a Supreme Court in India for a very very long time and the reason for that is not because the Privy Council justice is not very good—we all appreciate the great work that the Privy Council has done so far as Indian law is concerned—but the reason for that is that the present arrangement is very costly and dilatory for litigants. Solicitors and barristers would in the case of a Supreme Court in India have the advantage of the presence of the client, and it will be possible for barristers who are arguing the case in the Supreme Court to have consultations with those who have conducted the case in the Courts below. Therefore, from the point of the litigant public, and also the Bar, the Court would be more advantageous than the present arrangement.

There is a second part of the Resolution to which I would now like to invite attention, and that is the part which deals with criminal cases. Now, it is quite true that the Federal Court cannot be vested with jurisdiction as a Court of Appeal in criminal cases. But independently of the Federal Court I would say that there is a case for the establishment by an Act of the Indian Legislature of a Supreme Court of Criminal Appeal. The position in civil cases is that you can go to the Privy Council if there is disagreement between the High Court and the court of first instance in suits of over Rs. 10,000, even on a question of fact. On questions of law you can go to the Privy Council even if both the Courts agree. So far as criminal cases are concerned, we know that the Privy Council is not a Court of Criminal Appeal. In *DeLett's* case they laid down the rule that they would only interfere where there had been a failure of natural justice or where a court had exercised a jurisdiction which was not vested in it. The present position therefore is that the civil litigant is in a much better position than the accused in a criminal court. The civil litigant has an appeal to the High Court; then he has got

[Mr. P. N. Saprī.]

an appeal to the Privy Council. The criminal accused has only an appeal to the High Court in cases of sentences over two years and there is no further appeal; and if he is tried on the Original Side of the High Court there is no appeal for him at all. If he has been tried by a jury and the Judge disagrees with the jury and the case is referred to the High Court the High Court's decision is final. In petty cases a man has a greater chance than in more serious cases. The High Court has some revisional jurisdiction in petty cases. You have an appeal from a Magistrate to the Sessions Judge, and then you can go in revision to the High Court. But in more serious cases there is just one appeal provided for you. Now, in some Courts, and particularly in my Court, we find that these appeals are heard by a single Judge. In our Court only capital cases and transportation cases are heard by a Bench; all other cases are heard by a single Judge. The single-Judge jurisdiction in criminal cases is much more extensive than the single-Judge jurisdiction in civil cases. There is a Letters Patent appeal in civil cases to a Bench from the decision of a single Judge; there is no such appeal provided in the case of a criminal accused.

Well, Sir, I ask, do you therefore attach more importance to property than to life, liberty, honour, self-respect? Even property depends upon honour, self-respect, and liberty. Therefore I think I should not be wrong in describing this present system as lacking in humanity and as scandalous. Sir, we know that vast consequences follow a criminal conviction and we also know that we have a system of appeals against acquittals. A man is acquitted by a Sessions Judge; then the Government can appeal to the High Court, and the High Court's view in cases of appeals against acquittals is final. Well, these are cases in which you should give to the accused a chance of further appeal. Also, Sir, uniformity in the interpretation of law is necessary. The Criminal Procedure Code and the Indian Penal Code are very complicated pieces of legislation, particularly the Criminal Procedure Code, and you find different Judges and High Courts interpreting the Procedure Code in different ways. Surely there should be some Tribunal which would give a final and authoritative interpretation on these disputed questions which arise in courts of law? It is to the interest of everybody concerned, including the State, that there should be some uniformity in regard to interpretation that you place upon a certain Statute. Therefore I cannot see how this anomaly can be justified. It may be that you cannot vest the Federal Court Judges with the jurisdiction of a Criminal Court of Appeal, but what you can do is to have a Court of Appeal for all India, constituted, say, of the Chief Justices of all the High Courts. You can give this Court limited jurisdiction in criminal cases. You can define the circumstances under which an appeal shall be permitted to this Criminal Court of Appeal, and you can do this without amending the Government of India Act by amending the Code of Criminal Procedure. You do not want to go to Parliament for amending the Code of Criminal Procedure. All that you have got to do is to amend the Code of Criminal Procedure. I would urge that the Indian Legislature can establish a final Court of Criminal Appeal. A final Court of Criminal Appeal with revisional jurisdiction and with appellate jurisdiction would be very much appreciated. It would give some sense of security to the many persons who find themselves accused of crimes. It would secure some uniformity in the administration of law and in the interpretation of law. It is not therefore an extreme or extravagant request or demand that the Honourable Haji Syed Muhammad Husain has made. So far as the other part

of the Resolution is concerned, I have already said that there is no difference now in principle about it. The principle that there should be a Supreme Court in India has been accepted by the Government of India Act. In fact the Government of India Act itself contemplates that a time will arrive when the Federal Legislature will demand that a Supreme Court shall be established. Well, the legal interpretation that we place upon the various sections of the Government of India Act is that the Central Legislature, provided there is an Order in Council to that effect by the Secretary of State, can have the powers of the Federal Legislature in regard to this matter and that the establishment of a Supreme Court can be hastened; the establishment of a Supreme Court must not be made dependent on the establishment of Federation which may or may never materialise.

Sir, with these words, I give my strong support to the Resolution which has been moved by the Honourable Haji Syed Muhammad Husain and I hope, Sir, that Government will approach this Resolution in a sympathetic spirit. I hope, Sir, that they will not say "No" to this Resolution. I hope, Sir, that they will look upon this Resolution as a non-controversial Resolution; it is not a controversial Resolution; it is not a political Resolution. It is a Resolution directed to see that there is better administration of justice in this country. I hope, Sir, that they would look upon this Resolution as a Resolution intended to see that there is better administration of justice and give this Resolution their strong support.

THE HONOURABLE MR. RAMADAS PANTULU (Madras : Non-Muhammadan) : Sir, in spite of the assertion—

THE HONOURABLE THE PRESIDENT : I would like you to confine yourself to the question whether the Government of India have got the power under section 206 at this stage.

THE HONOURABLE MR. RAMADAS PANTULU : In spite of the assertion of my friend that the question is of a non-controversial character and that there is no difference of opinion, I regret to say that I have to contradict him. I myself am not in favour of this Resolution for more than one reason. First of all, Sir, it does not serve any very useful purpose at the present juncture apart from any constitutional difficulties. Section 206 of the Government of India Act permits the Indian Legislature to provide for civil appeals in cases involving disputes of the value of Rs. 50,000 or over. Of course the Indian Legislature is also empowered to reduce that sum to Rs. 15,000 in proper cases; but that leaves the jurisdiction of the Privy Council intact in regard to much of the litigation. In regard to all disputes below Rs. 50,000 or below Rs. 15,000 if the figure is reduced all appeals from High Courts to the Privy Council will be cut out if the jurisdiction of the Federal Court is extended. It is not to our advantage. It is a mistake to suppose that now appeals lie to the Privy Council only in matters involving disputes the subject-matter of which is Rs. 10,000 or more. In important questions of law of general applicability affecting a large number of cases, cases of very small value can be taken to the Privy Council and are being taken. I myself obtained leave to appeal to the Privy Council in matters which were very very small financially but which were important from a general viewpoint—matters of public importance. So the Resolution does not give us a scheme by which India will be self-contained in the matter of final appeals from High Courts. I would not give concurrent or even exclusive jurisdiction in different spheres of litigation to the Privy Council and to the Federal Court. Secondly, Sir,

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the jurisdiction of the Privy Council to hear appeals over the decisions of the Federal Court cannot be taken away. They have a prerogative right and appeal can be carried from the decision of the Federal Court to the Judicial Committee. Therefore my friends are providing for more litigation and more courts of appeal, which I consider are not in the interests of this country or the litigant public in this country.

THE HONOURABLE THE PRESIDENT: In the interest of the lawyers!

THE HONOURABLE MR. RAMADAS PANTULU: Though I am a member of the Bar, I think I ought not to look at it from the viewpoint of the lawyer but from the litigant public. I do not think it will be a blessing to them. Sir, the scheme of the Government of India Act is that normally the Federal Court shall not consist of more than six puisne Judges and one Chief Justice. Section 200 says that the normal strength is six puisne Judges and a Chief Justice and section 214 (2) says that no case shall be decided by the Federal Court except by a Bench of three Judges and it further says that if jurisdiction of the Federal Court is enlarged with regard to appellate matters, a separate Division Bench should be constituted to hear matters arising under the Act as it now stands without the appellate jurisdiction being enlarged. That means that all constitutional matters in which any question relating to the interpretation of the constitution or the validity of a Federal or Provincial Law have got to be heard and decided by a separate Division Bench of the Federal Court. Whether therefore it is worth while enlarging the jurisdiction of the Federal Court by increasing its strength from three to six or seven and creating two Divisions of the same is more than doubtful. It will take some time for appeals to reach the Federal Court. Nobody can directly go to the Federal Court. Suits must be decided by original Courts and appeals have got to be first brought before the High Courts and then to the Federal Court. Therefore it will take a long time before the Federal Court gets any work on its appellate side and my friends who complain that the Federal Court has no work will have to wait for many years more for appeals from High Courts in the normal course to reach the Federal Court. Viewed from the point of view of expediency or the interests of the litigant public, I do not think there is any need at present to enlarge the personnel of the Federal Court or to vest it with jurisdiction in civil appeals to some extent while retaining the appellate jurisdiction of the Privy Council to some extent.

Then, Sir, with regard to the second point, namely, criminal appeals, I do not think there has been any demand from any large section of the public that there should be a regular court of criminal appeal in this country to hear appeals from the judgments of High Courts in all criminal matters. At the Round Table Conference there was some discussion about appeals being allowed against sentences of death—capital punishment—by the High Courts. That is the only thing I have heard and it has been pointed out that even if a court is set up to hear appeals against the judgments of High Courts, sentences of capital punishment, the court should have a sufficient number of Judges to hear appeals normally. That has been said by many lawyers who attended the Round Table Conference. They pointed out that if criminal appeals from all High Courts are provided for, the Court should be 25 strong and if my friend's simple remedy that all the Chief Justices should sit and hear is adopted, I am afraid it will leave all the High Courts without a Chief Justice for the greater part of the year. The solution that my Honourable

friend offers is not so simple. The present position regarding criminal cases has been clarified by my friend himself. If in the Allahabad High Court cases are not heard by Division Benches, it is a matter within the competence of the Chief Justice himself to make rules with regard to making important cases to be heard by two or three Judges. In Madras not only cases in which sentence of capital punishment or transportation for life is given but cases in which any long term imprisonment is given are heard by the Division Benches and a single Judge sitting sometimes alone to hear appeals himself posts an appeal before a Bench if he considers the matter is one of importance. Therefore, without any amendment to the Criminal Procedure Code satisfactory arrangements could be made for the hearing of important appeals by Benches or even by full Benches if necessary.

Sir, with regard to cases involving capital punishment, in the mofussil they are tried by Sessions Judges only and no sentence of death can be carried into effect without the High Court hearing a referred trial, whether the accused is able to appeal or not; and in all cases where the man is too poor to appeal the Crown engages competent lawyers to argue the case before the High Court and there has been no complaint that referred trials or appeals in cases where capital punishment was given were improperly disposed of. Even there, there is a safeguard now, that if there is a misdirection to the jury in the original trial by the High Court in capital cases or even in certain other matters, the Advocate General can certify to the need for the case being sent to a full Bench. Several cases have been heard in the Madras High Court by five judges to set right if injustice was done. Therefore, there are, I think, several safeguards in the existing jurisprudence to protect the interests of the accused in criminal cases. There is no analogy between civil litigation and criminal cases and nobody would like protracted trials and appeals lasting four, five or six years before the fate of the man is decided; in civil cases it takes 10 years sometimes. Nobody would require such prolonged litigation in regard to criminal cases. I do not think there is a case made out for the establishment of a Supreme Court for Criminal Appeals or for the vesting of appellate civil jurisdiction in the Federal Court in regard to appeals from High Courts.

Sir, with regard to the power of the Indian Legislature to act under section 206, I think it has clearly power having regard to the very plain language of section 316 of the Government of India Act. It does empower the Federal Legislature, which in the transitory period is the Indian Legislature to take any action which the Federal Legislature can take. Therefore, we have only got to see whether the wording of section 206 of the Government of India Act empowers the Federal Legislature to take the necessary steps to give effect to a Resolution of the kind moved by my Honourable friend Haji Syed Muhammad Husain. The section says:

"The Federal Legislature may by Act provide that in such civil cases as may be specified in the Act an appeal shall lie to the Federal Court from a judgment, decree or final order of a High Court in British India without any such certificate as aforesaid, but no appeal shall lie under any such Act unless (a) the amount or value of the subject-matter of the dispute in the court of first instance, etc....."

Therefore, I think under section 206, the Federal Legislature can pass an Act to extend the jurisdiction in civil appeals under section 206. But, as I said, it can only do so under very very restricted conditions. It can only give very limited jurisdiction. But the question whether an appeal can be carried directly to the Privy Council in some cases or must go to the Federal Court alone is a matter that can be legislated on by the Indian Legislature. But, how far it can override the Privy Council's power to hear appeals

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from the Federal Court itself is a matter of some constitutional difficulty. I am not at present prepared to admit that the Indian Legislature can deprive the Privy Council of the right to hear prerogative appeals against the Federal Court. Therefore, Sir, having regard to constitutional and other difficulties, I do not think that the Resolution serves any useful purpose.

A great deal has been said about the absence of sufficient work for the Federal Court. I do not think that the criticism is justified. A Federal Court, in the beginning of any constitution, is bound to wait for work. But before the work comes, it has many important duties to perform. It has got to take all preliminary steps for the discharge of its duties when the time comes. Occasion may arise without any previous notice. For instance, tomorrow proceedings can be instituted to hear an appeal from the Madras High Court. I am informed that steps are being taken to bring a case before the Federal Court in regard to the Madras Debt Relief Act. In such matters the High Court can give leave even without waiting for the application of the parties in order to speedily settle constitutional questions.

One thing more, Sir. It is probable that the constitutional trouble in India between the Government and the people is coming to a head. When Federation is set up or attempted to be set up and the provinces do not co-operate, probably the Governor General may have to take up many of the administrative functions of the Centre and he may have to consult the Federal Court on many matters. There is the safeguard that the Governor General cannot suspend any of the provisions of the Act relating to the Federal Court nor can he assume any of the functions of the Federal Court in the discharge of his special powers. In such times the Federal Court may be of some use in safeguarding the interests and liberties of the people. Viewed from any point, Sir, therefore, I think the benefit of the proposal to increase the jurisdiction of the Federal Court over civil appeals is not very clear: it is doubtful at best. And this Resolution can serve no useful purpose. The Federal Court has real work in order to deal with all constitutional questions that will arise. My friend's Resolution is, I think, a little too premature. He might wait some time till the occasion for it arises.

With these words, Sir, I regret to say that I oppose the Resolution.

THE HONOURABLE MR. F. H. PUCKLE (Government of India: Nominated Official): In spite, Sir, of the eloquent appeal addressed to the Government by the Honourable Mr. Sapru that we should take a sympathetic attitude towards this Resolution, by which I suppose he means that we should accept it, I am afraid that there are several reasons why the Resolution in the form in which it has been put cannot be accepted. Now, Sir, the Resolution has been admitted and therefore I cannot argue that it raises two distinct issues. But it certainly raises two distinct questions. One, the question of the establishment of a Supreme Court of Civil Appeals, has been accepted in principle and is in the Act. The other, the question of the establishment of a Supreme Court of Criminal Appeals, has been rejected in principle by the latest constitutional body which has considered the matter, the Joint Select Committee, and forms no part of the Act. Now, it is quite possible for some Honourable Member to wish to accept the first part of the Resolution about civil jurisdiction and to wish to oppose the second part about criminal jurisdiction. It seems to me to be unfair to put him in this position where he would either have to accept or reject both parts of the Resolution.

THE HONOURABLE THE PRESIDENT: I propose to divide the Resolution into two parts in the exercise of the power granted me by Standing Order 67.

THE HONOURABLE MR. F. H. PUCKLE: Yes, Sir. An Honourable Member might wish to oppose the first part of the Resolution and accept the second, or he might wish to accept the first part and oppose the second. He has no option; he must either accept one thing that he dislikes or another thing that he dislikes. The Resolution is not a straightforward one at all and not one which Government can possibly accept in the form in which it stands.

Now, Sir, a word as to the constitutional position. On general principles I do not think that Government would be right to accept a Resolution where the ultimate responsibility of putting it into effect rests with some other authority, or that this Legislature would press a Resolution where the ultimate authority does not rest or cannot be made to rest with them. As regards the first part of the Resolution, namely, the proposal to set up a Supreme Court of Civil Appeals, this is provided for in section 206 of the Act. That Chapter of the Act is to be brought into force by an Order in Council, and the Order in Council is to be laid before Parliament. Therefore, even supposing we accept this Resolution, the ultimate power to give effect to it does not rest with us. As regards the second part of the Resolution, my submission is that there is no power in the Indian Legislature, given under the new Act, to create a Supreme Court of Criminal Appeals. I base this belief partly on the proceedings and the wording of paragraph 330 of Volume I of the Report of the Joint Committee on Indian Constitutional Reform. After recommending that there should be a Supreme Court of Civil Appeal, the Joint Select Committee turn to the question of criminal appellate jurisdiction and they say:

"The question then arises whether the Federal Legislature should be given power, if and when they thought fit, to set up a Supreme Court of Criminal Appeal in British India".

There is only one inference from that, namely, that when the Joint Select Committee was sitting, the Indian Legislature had no power and would have no power under the new Act to set up such a Court.

THE HONOURABLE MR. P. N. SAPRU: Where is the limitation? Will my Honourable friend point out to me a single section which prohibits the setting up of a Court of Criminal Appeal in India?

THE HONOURABLE MR. F. H. PUCKLE: I arrive at my conclusions by a process of exclusion. If it was open to this Legislature or the future Federal Legislature to set up a Supreme Court of Appeal over-riding the ordinary High Courts, then there would have been no necessity for section 206. If a certain power is inherent in the Legislature, there is no need to put it into an Act. The Government of India Act does not include any power to set up a Criminal Court of Appeal and I come to the conclusion that no such power is in the Indian Legislature. Therefore, Sir, it would be futile for Government to accept this Resolution. I do not, however, wish to give Honourable Members the impression that Government is entirely unsympathetic towards the first part of this Resolution. It is in the Act. It is accepted in principle. The question boils down to this. It is a matter of expediency. It is a matter of policy whether the time has come now to introduce this Court or not. The question whether section 206 should be brought into force has been considered

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twice, before the two Government of India (Federal Court) Orders in Council were promulgated. The first was promulgated in December, 1936, and the second was promulgated as late as July last. The question whether this particular section should continue to be excluded from operation was naturally considered, and the main reason for continuing to exclude this section was actually in being. Admittedly, the circumstances are now changed. The Federal Court is in being. I do not want to give the impression that the Government have not an open mind on the first part of the Resolution. But that does not make it in the circumstances any more easy for me on behalf of Government to accept the Resolution.

As regards the second part of the Resolution, the Honourable Member who spoke last has taken the words out of my mouth, and I think there is no necessity for me to repeat them. The question whether it was in practice desirable to add another Court of Appeal to the Criminal Courts of Appeal already existing in this country was considered by the Joint Select Committee, and after consideration definitely rejected. It seems to me that when Honourable Members try to compare the number of Courts of Civil Appeal and the number of Courts of Criminal Appeal, they are perhaps thinking a little confusedly. Civil justice is a private matter; criminal justice is a matter which concerns the community, and if the community considers there are at present enough Courts of Criminal Appeal in India, that seems to me, if I may say so, to end the matter, and as my Honourable friend who last spoke said, I know of no general demand in India for an additional Court of Criminal Appeal.

With these words, Sir, I oppose the Resolution.

THE HONOURABLE MR. HOSSAIN IMAM (Bihar and Orissa : Muhammadan) : Sir, I had no intention of intervening in this purely legal debate. The only reason why I now intervene is to discuss the constitutional issue which has been raised by the Honourable Member in charge of this Resolution on behalf of Government. He questioned whether this Legislature had power to create a Supreme Court of Criminal Appeal or not? On that issue we must abide by the practice of the world. Legislatures in an independent country have all the powers inherent in them, and therefore nothing can be said against their jurisdiction. But in a subject country the position is different. There we have the Statute to guide us—

THE HONOURABLE THE PRESIDENT : In this matter there is no question of subject country or independent country.

THE HONOURABLE MR. HOSSAIN IMAM : Because of the fact that the existence of the Government of India Act debars us from taking certain actions, does it mean that everything which is left out of the provisions is also barred to us? I rather think it is the other way round. If there is no specific bar in the Government of India Act—

THE HONOURABLE SIR DAVID DEVADOSS (Nominated : Indian Christians) : This is not a Sovereign Legislature.

THE HONOURABLE MR. HOSSAIN IMAM : As far as there is no bar in the Government of India Act, ours is a Sovereign Legislature. This is the constitutional point which we wish to stress. There is no check on the power

of the Indian Legislature except in so far as the Government of India Act has provided. The prohibition can only come in from the Government of India Act. When we find that the Government of India Act is silent, it is wrong to regard that silence as tantamount to prohibition. That was the main reason why I intervened in this debate.

Another matter to which I wish to draw the attention of the Honourable Mr. Puckle is that on the 20th September, 1937, the Honourable Mr. Maxwell moved a Federal Court Bill in this House in the Simla session. That Bill was called the Federal Court Bill, and in it provision was made for hearing appeals from the High Courts. During the discussion on that Bill a question was put to him whether provision has been made for the exercise of a power which does not exist at the present moment. At the present moment, the Federal Court did not hear appeals from the High Courts. The reply of the Honourable Member was, "It is always wise to anticipate". The intention of the Government then seemed to be that they would be willing to consider favourably the question of giving a right of appeal to the Federal Court in

civil matters. The Act on this point is very clear. The Central Legislature which takes the place of the Federal Legislature during the transitory period has the right to legislate for this purpose. Appeals valued at any thing above Rs. 15,000 to Rs. 20,000 can be heard by the Federal Court if the Central Legislature so desires. The minimum has not been fixed by Statute; they have simply given a guide that the minimum must be between Rs. 15,000 and Rs. 50,000. The only provision which they have made as a necessary corollary is that if an Act of that nature is passed it might be necessary for regulation of right of appeals to His Majesty in Council by suitable amendments. This is referred to in section 206 (2) :

"If the Federal Legislature makes such provision as is mentioned in the last preceding sub-section, consequential provision may also be made by Act of the Federal Legislature for the abolition in whole or in part of direct appeals in civil cases from High Courts in British India to His Majesty in Council, either with or without special leave".

That provision refers only to necessary action; it does not contemplate that the Central Legislature is divested of this power. There is no bar under the Government of India Act for the acceptance of part 1 or part 2 of the Resolution of the Honourable Haji Syed Muhammad Husain. It is only the will of the Government of India and the discretion enjoyed by them which comes in the way.

Sir, I support the Resolution.

THE HONOURABLE PANDIT HIRDAY NATH KUNZRU (United Provinces Northern : Non-Muhammadan) : Sir, the points raised by my Honourable friend Mr. Ramadas Pantulu and the Honourable Mr. Puckle are such that they should not be passed over in silence. The most important question that has been raised by the official spokesman concerns the power of the Federal Legislature to pass laws setting up new courts. Now he argues that since no express power has been conferred on the Indian Legislature to set up a Supreme Court of Criminal Appeal, therefore it is debarred from establishing such a Court. Sir, the Government of India Act itself lays down the conditions which govern the passing of laws by the Federal Legislature. It prescribes which Acts cannot be repealed or amended without the previous sanction of the Governor General in his discretion. I take it that the restrictions laid on the legislative powers of the Federal Legislature by section 108 must contain a restriction debarring the Federal Legislature from setting up

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a Court of Criminal Appeal if Mr. Puckle's contention is correct. Now section 108 clause (1) (a) says :

" Unless the Governor General in his discretion thinks fit to give his previous sanction, there shall not be introduced into, or moved in, either Chamber of the Federal Legislature any Bill or amendment which repeals, amends or is repugnant to any provisions of any Act of Parliament extending to British India".

This, Sir, does not prevent this Federal Legislature from enacting any law on any subject at all. All that it requires is that the previous sanction of the Governor General in his discretion should be obtained to the introduction of a Bill dealing with certain subjects. Now when a Bill is brought forward on such a matter by a Member, it will be competent for the Governor General acting in his discretion to refuse to give sanction to its introduction. But if the Governor General allows its introduction, there does not appear to be anything in section 108 preventing the Legislature from passing any law. Again, I will assume that for the establishment of a Court of Criminal Appeal, a statutory power of the kind contended for by my Honourable friend Mr. Puckle is needed. I will also grant that no such power exists in the present Act. But it seems to me that under section 108 this power can be conferred on itself by the Federal Legislature, provided the Governor General agrees to it. This lends support to the view put forward that whatever is not expressly prohibited by the Act may be supposed to be within the competence of the Federal Legislature. This, in view of the terms of section 108, seems to be a sounder proposition than the one enunciated by Mr. Puckle.

Now, Sir, another objection to the establishment of a Court of Criminal Appeal was that criminal appeals were so numerous that it might require 20 to 25 Judges to deal with them. It seems to me that my Honourable friend Mr. Ramadas Pantulu was guilty of a great deal of exaggeration in trying to build up a case against the establishment of a Supreme Court of Criminal Appeal.

THE HONOURABLE MR. RAMADAS PANTULU : I said what was said by many people at the Round Table Conference. That was all.

THE HONOURABLE PANDIT HIRDAY NATH KUNZRU : Well, my Honourable friend should have known that when the matter was first discussed in the Round Table Conference the jurisdiction proposed to be given to the Court of Criminal Appeal was not definitely considered. It is consequently impossible for a man to say that a Court of Criminal Appeal which would be empowered to hear appeals in criminal cases from the decisions of the High Court under suitable safeguards would be overwhelmed with work and in order to cope with it might require about two dozen judges.

THE HONOURABLE MR. RAMADAS PANTULU : Is it definite in the Resolution ?

THE HONOURABLE PANDIT HIRDAY NATH KUNZRU : Well, my Honourable friend has before now discussed many resolutions in this Legislature which have not been as definite as he would have liked them to be, but in view of the principle involved and in view of the fact that when the time came to translate them into action it would be in the power of Government and the Legislature to introduce the necessary restrictive provisions, he has accorded his support to them. On the same ground I accord my support to the

proposal enunciated by my Honourable friend Haji Syed Muhammad Husain. I can, however, go further and point out to my Honourable friend Mr. Ramadas Pantulu that the Honourable Mr. Sapru who preceded him pointed out that it was not desired to give the Criminal Court of Appeal a general power to interfere in all cases. He wanted that the right of appeal should be strictly limited. It might, for instance, be confined to cases in which a substantial question of law was involved or where there had been disagreement between the appellate court and the trial court, the trial court having acquitted the accused and the appellate court, that is, the High Court, having reversed the judgment. Another case in which jurisdiction may be allowed is that in which the verdict of the jury has been set aside. There may be practising lawyers who may be able to think of other cases also in which it would be desirable in view of the issues involved to obtain the opinion of a higher Tribunal than a Provincial High Court. Now, all the cases that I have given may not be acceptable to all Honourable Members, but they serve to illustrate what we have in mind. Nobody on this side who is in support of my Honourable friend Haji Muhammad Husain's Resolution contemplates an unlimited right of appeal from High Courts to the Criminal Court of Appeal. We all want that the right of appeal should be carefully restricted. But I do think that when this has been provided for the principle of having another Court of Criminal Appeal to hear appeals from the decisions of the High Courts will be conceded by those who have so far expressed their inability to accept the Honourable Haji Syed Muhammad Husain's Resolution because of the wide terms in which it has been drawn up.

Sir, with regard to the setting up of a Court to hear civil appeals from the High Courts, my Honourable friend Mr. Ramadas Pantulu said that there was a great deal of disagreement on the subject in India and that he personally was not in favour of it. The subject was considered at the Round Table Conference. If I may rely on what was said by Sir Tej Bahadur Sapru in his Memorandum to the Joint Committee, there was a general demand for the establishment of a Supreme Court, but Bengal was not in favour of it. I do not know that there was any other province which was not favourable to the establishment of a Supreme Court dealing with civil appeals. Several times it has been said during the course of the discussion that the proposal that has been brought forward is in the interests of the Bar. If it is in the interests of the Bar, that is no argument against the Resolution ; but we know, Sir, that appointments in these days are made on communal grounds—appointments to the highest executive and judicial offices. There are persons who owe their appointment entirely to the fact of belonging to particular communities. If this is what is happening in regard to high appointments, I do not see why the Resolution of my Honourable friend Haji Syed Muhammad Husain should be objected to simply because it might benefit the Bar. The Bar is not confined to any community and to that extent the Resolution is better than measures prescribing a particular course simply in the interests of people belonging to certain communities. The only other ground on which the Resolution was opposed was that nothing that we may lay down can take away the power enjoyed by the Privy Council to give leave to appeal in special cases. This is not so. Section 206 to which reference has been made deals very clearly with this matter. It points out that if the Federal Legislature provides for the establishment of a court to hear civil appeals, it can abolish either in whole or in part direct appeals in civil cases from High Courts in British India to His Majesty in Council " either with or without special leave". Now, when this provision is there, I take it that the Privy Council can not

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by virtue of the prerogative right that it enjoys interfere with the judgments of the High Courts. I know that we have not got the rights that the Dominions enjoy to oust completely the jurisdiction of the Privy Council; but if the words that I have read out have any meaning, we may take it that the Privy Council can not set aside the powers purported to be granted to the High Court. Even if this be not the case it will not matter much. The power of the Privy Council, in theory is unlimited in regard to criminal matters, but the Council has made it a rule not to interfere in such cases unless a very important point regarding the failure of natural justice is involved. I have no doubt whatsoever that the Privy Council will in the same salutary spirit impose a check on its own action in future also so that it might not be inconsistent with the spirit of the provision which I have just quoted.

With these words, Sir, I venture to give my support to the Resolution moved by my Honourable friend Haji Syed Muhammad Husain.

THE HONOURABLE HAJI SYED MUHAMMAD HUSAIN (United Provinces West : Muhammadan) : Sir, I am rather surprised that my Honourable friend Mr. Pantulu, the Leader of the Congress Party who advocates complete independence and economy in every department in this country and also advocates severance of the British connection....

THE HONOURABLE MR. V. RAMADAS PANTULU : On a matter of personal explanation, I said that if there is a scheme to oust the jurisdiction of the Privy Council completely and to make India self-sufficient in regard to final appeals, I would support it.

THE HONOURABLE HAJI SYED MUHAMMAD HUSAIN : I can quite understand that if that had been the principle of the Congress, it would have been quite consistent for my friend to oppose it on that ground. In spite of the fact that the Congress wanted to boycott the whole of the constitution they are willingly working it!

THE HONOURABLE THE PRESIDENT : Please stick to the Resolution; we have nothing to do with the Congress.

THE HONOURABLE HAJI SYED MUHAMMAD HUSAIN : What I say, Sir, is that it is rather unfortunate that on the merits my Honourable friend has not been able to meet the argument about criminal appeals from cases in which appeals should be, but have not been, provided, and yet he opposes the Resolution. He also referred to what happened in the Round Table discussion. There are so many things which were discussed in the Round Table Conference and "No" was said to them. I am not sure that my Honourable friend is satisfied with those "Noes". And another wonderful thing is that my Honourable friend does not deny that a good deal of money is being spent on the establishment of the Federal Court, yet my Honourable friend hesitates to try and get some return for that money. I wonder if my friend thinks that that department is in need of a rest cure. I am quite sure it is not. As to the argument of my friend that in cases below Rs. 15,000 there would still be an appeal to the Privy Council, I say "No". You have got provision in the same section that you can limit the amount and disallow any appeal from the High Court to any tribunal beyond a certain sum. Therefore, the Legislature has

power to say that there shall be no appeal below Rs. 15,000 and in cases above Rs. 15,000 the appeal shall lie to the Federal Court. Now, my Honourable friend thinks that there would still be the right of appeal to the Privy Council from the Federal Court and that would mean two appeals from the High Court. I can assure my friend that in cases like these and even in second appeals the courts are very very careful in granting leave to appeal or admitting second appeals. When once a case has been in appeal from a High Court to this Court, a litigant will not find it an easy job to obtain leave to appeal to the Privy Council unless the case is very very exceptional. Therefore a good deal of the expense and time of the litigants of this country will be saved and at least, to a great extent, the desire of my Honourable friend and his party that the cases should be finally decided by the highest Court in this country will be fulfilled.

Now, as to the legal question, I want my Honourable friend the Member in charge of this Resolution on behalf of the Government to see, who gives the powers of appeal to the High Court or from the High Court to the Privy Council? You have only to see the Civil Procedure Code and you will find it is there. Who has enacted the Civil Procedure Code? Not Parliament but the Indian Legislature. The Indian Legislature is also the final authority for amending the Criminal Procedure Code as well as the Civil Procedure Code. With a little amendment to the Criminal Procedure Code, you can establish a Supreme Court of Criminal Appeal and for that it will not be necessary for us at all to ask for an Act of Parliament or even an Order in Council. So far as civil appeals are concerned, there is absolutely no difficulty now. As I said in the very beginning, that merely an Order in Council, will do it and in view of the fact that the principle has already been accepted by the Act and the Federal constitution is not yet in sight, it is unnecessary to wait for an event which may or may not happen for years to come?

My Resolution was also criticised on the ground that it does not give sufficient details and that I meant that an appeal in every criminal case will lie to the Supreme Court of Criminal Appeals. I must say that my Resolution does not do anything of the kind. This Resolution was meant only to elicit whether the Government are prepared to accept these two principles or not. To put down all the details when we do not even know whether the Government would accept the principle or not or whether, other parties would accept the principle or not, it would have been quite a useless waste of time to put down all the details. But I am quite certain that once the principle is accepted, and you sit down to give the power of appeal from the High Courts, you will find that the matter would be as easy as anything. In six lines you could decide and limit the power of appeal in these cases. Therefore the fact that it does not go into sufficient details is no ground for your throwing out the principle.

Now, I must thank my Honourable friend on the other side that he did sympathise with the first portion of the Resolution and it is expected that the Government would consider it sympathetically. For giving effect to the first portion of the Resolution, it is essential that the Governor General in Council should move in the matter and obtain an Order in Council. So far as that is concerned, I am perfectly satisfied with the reply that my Honourable friend has given on the other side. So far as the second portion is concerned, this Legislature is competent to draft its own Bill and present it with details and that could easily be done. There is no doubt that two separate things

[Haji Syed Muhammad Husain.]

were mixed up in this Resolution but the object of this Resolution was, as I said, to know to what extent the Government are prepared to accept the principle. So far as the first part is concerned, I am satisfied and I hope that it will be done at an early date and that an Order in Council will be obtained. As for the second part, that is, the Supreme Court of Criminal Appeal, I do not need so much the sympathy of the Government as I need the realisation of the necessity of it by the House. No one in this House has been able to criticise the argument, so far as criminal appeals are concerned which I advanced in the beginning of my speech, or my Honourable supporters did. It is really unthinkable how it would be possible for anyone with any sense of justice to deny the right of appeal to accused persons in certain cases mentioned by me.

Now, since the matter has been fully debated and I am satisfied that so far as the first portion is concerned Government view it with sympathy and so far as the second is concerned, we can bring forward a Bill in the Legislative Assembly or here and when the details are given it will then be seen whether that Bill finds support or not, I am quite prepared to withdraw my Resolution with the permission of the House and the President, if that permission is granted.

THE HONOURABLE MR. F. H. PUCKLE: Sir, there is just one word I would like to say. As regards the first part of the Resolution, the principle that there should be a Court of Civil Appeal is accepted in the Act. When I said the Government is prepared to take a sympathetic attitude towards this part of the Resolution, I did not mean that we are going to take steps tomorrow or the next day or this year or next year. The question is mainly one of the right time and as to that Government has an open mind.

THE HONOURABLE HAJI SYED MUHAMMAD HUSAIN: No, I did not understand that.

THE HONOURABLE MR. F. H. PUCKLE: I say that we have an open mind on the subject. It is a matter of getting the correct time and making up our mind and also a host of preliminaries which will take any length of time to discover.

THE HONOURABLE THE PRESIDENT: Do you wish to withdraw your Resolution?

THE HONOURABLE HAJI SYED MUHAMMAD HUSAIN: Yes, Sir.
The Resolution was, by leave of the Council, withdrawn.

RESOLUTION *RE* SURCHARGE ON RAILWAY FREIGHT ON COAL, ETC.

THE HONOURABLE RAI BAHADUR LALA RAM SARAN DAS (Punjab: Non-Muhammadan): Sir, I rise to move the Resolution which stands in my name and which runs thus:

"That this Council recommends to the Governor General in Council that the surcharge levied on the railway freight for coal and hard coke be abolished forthwith."

Sir, the history of the levy of surcharge on coal is very interesting. It was levied at a time when railway finances were at their lowest ebb and the surcharge was put forward as a temporary expedient to tide the Railways over their financial difficulties. It was levied in 1932 at 15 per cent. by the then Railway Member Sir George Rainy who remarked that he was most unwilling to levy the surcharge and that he had to levy it because of the serious financial position of the Railways. I would quote his remarks:

"I have long held the view that it is in the interest of the Railways to keep coal freights at the lowest level commercially possible, because cheap coal is essential to industrial development and industrial development means increased traffic for Railways but on this occasion, circumstances left no alternative".

This will be found on page 1192 of the Assembly Debates, dated the 25th February, 1932. This surcharge continued to be levied for nearly three years and I understand brought in a revenue to the Railways of about Rs. 70 lakhs a year. The coal-mining interests at that time, realising the serious position of railway finances, were compelled to submit to the imposition of this surcharge with effect from 15th January, 1932. It was all along considered both by the coal-mining interests as well as by the consumers as a temporary measure and a demand for its removal was made by the coal-mining interests continuously since that time. In January, 1935, when the condition of the coal industry was causing grave anxiety, both to the industry and the Local Governments, the Government of India, in their communication to Local Governments, conveyed their decision to modify the surcharge from 15 per cent. to 12½ per cent. subject to a maximum of Re. 1 per ton irrespective of distance, and they expressed the hope that improvement in the financial conditions of Railways would make it possible for them to take further action in the direction of a major reduction in the surcharge.

During the year 1936, Mr. H. N. Colam, at the Autumn Conference of the Indian Railway Conference Association, stated that to compensate for the loss of revenue involved in the carriage of more valuable commodities and short distance traffic, charges on less valuable commodities and long distance would have to be increased, and in accordance with this, coal freights were raised on the average by 11 per cent.

In the year 1937, both the E.I.R. and the B.N.R. proposed to introduce a new scale of rates for coal traffic incorporating the addition of surcharge on freight with a view to make it a permanent part of the freight rate on coal. A strong protest was raised by all the coal-mining interests, both Indian and European, against this proposal. It is really surprising that when the surcharge was levied on the plea of the financial position of the Railways, it is sought to be amalgamated along with the railway freight rate at a time when there were definite indications about improvement in railway earnings.

Railway finances have now definitely much improved and I see no reason why the surcharge should continue to be levied on a commodity which creates power for practically all the industrial undertakings in the country. The Railway Enquiry Committee were frank in examining the case of this levy. The Committee stated that coal traffic was subject to road competition only to a very limited degree; therefore the railway exchequer would lose little through diversion to other forms of transport even if the present surcharge was increased from 12½ per cent. to 15 per cent. This recommendation of this Jo Hukam or Jee Hazur Committee is no doubt in keeping with the angle from which they discussed all the problems relating to Railways. Nobody expected from the Railway Enquiry Committee any relief directly or indirectly

[Rai Bahadur Lala Ram Saran Das.]

to industries of the country which are the greatest consumers of coal. It is time, therefore, that this surcharge, in view of the betterment of railway finances, be forthwith removed in order to honour the definite promise made by the Railway Member in 1932 when the surcharge was levied. It is in the interest of the Railways to keep coal freights at the lowest level possible as it would thereby stimulate a greater industrial production and the Railways would get increased traffic as a result of such development.

In 1934, when a Resolution was moved by Sir Abdul Halim Ghuznavi in the Legislative Assembly on the coal industry, Sir P. Raghavendra Rao, speaking on behalf of the Railway Boards stated :

"It was only owing to the serious financial position of Railways that the Government of India, much to their regret, sanctioned the imposition of a surcharge in 1932",

and again assured the House that coal would be among the first of the commodities to be considered when Railways would be in a position to reduce freight rates.

I am sorry, Sir, that that pledge has not been honoured. In other countries I understand that coal is carried on the lowest rates possible. But here, pledges are made and are not fulfilled, particularly in commercially run institutions. Sir, the figures which I have before me indicate that in 1935-36, the total weight of coal carried by the Railways was 3,28,60,000 tons, which provided an earning to the Railways of Rs. 11,41,44,000. In 1936-37, the total tonnage of coal carried was 3,32,38,000 tons and the amount of earning was Rs. 11,65,03,000. In case we work out this Rs. 70 lakhs of loss it comes to on y between 5 and 6 per cent. on total amount of coal freight. Perhaps, my Honourable friend Sir Guthrie Russell who seems to have purposely evaded a reply to my question, will now, when he is speaking on this Resolution, give all the information that I have asked for in my question, and justify how and why Railways have not fulfilled their solemn pledge. Sir, he put me a question as to what I meant by "short distance". He fully knows that before the percentage surcharge was put, there was a difference in freights and in the rate of surcharge when the coal was carried over a certain distance, which, if I mistake not, was 500 miles. However, Sir, that is immaterial. We have to take the total amount of loss which the Railways have to bear in this connection, and I hope he will also tell us whether or not that loss will be compensated by the increased traffic.

Sir, other countries, particularly Japan, are dumping goods into India and that dumping is caused by the encouragement which their respective Governments give to industrialists in order to develop their industries and to secure foreign markets. They give them bounties, bonuses and depreciate their currency. But in India things do not move as they ought to do. From the actions of the Government we are led to believe that the Government is not in favour of industrial development and growth.

I might also mention that it has become a habit of the Government to violate their pledges. Whenever a pledge has been given, efforts are made to violate it. I admit that in the diplomatic field treaties and pledges are treated as mere scraps of paper; where might is right but in those institutions which the Government themselves admit are run on commercial lines a pledge should be honoured, particularly in these days of economic depression and competition with countries who dump goods in the Indian markets, which dumping has not yet been stopped by the action the Government has taken by way of

increasing import tariffs. It is right that pledges should be fulfilled and this surcharge which was levied only as a temporary measure to tide the Railways over difficulties ought to be forthwith abolished.

With these words, Sir, I commend this Resolution for the favourable consideration of this House.

THE HONOURABLE MR. J. REID KAY (Bengal Chamber of Commerce) : Sir, I rise to give every sympathy to this Resolution proposed by my Honourable friend Lala Ram Saran Das. The Group which I represent in this Honourable House gives every support to this Resolution. It is a matter which affects all industries, I submit, especially those far distant from the collieries. The surcharge was put on as one of several emergency surcharges and so far as I can recollect, all of those are still in existence except the income-tax one, of which only a portion still remains. The Wedgwood Committee recommended that the present surcharge should be put up, as far as I can remember, to 15 per cent. from 12½ per cent., and I am glad the Honourable the Chief Commissioner for Railways has not seen fit to accept this, but has rejected the recommendation. He has, however, still under consideration the general position in regard to railway freight on coal and coke, including the surcharge. I repeat, Sir, that we have every sympathy with the Resolution and support it and we appeal to Government to remove the surcharge, while at the same time appreciating that income from Railways is of great importance to the country. We also realise that railway freights on coal and coke are low and for that reason it may not be so easy to expect Government to remove this surcharge. I have much pleasure in supporting this Resolution.

THE HONOURABLE SIR GUTHRIE RUSSELL (Chief Commissioner for Railways) : Sir, on the 15th March, 1933 the Honourable Rai Bahadur Lala Ram Saran Das moved a very similar Resolution. Speaking on that Resolution I said that I sympathised with him entirely but the time was not ripe for the removal of the surcharge. I realise quite as well as anybody else that coal is the lifeblood of industry and the cheaper you can get your coal the greater change there is of industry developing. But it also must be remembered that railway transport is an industry and Railways have quite as much right as any other industry to get a reasonable rate for their produce, and to my mind the rates we are charging today are certainly not unreasonable, specially considering this is a time of rising prices. Our stores are costing us more, our coal is costing us more, and this to my mind is not a time to reduce rates on coal.

The Honourable Mover has given in some detail the history of the surcharge. If the Council will bear with me I would like to go over that history again and give in some detail the reasons for the action which we have taken and the present position. As the Honourable Mover said, in 1931 owing to serious deficits Railways were in the position that they had to do something to increase their earnings. There are only two ways of increasing net earnings, by an increase in rates or by reducing rates in the hope that the reduction will increase traffic and give you greater net revenue. In our opinion at that time there was no prospect of reduced rates increasing our traffic by the amount which would have been required. We therefore fell back on the alternative of increasing rates. One of our reasons for selecting coal was this. Coal rates in 1926 were reduced by 10 per cent., and again in 1929 by 2 to 12½ per cent. for long distance traffic. Moreover the rates for long distance traffic were so very low that there was practically no margin of profit whatsoever. The original suggestion was to increase the schedule rates. If we had done that probably

[Sir Guthrie Russell.]

we would not have had quite so many requests for a reduction. A surcharge is such an easy thing to attack. However, we decided that an increase in the schedule of rates would cause considerable delay, and further, we intended that the surcharge should be temporary. As Sir George Rainy said in the other place, we regretted having to put it on and that the taking off of the surcharge would be the first major reduction in railway rates. The Honourable Mover suggested the Government have not kept their pledge. I hold that Government have kept their pledge. The time has not come for a major reduction in railway rates. But, despite this, in 1934 in view of a slight increase in railway earnings and in view of the Government's pledge, Government decided to reduce the surcharge from 15 per cent. to 12½ per cent. with a maximum of Re. 1 per ton. That was to help industries at long distances from the coalfields. Now, we did not rush into this surcharge. We took into confidence the Indian Mining Association and the Indian Mining Federation as my Honourable friend Mr. Reid Kay knows—they did not like it, but I do think they realised that we had to do something. I have already referred to the Resolution of the 15th March, 1933 which was withdrawn by my Honourable friend on an assurance I gave him to examine the position. We have carefully examined the position to see whether the surcharge on long distance traffic was reducing our traffic and damaging industry. I shall give you the results of this examination. It did not show that the surcharge had affected the movement of traffic in any way whatsoever. My Honourable friend has given us some figures about the movement of traffic for certain years. I can give him some more. I take eight months only as for last year we have only got figures for this period. From April to November, 1935, the tonnage carried was 13,231,378 and the earnings Rs. 4,32,44,644. For the same period during 1936 the figures were 13,013,575 tons and Rs. 4,20,63,093—a slight decrease both in tonnage and in our earnings, but for the same period during 1937 the tonnage carried was 15,069,160 tons and the earnings Rs. 5,18,45,192—an increase in tonnage carried over 1936 of 13·89 per cent., and in earnings of 18·89 per cent. Now, the estimated additional earnings based on the 12½ per cent. surcharge with a maximum of Re. 1 on the 1934-35 figures were estimated at Rs. 65 lakhs. On the basis of figures for 1937-38 this will be considerably more; I have not actually got the figure, but it should be somewhere in the neighbourhood of Rs. 75 lakhs.

Now, if we are running as a commercial concern, are we justified with an increasing demand for coal transport in reducing the rates? Are we justified in reducing the rates unless we can see by so doing it will improve the traffic? The figures that we have got have shown no indication of that whatsoever.

Before I sit down, there is one other point. The Honourable Mover said that in other countries in the world coal was carried at the lowest possible rates. I believe that is a correct statement and I maintain that is the position in India. Coal is being carried at the lowest possible rates in present conditions. Admittedly this year we have estimated for a surplus of Rs. 2 crores 83 lakhs, but with the world situation as it is, when we do not know what is going to happen today, when we do not know what is going to happen tomorrow, are we justified in relaxing our efforts to maintain a stable position. I do not think so. I oppose the Resolution.

THE HONOURABLE RAI BAHADUR LALA RAM SARAN DAS: Sir, the speech which the Honourable Sir Guthrie Russell has made is most unconvincing. He has adduced arguments whereby he presumes to impress this House that the Government has not followed the pledge

because the time has not yet come to revise the rates. Sir, in law various interpretations can be given to the words in dispute. But here Sir George Rainy made a definite promise and he gave a definite pledge that when railway revenues improve the surcharge will be removed. Sir, when railway income has increased, and increased considerably, Sir Guthrie Russell cannot substantiate his opinion that the time has not yet come. The time has come, the condition which Sir George Rainy imposed has been fulfilled and in case the Railways do not withdraw the surcharge now, they will be purposely and deliberately breaking the pledge given. Sir, he says that the tonnage of coal has increased. Sir, everybody knows in this House that since the surcharge was put on coal freight, a large number of electric supply companies and steel, rolling mills and more than 175 sugar mills have been put up which consume a lot of coal. The House also is aware that owing to the insecurity in the rural areas people are migrating and concentrating themselves in the cities and building construction is going on in the cities for those who find their lives unsafe in rural areas. The Honourable Sir Guthrie Russell, if I mistake not, has apparently avoided giving the figures which I demanded in order not to weaken his defence. If he will give us separately the figures of slack coal carried, which is particularly demanded by the brick-burning fields, I shall be in a position to prove that what I say is right and that whatever he has said is wrong. He says that as the prices of various materials and stores have gone up, Railways are justified in increasing their earnings. I may mention for the information of this House that Railways have increased the classification of more than 100 articles, which are bringing Railways a bigger revenue. Why should that fact be concealed? I should like to know from the Honourable the Chief Commissioner for Railways what extra income they are getting from the increase which they have recently made in the classification of numerous articles? Then, I come to the rates that the Railways charge to the Defence Department. When the cost of stores and other materials has gone up, why have they not increased the rate of freight on military stores? Railways already are making a great sacrifice for the sake of the Defence Department in the losses which they bear on working of strategic railways and for the extra coaching and goods stock which is to be always kept at certain cantonment stations for their sake. He has also said that there has been a rise in the price of coal. I know that there has been a rise in the price of coal due to the labour legislation which was enforced some time back. That forced the price of coal to go up. The very fact that the price of coal has gone up, due to an indirect measure adopted by the Government is all the more reason that the industries cannot go on competing successfully with foreign dumping. Government cannot deny that there is dumping from foreign countries even now going on in India. The efforts of the Government to stop that dumping have entirely failed and it is high time when in case you do not encourage the industry you will be doing the greatest disservice to India and to the solution of unemployment. Sir, pledges are pledges which are sacred and as Sir Guthrie Russell himself has interpreted the pledge of Sir George Rainy in a wrong manner, thus the pledge has been deliberately broken. The Government must honour it and must see that the industry in India is fostered because by the fostering of the industry you are bound to get compensated indirectly. He has given certain figures. That figure of Rs. 75 lakhs will mean a difference of about 6 per cent. in the total freight charges. What, Sir, is that amount? Last year we find that Government could afford to spend about Rs. 3½ crores on the North-West Frontier operations without enhancing any tax. Because the Government is continuing to stick to this

[Rai Bahadur Lala Ram Saran Das.]

surcharge, it distinctly shows that Government want to kill the industries and thereby create more unemployment and to add to discontent in the country.

THE HONOURABLE SIR GUTHRIE RUSSELL : Sir, I would just like to say as regards slack coal if I had had the figures I would have given them : I do not think we have separate figures for slack coal but if such are available I shall let the Honourable Member have them. Then the Honourable Member asked how much we expected to get from the increase in the classification. I think, speaking from memory, about half a crore.

THE HONOURABLE THE PRESIDENT : Resolution moved :

"That this Council recommends to the Governor General in Council that the surcharge levied on the railway freight for coal and hard coke be abolished forthwith."

Question put and Motion negatived.

RESOLUTION *RE* GOVERNMENT RECRUITMENT AND UNEMPLOYMENT.

THE HONOURABLE DIWAN BAHADUR SIR RAMUNNI MENON (Madras : Nominated Non-Official) : Sir, I beg to move :

"That this Council recommends to the Governor General in Council to take steps to introduce as early as practicable, in regard to the services and posts in the Government of India and the centrally administered areas recruitment to which is within the competence of the Government of India, the scheme of recruitment adumbrated in the letter from the Government of India, Department of Labour, No. L-1834, dated 20th January, 1938, to all Provincial Governments, with such modification and amplification as further consideration may necessitate, but without abandoning the two essential conditions laid down in the said scheme in regard to the age and the stage of education at which candidates will be entitled to appear for the proposed preliminary examination."

I frankly admit that my Resolution is lacking in that quality which is the soul of wit ! I can only plead that its dimension and detail are the result of an earnest attempt to compress within the conventional mould of a Resolution an essential sequence of ideas on a complicated issue. Whatever its defects may be, I hope it is intelligible, clear and definite. The proposal put forward in the letter of the Government of India is a very important, bold and far-reaching proposal and deserves wider public attention than it seems so far to have received. I shall be very glad if my Resolution can commend itself to the Council. But I shall not be any the less pleased if in the course of discussion opinions emerge which are divergent from my own, because I feel this is a matter which deserves very thorough examination. I venture to hope that the opinions of this Council will not be altogether devoid of interest to the Government. I also hope that our discussion will stimulate a wider interest among the public.

The title of the letter to which my Resolution refers is "Government Recruitment and Unemployment". Unemployment among the educated classes is not an entirely new phenomenon in this country. Official references to it have been found as early as 1889. But it has become very acute in recent years and at present is occupying the most anxious consideration of all Governments. Its solution is not easy. It is a very complex problem and does not admit of any simple solution. Its solution will have to be approached

from different angles, and various measures will have to be adopted, each contributing its own modest quota to the full solution. One method of approach to this problem takes us through higher education and Government recruitment. Though unemployment cannot be regarded as the direct result of higher education, there is practical unanimity of opinion among educationalists and others who have bestowed any thought on the subject that to some extent unemployment is the outcome of certain unsatisfactory tendencies in our present system of higher education and that these latter in their turn are directly traceable to the influence of the Government's policy of recruitment to its services. We are thus bound to admit that there is an interrelation between higher education, Government recruitment and unemployment. Quite recently very important proposals for the reconstruction of education have been put forward by competent bodies and have received official approval. The practical application of these proposals is now receiving the consideration of all Governments. These measures, when carried out, are expected to reduce the volume of unemployment. But that result can never be achieved unless and until the Government policy of recruitment is radically changed.

There are two important ways in which this policy can be changed. At present, University qualifications are considered essential for recruitment to superior posts generally. It has often been pointed out, and it is now generally admitted, that University Degrees are not necessary for the adequate discharge of the duties connected with many Government appointments. It is quite satisfactory to know that the Government of India are now examining their policy of recruitment to the non-gazetted posts with a view to eliminating, as far as possible, University qualifications from among those demanded of candidates, and to recruiting at an earlier age—at the age of 19—and by examinations conducted by themselves. This change is in conformity with the recommendations of the Sapru Committee and of the Central Advisory Board of Education and will be widely welcomed as a move in the right direction. But this change by itself will not be sufficient, because there will still remain the gazetted posts which will be open to University men, and there will still continue the large influx of students to the Universities in the vain hope of securing them. It is widely known that the annual vacancies in the Government service in the gazetted ranks are comparatively few and can only absorb a very small proportion of University graduates. But that does not in any way damp the ardour of these young men who flock to the Universities. The only remedy is to adopt a method of preliminary selection at a pre University stage, which will clearly indicate the chances of a prospective University candidate's obtaining Government employment.

And here I may be permitted to observe, if I may do so without laying myself open to the charge of egotism, that a suggestion essentially similar to the proposal contained in the Government of India's letter was made by the speaker in an address which he delivered at the Madras University more than 10 years ago. That suggestion met with a very cold reception and was soon forgotten. It is a great pleasure to me to find that the idea embodied in that suggestion has now found its re-birth in the more congenial milieu of the Government of India Secretariat.

Coming to the actual proposal contained in the Government of India letter, my task in explaining it has been considerably lightened by the thoughtful action of the Honourable the Secretary of the Council, who was kind enough to procure and to get distributed to Honourable Members copies of that letter. The nature and scope of the scheme are fully and clearly set out in the letter,

[Dewan Bahadur Sir Ramunni Menon.]

In every way that letter is an admirable document and reflects the greatest credit on its author. I do not know whether Honourable Members have had time to study the letter in detail. I should like with your permission, therefore, to briefly state the nature of the proposal. It is proposed to have a preliminary competitive examination at a pre-University stage to which candidates of 17 years of age will be admitted. It has not yet been decided what the qualifications of these candidates should be. It is suggested that any candidate who applies may be admitted. On the other hand, it has also been suggested that admission may be restricted to people who have already secured some school qualification; that is to say, to those who have passed the S.S.L.C. examination or some equivalent examination. But this, however, is a matter to be decided later. Then again, the nature of the examination is not quite settled. I shall come to this point again in a moment. The number of places, so to speak, that will be offered for competition at the examination will be comparatively small but will be large enough to provide for the annual requirements of the Government, after making due allowance for casualties and failures. Those who pass the examination will have no guarantee of getting a Government appointment. They will have to go through further courses of study and pass other prescribed examinations. But those who fail—and this is the important point—will clearly understand that they have no chance whatsoever of getting into Government service. Judging by the present tendency, the number of those who fail will be very large, and the great merit of the scheme is that at that early stage, that is, before they enter the University, these young men will be able to know for certain that they have no chance whatsoever of entering the Government service, and they will therefore be in a position to shape their future career or their further educational career according to their inclination, means and chances of securing alternative employment. That, I consider, is a very distinct gain. For these and for other reasons which I do not propose to detail here, the scheme of the Government of India deserves to be very heartily supported.

The letter goes on to discuss certain objections which might be raised to the proposal and tries to meet them. With regard to many of these objections, I am in full agreement with the arguments advanced for meeting them. But there are two or three points which demand a word of comment. To begin with, as the examination is evidently intended to act as a warning to candidates, who have no chance of securing Government appointments, against prosecuting a profitless University course of studies, it is obviously necessary to hold the examination at an early age, that is, before students generally enter the University. And therefore the age suggested, namely 17, seems quite suitable. But examinations like the S.S.L.C., the Matriculation and others are held, I believe, at different ages in different places; and therefore the age should be fixed with due reference to the ages at which these different examinations are generally taken. Then again—I am afraid I have no time to develop this point, but I should like just to mention it—it seems to me that it would be a very distinct advantage to restrict admission to the proposed examination to those who already possess a fair standard of school qualification. I do not propose to labour this point. One of the most important points requiring very full consideration is the nature of the examination. It is proposed to hold a very simple examination consisting of an intelligence test. Now it seems to me that such a simple type of examination is too inadequate and unreliable to furnish a fair test on which the chances of so many young men of securing a highly coveted Government appointment

can be made to hang. This however is a point which should be, and I hope will be, fully considered by those who will work out the scheme.

These are comments on some of the points raised in the letter. But there is a very important aspect which, I cannot understand for what reason, is not mentioned in the letter at all. I shall state it briefly. If the scheme is successful, and I hope it will be successful, its immediate effect will be to reduce the number of students going to the Colleges and the Universities. Now it is a notorious fact that Colleges and Universities depend very largely on their fee income and examination fees, and their reaction to a proposal which involves a threat to their income can be readily imagined. I do not know what attitude these bodies will take up, but it is quite conceivable that in the proposed scheme they will find a measure which imposes a barrier in the path of those who want to secure higher education. Personally I do not think there is any substance in that contention, because the Government of India's Resolution does not place any check on higher education and I do not think such a contention should for a moment be entertained. But in these democratic days we do not know what forces will be brought to bear upon Governments in a matter of this kind. I hope, however, that all Governments, Provincial as well as Central, will resist any unreasonable pressure exerted from interested quarters.

I am sorry I have very little time left, but I must come to the exact scope of my Resolution. My recommendation is that the Government should proceed with the scheme without undue delay. I do not know what action the Government of India propose to take. It is obvious that they are waiting for the views of the Provincial Governments and that they hope to secure their co-operation. That attitude is perfectly intelligible and commendable. I readily grant that the co-operation of the Provincial Governments would be most welcome in putting into practice a scheme of this kind. But we all know that Provincial Governments are now preoccupied with various important measures and I do not know whether this new method of recruitment is one of those objects to which they will be disposed to direct immediate attention. But I think it will be a very great misfortune if a scheme which has been evolved with very great deliberation and care were to be abandoned for lack of favourable response from the provinces, and I do not see any reason why the Government of India should not proceed on their own account. Fortunately in the province of Delhi the Government possess a very convenient experimental garden in which policies can be tested under suitable conditions and under competent control. It is clear from the letter that the Government are already contemplating the introduction of a new scheme of recruitment for non-gazetted appointments; and I believe—I am speaking subject to correction—that those measures of educational reconstruction to which I referred, including a very important measure for the provision of vocational and technical training at the pre-University stage, will be brought into operation immediately in the Delhi Province. If that is so, there is every reason why this other proposal, namely, the proposed new scheme of recruitment should also be tried in the same province. As I have already said, there is a relation between these three things, higher education, Government recruitment and unemployment, and as measures which are already related to unemployment are to be put into operation in the Delhi Province, there is a very cogent reason why this other proposal should follow suit. I hope the Honourable the Commerce Member will view this aspect of it with some sympathy.

[Diwan Bahadur Sir Ramunni Menon.]

I am very sorry that the way in which I have been proceeding has not enabled me to deal as fully with the subject as I would have liked, but as the Government of India's letter is in the hands of Honourable Members, I am sure the subject can be studied by them in detail, and therefore I hope the Resolution which I have moved will commend itself to the Council.

The Council then adjourned for Lunch till a Quarter to Three of the Clock.

The Council reassembled after Lunch at a Quarter to Three of the Clock, the Honourable the President in the Chair.

THE HONOURABLE MR. HOSSAIN IMAM (Bihar and Orissa : Muhammadan) : Mr. President, our Honourable colleague Sir Ramunni Menon has done a distinct service to the country in initiating a discussion of this very important letter which was issued by the Government of India in the Labour Department. Mr. President, it is quite possible, as the Honourable Member himself admitted, that there might be differences of opinion about the conclusions that have been arrived at in this letter, but there is no denying the fact that it wants to tackle a question which is of very great importance and to which all attention should be given. The fact that at the present moment Universities are multiplying and the numbers of graduates turned out by them are—on the general principle of mass production in the industries—making rapid strides, is all the more reason that we should consider what is the healthy part of this growth and what is the unhealthy part. Considering the fact that India is a poor country and while education is an expensive item the majority of people who go in for education are not those who live on other means than employment, it is necessary that we should really look at education with the eyes of the prospective students. Students,—at least a vast majority of them,—enter Universities not so much for enlightenment and for general good as a means towards an end. The end in view is mostly the services under the Crown. The reason for this is not far to seek. The remunerations offered by the Provincial as well as the Central Government for gazetted appointments are very high. They are absolutely far above the general market value of the educated youth. Nowhere in the world you will find so much premium placed on education as you find in India. In other countries, in the first place, the pay and emoluments of the gazetted officer are smaller than in India and in the other place the pay and emoluments of the lower paid staff—what you call menials—is much higher in other countries than in India. So the difference between the money which an educated person earns and what an uneducated person earns is not so great in other countries as in India. For instance, the I.C.S. is a Derby Sweep first prize. It is worth any day more than Rs. 10 lakhs if you have an actuarial valuation made. A Provincial Service is not worth less than Rs. 2 lakhs including pay and pensions. It is because of these facts, that you have such enormous attraction for the services that a large number of students go in for University education. Our politicians used to say that the Universities have succeeded only in turning out glorified clerks and that they are not educated in a manner to make them useful for the general welfare of the country. There is a great deal of truth in this statement. The number of subjects which are taught at the Universities has multiplied. Formerly there was not so much variety as there is at the present moment. But nevertheless the equipment given at most of the Universities does not fit them for a life much different from

desk work and therefore any effort made to divert the current from a useless source to a useful source should be welcomed. If this measure which the Government contemplate succeeds in regulating the supply, or rather in distributing the supply, in proper channels, towards Government services, towards public services, towards technology, towards industry, it ought to be welcomed. We cannot be certain in these days whether the result of the steps foreshadowed in this letter would give the very desirable ends which the Honourable Sir Ramunni Menon seeks to get.

Now, Sir, I should like to go a little into the details of this scheme. The age which has been suggested as the minimum for the non-gazetted appointments of Imperial Order is 19. However desirable it might be to lower the age, it is the duty of the Provincial Governments and of the Centre to give timely warning of their intention to change the age. People at the present moment are under the impression that they are eligible for Government service up to the age of 25. If all of a sudden one fine morning we find that the age is changed, it will be very hard on those who are looking forward to this employment. Therefore my first suggestion is that whatever action the Governments, Provincial and Central, contemplate, they should give at least a year's warning—(Honourable Members : "Several years".) Yes, they should give several years' warning. I was grieved to learn that some officials in the Provincial Governments have taken this letter too seriously and they have already started giving instructions that people who are above 19 and who were serving might not be confirmed or might not be given fresh employment. Then I come to the question whether 19 is the suitable age or not. The trouble at the present moment is that whenever there is competition you find that if you advertise for a Matriculate, you usually get quite a number of applications from graduates and a few from M.As. Now is it desirable that posts which had been reserved for lower educated persons should be thrown open to those who can compete for other and higher jobs? Now a Matriculate cannot compete for a post which is reserved for graduates; but his particular preserve is open to poaching by the graduates. I think that kind of thing should be checked. With a minimum there must be a maximum qualification. For instance, if you want matriculates as the minimum qualification restrict it to I.As. as the maximum. One higher and one lower. Then each category of candidate will have a fair field, then there may be a division of the favours of the Government. But there is one danger, Sir. If you do not fix the higher limit, what will happen will be that the poor children will have no time to remain children. From their very infancy they will be harnessed and they will be compelled to study so that they may pass the highest examinations before they are 19 and their childhood will be destroyed. Therefore, Sir, I strongly advocate a maximum as well as a minimum qualification as far as all Government employment is concerned.

Now, Sir, I come to the question of paragraph 7 of the letter, where the Government have suggested the most contentious part of their scheme. There may be a preliminary qualifying examination for those who desire to enter the higher Government services. I may frankly state, Sir, that on this question I have an open mind. But everything will depend naturally on the kind of examination which they propose to undertake, because it is the most material thing on that issue. If the examination is of a bookish type and one which will place a premium on cramming, Sir, this would not serve our purpose. It will induce, as I said at the beginning, compulsion by the parents on the children to become bookworms and waste their days of childhood in learning

[Mr. Hossain Imam.]

what will be of little use in their future life and there will be keen competition that everyone at the age of 17 should have as much knowledge as he possibly can. Here too, Sir, I must insist that there should be a higher limit above which candidates will not be permitted to sit for this examination. You say "pre-University age". If the meaning is before they enter the University that would be quite correct. Some may think it would be hard if you debar the graduates of a University, but you can do this that by pre-University age you might mean that you would allow people who have passed the matriculation examination but have not yet passed the first year or second year examination of the University. Whatever the limit. There must be an upper as well as a lower limit in this connection as well.

Now, Sir, there is another very important provision made in this paragraph in which it says that it would be possible at this stage to reserve a certain number of posts for adequately qualified candidates from the minority communities. I regard this, Sir, as a *sine quo non*. It is a very useful and necessary safeguard but may I suggest to the Government of India the advisability of considering also the provincial aspect. As you reserve quotas for communities it is only natural that in the future constitution when more and more will rest on the provinces you should make a conventional reservation for the provinces as well. The Government have themselves contemplated and rightly contemplated that there should be no exclusion either on the basis of higher qualification or on the discretion of the Provincial Governments. I approve of that action of the Government, Sir, but I should like that the examination should be held in as many centres as it would be possible to hold them because facilities must be given to the people everywhere. Wherever they usually hold the matriculation examination, the Universities should be the centre for this examination as well. I will also appeal, Sir, to the provinces that they should all come into any joint scheme which might be framed on this issue and if necessary the Government should form a committee from the Provincial Governments as well as of their own. It would be possible and advisable, Sir, that other bodies than the Provincial Governments should also be consulted in this matter.

THE HONOURABLE MR. P. N. SAPRU (United Provinces Southern : Non-Muhammadan) : Sir, Sir Ramunni Menon's Resolution would commit us to the acceptance of the principle which is embodied in the Resolution of the Government of India on "Government Recruitment and Unemployment". My position is that I am not prepared at this stage to commit myself to the principle of this Resolution which is a very important one. It raises some very very difficult questions of educational reconstruction and we have not had really time to consider the Resolution in all its aspects. The Resolution affects large interests. It affects the Universities and it affects the general public also. It affects the parents who are responsible for the education of young men. We have not had any time for ascertaining the views of these interests and it would not therefore be proper for us at this stage to commit ourselves to any point of view. Unfortunately, in this country there has been a tendency in recent years to blame the Universities for unemployment. It has been left to this country to discover that there is a connection between unemployment and education. Unemployment, I should have thought, was principally an economic question. If you want to settle the problem of unemployment you are not going to settle it by any amount of educational

reconstruction alone. You can only settle it in a big way by economic reconstruction, by raising the standard of living of the people, by raising the purchasing power of the people. There is a connection between social development and unemployment. If you can raise the condition of the masses, you will have also created new avenues of employment, and people won't rush for Government service as they do now. It is often said that education is very cheap in this country and anybody can have a university education in this country. But I was in Australia and I noticed there that, at any rate, there is one University there which is free. In Western Australia university education is absolutely free and no one has suggested that some more restriction should be put on university education because there is some unemployment in Australia.

Sir, what is the scheme that the Government have put forward? The scheme that they have put forward is outlined in paragraph 7 :

"The Government of India believe that if it proved practicable to hold, at a pre-university age, an examination, success in which would be an indispensable preliminary to candidature for practically all official appointments, this would have most valuable results". And then they go on after explaining the scheme to say that "failure in the examination would constitute a definite and final bar to Government service".

That is to say, a young man of 17 appearing for this examination would be debarred from entering Government service for all time if he fails at this examination. He would not be permitted, as far as I have been able to understand their scheme, to sit for the Indian Civil Service examination; he would not be permitted to sit for the Indian Police Service examination; he would not be permitted to sit for any of the Indian or Provincial Service examinations, if he failed to satisfy the test of this preliminary examination at the age of 17. One's experience as an educationist is that sometimes people who get a third class in the Matriculation examination end up their careers as first class men in the University. I will tell you my own experience, Sir. In my Matriculation examination, I got a third class, because I was very weak in mathematics and in geography. In my B.A. examination, I got a first class, and I was the first man of the year. If I had sat at the age of 17 for a school examination, I should certainly have not come out successful. But if I had sat for any of the competitive examinations after I had taken my B.A., I am not sure if I would not have come out successful. I might have had a chance. I am not exceptional that way. I think there are many young men who do not start very well, who in their school days are not very bright, but when they go to the University and have more specialised studies, they do better. You will rule out the men who have inherent capacities from Government service for all time. If you rule out men of that type from Government service, the quality of Government service might suffer. I know, Sir, High Court Judges—very eminent Judges—who have had no university career at all, who have taken only a third class degree, and who have risen to the top and have distinguished themselves as great Judges. It will practically shut out all young men who cannot satisfy a test at the age of 17. Whatever effect it may have upon the fortunes of the University, I think its effect upon the fortunes of Government service will not be very good. I am not quite sure that you will have as intelligent a class of Government servants as you have today in the future if you have such a rigid rule. In fact, the Resolution itself recognises that they have gone much further than the Sapru Committee had contemplated. The Sapru Committee had only said, "Lower the entrance age for

[M. P. N. Saprú.]

your Central and Provincial lower service". That was a proposition which one could understand. That was a proposition which might have had some support. I suppose in England for Class II Civil Service, you have a lower age, and there is no reason why you should not have a lower age here also for the ministerial service. But you have really gone much further than the Saprú Committee. So, it is a very serious matter from the point of view of those who are interested in education. In fact, I am not quite sure that this Resolution does not amount indirectly to an attack upon higher education, and knowing as well as I do the view of certain vested interests in India in regard to higher education, I am not prepared to commit myself in a thoughtless moment to a Resolution of this character.

The objections to the scheme are indeed anticipated in the very able communiqué which has been circulated to Provincial Governments, and I need not emphasise those defects too much. But there is one further point upon which I should like to dilate a little. The Resolution says :

"There is a risk that an examination which is an indispensable test for Government employment might exercise a dominating influence on school education and curtail the freedom of schools to modify their courses and experiment with new subjects and methods in endeavours to discover the best way of equipping their pupils to take their place in life".

I am afraid that this is going to be the result if the scheme in its present form is accepted by the Central Government and the Provincial Governments. The idea of the requirements of Government service will begin to dominate our schools. All our teachers in our schools will begin to think in terms of the examination which is to be held at the seventeenth year of a pupil's life. The Matriculation examination will also be not a Matriculation examination required to fit a young man for entrance into the University, but a Matriculation examination designed to fit these young men for success in this examination which is to be a condition precedent to entry into Government service. Therefore, the quality of our school education will suffer. This Government examination business will dominate our school curricula. There will be little freedom for our schools to evolve their own educational systems, their own educational policies, their own educational curricula. If this happens to the school, the university standards too would be affected. The whole balance of education will thus be disturbed. It looks a very simple and innocent proposal but if one examines it carefully, one has to come to the conclusion that it is a proposal which may have far-reaching effects upon our educational system. I am not sure that you are going to prevent by this method the rush to the Universities. The young fellows who will know that they have no chance in Government service will continue to flood our Universities as they are doing now. They will flood the Law classes as they are flooding the Law classes now. It is not going to solve the problem of university education. The problem of unemployment is not going to be solved by it. What it is going to do is to dominate university and school education and therefore I think it is a Resolution which requires very careful consideration before we commit ourselves to it. I would therefore very much hesitate to give my support to the Resolution of the Honourable Sir Ramunni Menon. I am not prepared to accept the principle of the Government Resolution. I should like more time. I confess that I am extremely critical of the Government's proposal. I am rather alarmed at the Government's proposal. My fears may eventually prove to be unfounded but I must have more time. I would

therefore advise my Honourable friends here not to commit themselves to the principle of this Resolution. It looks as if it were an attack upon higher education.

THE HONOURABLE SIR A. P. PATRO (Madras : Nominated Non-Official) : Sir, the circular letter of the Government of India is no doubt based on the recommendations of the Saprú Committee. The Honourable Mr. Saprú started by saying that there is no relation between the University and unemployment. On the contrary the Saprú Report has stated clearly that our university education and university system has brought a large number of unemployed into existence. The subject of this letter is "Government Recruitment and Unemployment", how far unemployment could be reduced by a new system of Government recruitment. It is no doubt open to every employer of labour, whether it be manual or intellectual, to fix his own standard for purposes of recruitment. Government as an employer may fix a preliminary examination and a certain age for its purposes, but the matter does not remain there; it is of much wider application and it is a question how far the educational and cultural standards of the country would be affected by such a system of recruitment. The Government is not merely in the position of an employer, nor are the people to be treated merely as employees. In this letter it is suggested that Government propose to have an examination, and of what kind—of persons who have already passed through a certain examination, the school final or matriculation, and not the ordinary standard of pass but of a high standard of pass in those examinations. And they are not going to be recruited by mere merit of that pass alone, but by selection also, not by the Government of India but by the Provincial Governments. (*An Honourable Member* : "No".) I would draw my friend's attention to paragraph 13, which says :

"The question which thus arises is whether it is desirable to have some preliminary process of selection or whether it would be possible for any organisation to handle the numbers which would otherwise appear. Possible methods of selection which the Government of India have considered are (1) to limit entrance to the examination to those who have passed some other examination, such as a School Leaving Examination or Matriculation, and possibly to those who have distinguished themselves at that test; (2) an arbitrary limitation of the numbers in each province permitted to sit for the examination and the distribution of the places by provincial authorities".

Now those are the conditions which would place a brake upon the number of candidates for the examination. The idea is that in addition to the school examination which they have they would undergo immediately afterwards at 17 this further test, what is called an intellectual test. And the restriction placed on those who pass the S.S.L.C. and Matriculation is a high standard of pass. And it is claimed that this scheme will solve the unemployment problem.

Secondly, you have another important paragraph, paragraph 7, which was referred to but I will read the concluding lines :

"The number so offered would be based on Government's probable requirements. It would be possible at this stage to reserve a certain number of passes for adequately qualified candidates from minority communities. Success in the examination would give no right to a Government appointment; the ages and conditions of admission to the different services would be regulated as at present according to the needs of each type".

Those are the terms on which recruitment is going to be made. How does it improve the present position. That will not at all help the unemployed candidates who fail in this examination. They would naturally go on to their B.A. or M.A., and therefore the process will continue in spite of this

[Sir A. P. Patro.]

examination and this brake on candidates for Government services. Therefore the aim this has in view, that Colleges and Universities should not be crowded with useless material will not be achieved. Parents would continue to send their sons to the highest limits they could.

Then it is suggested that those who fail at 17 in this preliminary examination could go in for engineering, medicine, the law, and other technical vocations. There again the problem begins anew. You are not solving the problem. They will go to these technical institutions for the purpose of taking a degree, but where will be the employment for them. Is the country so organised that it will be able to absorb these people who pass out of the technical institutions? If not, where is the solution?

Then the Government of India are very wise. In this circular letter they do not commit themselves to any principle or policy. They say:

"I am to request that after ascertaining public and expert opinion on this subject, the views of the Provincial Government may kindly be sent so as to reach the Government of India not later than the 1st June, 1938. The main questions are:

- (1) Is it desirable to have a competitive test at a comparatively early age, success in which would be a necessary but not sufficient condition for entrance into Government employment?"

So they are very cautious. They do not say that success in this examination will guarantee a passport for Government service. Already we have seen that twice the number they require will be enlisted. Here again they say they do not guarantee appointments to any one, even of the successful candidates. Therefore what is the use of this preliminary test that the Government propose to have. And the Government realise the difficulties in holding these examinations, the places where they should be held, who should be in charge—these are all difficult details. They say another committee will sit with a view to offering solutions for these difficulties. This letter is only a preliminary with a view to ascertaining the views of persons interested in education. But, Sir, my own view is that the method which is proposed in this letter will not at all solve the problem of unemployment in this country. That problem will remain. It is not only a feature of this country but of every other country. Is there any country without this problem of educated unemployment? It will go on until the economic conditions of the country improve and until the people acquire greater self-reliance. Until there is development of that spirit of self-reliance among the people, the present condition of unemployment need not worry us too much. Of course at present we are in a period of transition. There is a great deal of agitation among the educated unemployed. No question of that. But that agitation is natural. In the state of the country where we are passing from one stage to another and where people have become more vocal than before, it is natural to hear such voices of discontent, but this is not the remedy. The remedy is worse. This will not change the situation because you have got an examination burden on the young men who is only 17 and you want to bar him from any prospects of entering into Government service. I do not think the Honourable Mr. Sapru is right in saying that it will preclude the failed candidate from entering into any service like the I.C.S. There is nothing in the circular to show that he would be precluded from appearing for any higher examination. When it is possible for him to go up for the B.A. he should also get into professional examination.

THE HONOURABLE MR. P. N. SAPRU: The circular says that failure in this examination would constitute a definite and final bar to Government service.

THE HONOURABLE SIR A. P. PATRO: This deals with only what is called the ministerial branches of service, because you find in paragraph 6:

"The exclusion from the Universities of the less qualified students has been discussed....."

"The colleges will continue to be the main avenue to the better-paid posts, and in consequence many will feel impelled to pursue a course of education which can yield an adequate material return only to the few".

That is in paragraph 6. In the light of that paragraph where opportunities are open to go to the college courses and thereby qualify themselves for the other examinations, it does not prevent them from going in; but on the whole my view is that the letter is very cautiously worded. Government do not commit themselves one way or the other to any particular principle or policy; they make a few suggestions out of the Report of the Sapru Committee. They do not want to neglect such an important Report as that of the Sapru Committee and in giving some kind of attention to that Report this circular letter has issued. As far as I can judge from this letter this will not at all help the solution of the problem which it aims at. The difficulties in regard to education will be very many arising out of this kind of treatment of education. For instance, it will be impossible hereafter to give any importance to higher education. People will more concentrate their attention from the early days and look forward to this competitive test that will be held by Government and not Matriculation or School Final Examination which is intended to develop faculties of mind and which will correctly help to attain that equipment and knowledge which will stand them in good stead in after life. That tendency, that attraction, for higher education as such will be very much minimised and a discount will be placed on that desire for higher education and culture. I therefore think, Sir, that it is rather premature that this Resolution should be discussed and it is better to hold it over until we receive the opinions of the country and public opinion and of Provincial Governments.

THE HONOURABLE PANDIT HIRDAY NATH KUNZRU (United Provinces Northern: Non-Muhammadan): Mr. President, the question of the educated unemployed has received anxious consideration of late in more than one province. There is unemployment everywhere both amongst the educated and the uneducated. But the unemployment of educated men has caused far more serious concern to Governments and the public than employment among those who are less fortunately situated from the educational point of view. What is the reason for this differentiation? Sir, the ordinary man living in the village may be prepared to starve in patience; he may be content to blame his *kismet* and pass his days in the squalor and misery to which men of his class have been used to for generations. The educated man, however, is not likely to be so patient. He is far more rebellious. His education provides him with a lever the value of which cannot be ignored by anybody. A hungry and educated man is an explosive force which might destroy the foundations of society. Efforts are therefore being made both to reduce the number of students going up to the Universities and to lessen the unemployment prevailing among the educated young men at the present time. The Sapru Committee, however, was not in favour of the restriction of higher

[Pandit Hirday Nath Kunzru.]

education notwithstanding the unemployment that prevails among educated men at the present time. Nor does the Resolution which we are discussing, judging from paragraph 6, expressly support any view which would place obstacles in the way of those seeking a liberal education. The second paragraph of the Resolution, however, refers to the relationship between Government employment and higher education in India. As my Honourable friend Sir A. P. Patro has shown, this Resolution will not lead to the creation of more employment. The problem of unemployment will not be solved by it. Consequently I can only conclude that its object notwithstanding paragraph 6 is somehow to devise means which would reduce the number of students at the Universities. I therefore approach it with suspicion. I will not, however, allow this suspicion to determine the attitude that I should adopt towards the specific recommendations made in it. I am prepared to consider them on their merits.

Sir, there is nothing wrong in prescribing the age for admission to subordinate Government service which would enable candidates who have not received a university education to compete for examinations regulating admission to it. Now, the first question that arises in this connection is whether the age of 17 suggested by the Government of India is a suitable one? I think, Sir, that the age should correspond to that at which one of the recognised stages of education is reached. We have at present the lower secondary stage, known as the middle stage, then the upper secondary stage which is reached at the end of the intermediate examination and then the university stage. Now to which of these stages does the age of 17 correspond? To none.

THE HONOURABLE SIR A. P. PATRO : They mean the high school.

THE HONOURABLE PANDIT HIRDAY NATH KUNZRU : Evidently it is meant that students who have passed the Matriculation examination or who are at the stage of education connoted by a Matriculation certificate should be able to take part in these examinations. Now this seems to me to be a matter of great importance. The Universities and the various educational bodies are trying to reorganise education in such a way as to make each stage self-sufficient and to correspond to a certain degree of mental development. Now, if Government, knowing that entrance to Government service exercises an important influence on the course of education, prescribe an age which does not fit in with the schemes put forward by educational bodies for the reorganisation of secondary education, I think they will be doing a great deal of disservice to secondary education.

Then, Sir, I turn to the age at which men are to be recruited to Government services. While the examination is to be confined to candidates who are not more than 17, the age applicable for admission to Government non-gazetted appointments would ordinarily be 19 and in other cases 21 according to paragraph 5 of the Resolution. Now, if you do not mean to take any candidates before they are 19 years old, why should you have an examination two years earlier? If you wait two years more, you will enable at any rate some candidates to complete their secondary education. But you prescribe an age which does not enable them to complete their secondary education and when they pass your examination you do not admit them to your subordinate services.

Now, what are the students who have been fortunate enough to pass the competitive examination to do between the passing of the examination and the securing of an appointment? Are they to go to some institution catering for higher education or are they to spend this interval in running about securing recommendations so that their chances of getting appointments might be as bright as in the circumstances they could be. Now, if this is the result of the difference between the age limit for the examination and the age limit for admission to service, it would be most unfortunate indeed.

Now, a third thing to be noticed is, as my Honourable friend Sir A. P. Patro pointed out, that the examination is not of a strictly competitive character. There will be a competition but appointments will finally depend on selection between the candidates approved in accordance with the results of the examination. It is suggested that ordinarily about twice the number of candidates required might be chosen. Now, what are the candidates who are unable to secure Government appointments to do? If they fail to get any appointment, then will not the time spent by them in waiting for Government appointments and in running about to secure recommendations be entirely wasted? That is another serious consideration which we must keep in view in making up our minds with regard to the scheme put forward by Government and the Resolution moved by my Honourable friend Sir Ramunni Menon.

There is one other thing, Sir, that ought to be prominently considered in this connection. Now, what are the services for which recruitment is to be made in accordance with the method suggested in the Resolution? This has not been made clear. The language used is exceedingly vague. It might cover services requiring different qualifications. If it applies to the higher services it must be uncompromisingly opposed. I will however proceed on the assumption that candidates are to be taken at the pre-university age for the subordinate services. I suppose this is what is meant by the non-gazetted appointments referred to in paragraph 5. If this is so, a very important question arises. The services are divided into various categories in England also. There are various divisions. There is the administrative class. Then comes what is known as the executive class. The posts in this class were classed before the war as intermediate division and second division. Now these people—I mean the people belonging to the executive class—belong to the subordinate services in England. The age for examinations relating to appointments in the executive class is between 18 and 19, and successful candidates got appointments straightaway. This age corresponds to the age at which secondary education is completed and the successful candidates have not got to wait. We seem to have copied England but have at the same time introduced features into our scheme which make the comparison between it and the English scheme very unfavourable to it.

Now, this is not all, Sir. There are other considerations also to be borne in mind. It is not stated anywhere in the Resolution that only those candidates will be allowed to appear for the Government examination who have passed some public examination, who have passed at least the Matriculation examination. As the Resolution stands, it is, therefore, possible for a student who has not passed the matriculation examination to appear for the competitive examinations for the subordinate services. I must candidly say that I do not approve of this feature of the scheme. In the first place, there is a danger that coaching establishments should come into existence. Candidates are generally poor. Instead of first passing the matriculation examination and

[Pandit Hirday Nath Kunzru.]

then going through a coaching establishment they might from the very commencement entrust themselves to coaches. The result of this on the future development of education would be far from happy and the students themselves also would suffer. Those who have passed the Matriculation examination may in the event of their failure to get a Government post, go up for university education, and thus be able to find some means of entering a profession or one of the higher services. But men who have reached the age of 17 and even more without passing an examination will virtually be ruined if they do not succeed in getting admission into Government service. This feature of the scheme seems to me to be really aimed at curtailing education in the country. While Government profess that they do not desire to place any obstacles in the way of those seeking higher education, the feature that I have just pointed out seems to me to be in contradiction with this profession. Its direct effect would be a discouragement of education, particularly of higher education.

For these reasons, Sir, I think it would be better for us to wait before making up our minds with regard to the Resolution before us. Let the Provincial Governments and the educational bodies consider this question from all points of view. When we have the material requisite to the formation of a sound judgment, then will be the time for us to decide whether the Resolution should be accepted or rejected. In the meanwhile, however, we can only keep an open mind. My Honourable friend the Mover of the Resolution wants that the scheme might be introduced at once into the Centrally administered areas. I am not at all in favour of it. The disadvantage of such a course is recognised by the Government of India themselves in the Resolution. I am not at all in agreement with him when he says that Delhi should be regarded as an "experimental garden". The interests of Delhi must be considered as seriously by the Government of India as the interests of boys living within their own jurisdiction are considered by the Provincial Governments and we, in this Legislature, must not allow anything to be done which would lead anybody to think that the interests of Delhi can be easily ignored.

THE HONOURABLE MR. RAMADAS PANTULU (Madras : Non-Muham-
madan) : Sir, I am in entire agreement with the suggestion that we might wait till we receive the recommendations and the opinions of Provincial Governments on this very important matter and that it is too premature for us to what I cannot understand is the suggestion that there is an attack on higher education in the circular of the Government. I find none. I have very carefully read the circular letter, and all that I find there is this. Many people enter the Universities in the hope of getting into Government service. Many of them are disappointed. If they had taken themselves to some other useful kind of education earlier, they would have been more successful in their life. But when they have passed through the University, it becomes too late for them to usefully employ themselves in any other vocation. I consider that a very fair statement. The circular says, that the conclusions of the Sapru Committee are shared by most of those who have intimate acquaintance with university education. I am one of those people who agree with that conclusion. I have had sufficient acquaintance with university education. I have been connected for a number of years—really two decades—with an important University and I am able to say that the general position is fairly and accurately stated in the circular letter. But the difficulty in accepting the Resolution arises from two circumstances. My Honourable friend Sir Ramana

Menon wants that steps should be taken as early as practicable to give effect to the scheme, and secondly, he says that the two essential conditions laid down in the scheme, namely, the age prescribed for the preliminary examination and the stage of education at which a candidate will be entitled to appear should be adhered to. Speaking for myself, I entirely hate the idea of more examinations being introduced. We have too many examinations already in this country and after a boy has passed his Matriculation or S.S.L.C., that he should be asked to undergo another examination, if he wishes entrance into Government service, is cruelty. I do not think the youths of India should be subjected to more hardship than they are already. I would rather that they go without Government employment than add to the examinations to which young men in this country are subjected. That is really not a proper solution.

I see from the circular letter that Government have not committed themselves to any particular view. In fact, they have set forth the points in favour and against the suggestion. I think their arguments against the suggestion are more convincing than those in favour. As I read this letter, they have done a distinct service by putting the arguments against the scheme in a much more convincing and lucid form than the reasons urged in favour of it. Therefore, I congratulate the draftsman of this letter for placing our point of view much more clearly than we could probably ourselves have done.

Sir, there are two matters to which I would like to make a brief reference. One is that the Provincial Governments are now themselves fully alive to the economic and intellectual waste that is involved in the present system of education. Therefore, the Government of India are not saying anything which the Provincial Governments have not said, and many educationists have not said. There are schemes in all provinces for a thorough overhauling of the present system of education. One of the most important requirements is to create facilities at each stage of the education, elementary, secondary, and higher, in order to fit those who have undergone it to certain particular vocations. University education is good, but it is only for those who wish to have that education either for cultural purposes or to fit themselves for professions like Law, Engineering, Medicine. If it is only to enter into Government service or to get some employment in private service, whether a higher course is necessary or not is a matter for consideration at each stage. There are various schemes to improve education. Again, on the top of all this, there is the Wardha scheme adumbrated by Mahatma Gandhi and subsequently developed by an expert committee who sat on it, and many Provincial Governments are now considering that scheme. It affords a very reasonable solution to putting a stop to the economic and intellectual waste. In conjunction with literary education, from the early stages the aim is to fit the student to some vocation in life. But, as both my Honourable friends Sir A. P. Patro and Pandit Kunzru have said, vocational training without opportunities of vocation is not going to be of any use. You must create vocations before those who are trained in vocational education get employment. The Provincial Governments will be well advised to postpone their recommendations till they examine the various educational schemes in the provinces, to overhaul the present system of education and also see the potentialities of the Wardha scheme of education which the Congress is putting forth.

There is just one other matter with regard to Government recruitment. Some time ago I asked a question whether Government was considering the desirability of retiring men in Government service at an earlier age, either

[Mr. Ramadas Pantulu.]

after 25 years' service or at 50 years of age. That will create more room in the service for new entrants. They said they were considering the question and they gave no definite answer. Just as we want to create larger employment for labour by fewer working hours, short weeks and shifts, so I think we ought to create more room in the Government service by retiring men at an earlier age than they are now retired. I think if people are retired after 25 years' active service or at 50 years of age there will be more room. (*An Honourable Member*: "What about the pension charges?") Yes, when our ideals of remuneration and pensions are put into practice and when everybody in India gets Rs. 500 normally, with a little more for experts, the question of costs will be solved automatically. In all the Congress provinces now you find all the eight or ten Ministers getting only Rs. 500 instead of Rs. 5,000 their predecessors were getting. The time is not far off when a reform of that sort will be effected in this country. Therefore I think that question has got to be considered along with recruitment, because that will really create more new places than any new system of recruitment can do.

Again, the question is whether the Government of India is contemplating in this circular only subordinate services or also the all-India services. It is not clear from the circular, but I believe they are thinking of both kinds of services. If so the objection to the scheme will be all the greater.

Sir, with these words I would advise the Government of India as well as the Provincial Governments to wait till they examine the various schemes of education that are being evolved, especially by the Congress Governments in their seven provinces, and also the Wardha scheme of education. I would also ask them to give consideration to my suggestion that men in Government service should be retired at an earlier age than at present. Therefore I cannot vote for the Resolution as it stands: but certainly it raises a very important question and with the general purpose of the circular I am in entire agreement.

THE HONOURABLE SIR MUHAMMAD YAKUB (Commerce and Labour Member): Mr. President, I have listened with great interest to the discussion and I am sure that it has served a useful purpose. The question of educated unemployment is generally recognised to be one of great importance and it calls for all the thought that can be given to it. It is not the view of Government that there is any simple or easy way out of the difficulties. The present situation is due to complex causes and remedies must be sought in various directions. The scheme embodied in the letter represents an attempt to deal with only one aspect of the problem, namely, the effects which Government recruitment has on unemployment. This is I think fully recognised in this House, but I stress the point because some of the discussion of the circular letter in the press appeared to have been based on the supposition that Government put forward the scheme as a comprehensive remedy for the present situation. Even if it were adopted and proved successful, it would make only a partial contribution to the solution of the vast problem of unemployment. At the same time most thoughtful persons are agreed that Government recruitment has an important bearing on the incidence of educated unemployment, and if that is considered then it becomes important in regulating the system of recruitment to consider the effects of the possible systems on unemployment. Some methods will undoubtedly have adverse effects and others beneficial effects. It is therefore surely desirable in selecting methods to prefer those which will have the best effect so long as it ensures a flow of efficient recruits.

So far I feel sure that those who have studied the question find themselves in agreement. I think it would also be admitted by most of those competent to judge by looking at the question purely from the point of view of unemployment, the earlier the age at which Government can recruit the better. In other words, the sooner a candidate can determine whether or not he will succeed in that line the less likely we are to create unemployment. This consideration led the Sapru Committee to propose a pre-university age for all subordinate services. But the Government of India's examination of this proposal has led them to the conclusion that it is in present circumstances hardly a practicable proposition. The main difficulty in the way is the requirement for many posts of a good command of English. At the same time the Government recognises that the ages at which they have been recruiting are in many cases unnecessarily high, and I hope that the next few years will see a general lowering of age limits. If this is achieved, many should be able to get posts at 18 or 19 and no one will feel that he must go on with studies up to 23 or 24 to have a chance of a good appointment. I hope therefore that both the Centre and the provinces will advance along this line.

But it is very doubtful if that is quite far enough, and the scheme which has been under discussion represents an attempt to carry a stage further the ideal of giving candidates and their parents means of estimating the future at a much earlier stage than is now possible. There are undoubtedly difficulties and objections. These have been nowhere more fully stated than in the circular letter itself. The Government of India have put forward the proposals tentatively at the present stage. They welcome both criticism and suggestions and have no intention of reaching final conclusions until they are in possession of views of Provincial Governments and the public. For that reason, while I think Sir Ramunni Menon has done a service by raising the question here, I suggest that the Council would be well advised not to reach a definite conclusion today. The proposal is a very big one and a very far-reaching one, and I feel sure that this Council, like the Government, would be in a better position to reach conclusions after they have seen and studied the replies to their letter.

The debate on the Resolution has naturally covered a variety of subjects the importance of which cannot be underrated and all of which deserve careful consideration. It would not however be right for the Government at this stage to commit itself to any line of action. The Honourable Mover would realise that a scheme of such great importance cannot be taken by piecemeal. It would create very great difficulties and complications if different methods of recruitment were adopted in different parts of the country. I would therefore appeal to Sir Ramunni Menon to withdraw the Resolution. If at a later date public discussion is desired I have no doubt that an opportunity will present itself, as it is our intention to publish the replies.

I would add only one further point. If a change such as is suggested in the circular were introduced suddenly it would deprive a lot of young men who have been studying for Government service of the opportunity of competing for it. I am sure, therefore, that if the principle is accepted, special consideration will have to be given to the claims of those who have already passed the age of the examination but who under the present rules are eligible to enter the service. The scheme could only be applied in fairness to exclude persons who were under the age selected at the time when the first preliminary examination was held.

4.5 P. M.

[Sir Muhammad Yakub.]

In conclusion I would only say that I hope the Honourable the Mover of the Resolution will not press it to a division, but if it is pressed to a division, the Government will remain neutral.

THE HONOURABLE DIWAN BAHADUR SIR RAMUNNI MENON: Sir, I feel extremely gratified that my Resolution has given rise to such an interesting debate. It would be quite impossible for me to cover the wide ground covered by the speeches of so many Members, and further it is not necessary for me to do so for the simple reason that much of it has already been covered by the Honourable Sir Muhammad Yakub in his speech. But there are one or two points which I should like to clear up. It has been suggested by two or three speakers that this proposal of the Government of India is an indirect attack upon higher education. Now that is a point of view which I cannot possibly accept. If it were in any way an attack on higher education, I would be the first to deprecate it most strongly. Between placing an obstacle in the path of those who want to secure university education and the removal of an artificial inducement to university education which is now provided by the lure of Government service, there is a vast difference. While I would strongly deprecate the former, I would as strongly support the latter. That is one reason why I support this proposal of the Government of India.

THE HONOURABLE PANDIT HIRDAY NATH KUNZRU: Does it apply to the superior and provincial services or only to the subordinate services?

THE HONOURABLE DIWAN BAHADUR SIR RAMUNNI MENON: I am in a difficult position. I am not the spokesman of the Government of India. I can only answer the question from the paper before me; and judging from its contents, I conclude that it applies to all services.

THE HONOURABLE PANDIT HIRDAY NATH KUNZRU: Then it must be unhesitatingly condemned.

THE HONOURABLE DIWAN BAHADUR SIR RAMUNNI MENON: I am not prepared to argue that point.

There is another point to which I should like to refer. Some exception seems to have been taken to my suggestion that Delhi being a very suitable province for trying these experiments, we might pitch upon Delhi. I never made that suggestion in any slighting spirit. Delhi will be the first to get the first fruits of this experiment and further there are advantages in having these experiments in a compact area.

THE HONOURABLE PANDIT HIRDAY NATH KUNZRU: Ruinous.

THE HONOURABLE DIWAN BAHADUR SIR RAMUNNI MENON: I am as fully prepared to take up the cause of Delhi as my Honourable friend. I am living here for about three months in the year.

I do not know whether there is anything in the other points with which I should deal. It has been made perfectly clear in the course of the discussion that the majority of the Council is anxious to wait before reaching a conclusion on this matter. As my Resolution has served the purpose which it was intended to serve, I would gladly accede to their view-point, and if you will get for me the permission of the Council to withdraw my Resolution I shall be very glad.

At the same time if any Member presses for a vote, I am prepared to vote for my Resolution.

THE HONOURABLE PANDIT HIRDAY NATH KUNZRU: Before you ask the House for leave to withdraw the Resolution, may I ask my Honourable friend Sir Muhammad Yakub whether this circular letter applies to subordinate services only or whether it applies to the higher and superior and provincial services also?

THE HONOURABLE SIR MUHAMMAD YAKUB: As I have said in my speech, Government have issued this letter only as a tentative measure and Government will not commit itself to say whether it would apply to all the services or to subordinate services only. Government will await receipt of opinions of Provincial Governments and the public.

THE HONOURABLE PANDIT HIRDAY NATH KUNZRU: We understand Government now.

The Resolution was, by leave of the Council, withdrawn.

STATEMENT OF BUSINESS.

THE HONOURABLE KUNWAR SIR JAGDISH PRASAD (Leader of the House): Sir, Honourable Members are already in possession of the List of Business for the 22nd March and, with your permission, I propose that in the event of the Finance Bill being disposed of tomorrow, the following business may be taken up on Wednesday, the 23rd March and I therefore request that you may be pleased to direct that a meeting be held on that day for the purpose.

- (1) Motions for the consideration and passing of the Workmen's Compensation (Amendment) Bill;
- (2) Motions for the consideration and passing of the Indian Tea Control Bill; and
- (3) Election of Members to the Standing Committee for Roads.

The Council then adjourned till Eleven of the Clock on Tuesday, the 22nd March, 1938.

COUNCIL OF STATE.

Tuesday, 22nd March, 1938.

The Council met in the Council Chamber of the Council House at Eleven of the Clock, the Honourable the President in the Chair.

QUESTIONS AND ANSWERS.

REMISSIONS GRANTED TO INDIAN STATES, ETC.

235. THE HONOURABLE MR. HOSSAIN IMAM : Will Government give the names of States for which Rs. 9,00,000 have been reduced in their payments to the Government of India in 1938-39, what is the nature and money value of immunities enjoyed by these States ? What will be the effect of these reductions on the financial settlement at the time of Federation ?

THE HONOURABLE MR. J. C. NIXON : I place on the table a statement showing the amounts provisionally remitted. Adjustments will be made if necessary when full information has been obtained regarding the revenues of the States concerned. As was explained in paragraph 11 of the Honourable the Finance Member's Budget speech, these remissions are being granted irrespective of any arrangements which may be made in connection with the accession of the States to the Federation. The immunities and the financial settlements are therefore not relevant nor are they affected.

THE HONOURABLE MR. HOSSAIN IMAM : The question was, what will be the effect ? It will have no effect on the Federation, I take it ?

THE HONOURABLE MR. J. C. NIXON : The question was, what will be the effect of these reductions on the financial settlement at the time of Federation ? My answer was in effect " Nothing ".

Statement.

Name of State.	Amount of provisional remission.
	Rs.
Mysore	5,39,000
Benares	1,22,000
Mandi	38,000
Chhuikhadan	6,000
Khairagarh	50,000
Nandgaon	53,000
Kawardha	16,000
Bundi	48,000
Partabgarh	8,000
Jaora	70,000
Sayla	7,000
Certain small States in the Western India States Agency .	21,000
	9,78,000

PRECAUTIONS TAKEN BY GOVERNMENT AGAINST FIRE IN CINEMATOGRAPE HOUSES.

236. THE HONOURABLE SAIYED MOHAMED PADSHAH SAHIB BAHADUR: (a) Are Government aware that a fire at the Moti Mahal Cinema, Hyderabad (Deccan), caused tremendous casualties in 1936?

(b) Has the attention of Government been drawn to a news under the heading "Fire in cinema—Audience in panic at Ootacamund", published at page 15 of the illustrated film weekly *Movies* of Delhi, issue No. 29, volume IV, dated the 30th January, 1938?

(c) Has the attention of Government been drawn to an article under the heading "Cinema Fires", published at page 15 of the illustrated film weekly *Movies* of Delhi, issue No. 29, volume IV, dated the 30th January, 1938?

(d) If the replies to the questions at parts (a) to (c) above are in the affirmative, will Government state what action do they propose to take for the safety of the audiences of cinematograph houses in British India?

THE HONOURABLE MR. F. H. PUCKLE: I am obtaining information and will lay a reply on the table in due course.

BOOK ENTITLED *Theory and Practice of Socialism*.

237. THE HONOURABLE PANDIT HIRDAY NATH KUNZRU (on behalf of the Honourable Raja Yuveraj Datta Singh): Has the entry into India of a book called *Theory and Practice of Socialism* by John Strachey been prohibited? If so, since when, and why?

THE HONOURABLE MR. F. H. PUCKLE: (a) Yes. The book is prohibited under a notification issued under the Sea Customs Act on the 10th September, 1932.

THE HONOURABLE PANDIT HIRDAY NATH KUNZRU: But why?

THE HONOURABLE MR. F. H. PUCKLE: The Sea Customs Act empowers the Governor General in Council to forbid the importation into British India roughly speaking of all literature advocating communism or all literature reproducing substantial extracts from books advocating communism.

THE HONOURABLE PANDIT HIRDAY NATH KUNZRU: Is the sale of this book prohibited in Great Britain itself?

THE HONOURABLE MR. F. H. PUCKLE: I have no further information.

NAMES OF PUBLIC BODIES AND ASSOCIATIONS WHICH HAVE CONDEMNED AND SUPPORTED FEDERATION.

238. THE HONOURABLE PANDIT HIRDAY NATH KUNZRU (on behalf of the Honourable Raja Yuveraj Datta Singh): Will Government give separately the names of public bodies and associations in India which have condemned, and those that have supported, the Federation embodied in the Government of India Act, 1935?

THE HONOURABLE KUNWAR SIR JAGDISH PRASAD: I regret I am unable to furnish the information required by the Honourable Member.

THE HONOURABLE PANDIT HIRDAY NATH KUNZRU: Is the Honourable Member unable to obtain this information or is he unwilling to supply it?

THE HONOURABLE THE PRESIDENT: I don't think he need reply to that.

THE HONOURABLE PANDIT HIRDAY NATH KUNZRU: But, Sir, when he says he cannot supply the information, I want to know whether he is unable to collect the information or is unwilling to do so?

THE HONOURABLE THE PRESIDENT: I think the reply is explicit enough and I do not think you are entitled to put any further questions.

THE HONOURABLE KUNWAR SIR JAGDISH PRASAD: I am quite prepared to answer the Honourable Member's question, Sir, if you permit me to do so. It is not worth while collecting all this information.

IMPORTATION OF EUROPEANS FOR THE MECHANICAL WORKSHOPS OF STATE-MANAGED RAILWAYS.

239. THE HONOURABLE MR. HOSSAIN IMAM: Will Government be pleased to state whether the Railway Board propose to appoint covenanted hands in the senior subordinate cadre of the mechanical workshops of the Indian State Railways?

(i) If so, do they propose to appoint Europeans or Indians?

(ii) What is the number specified for each railway, of Europeans and Indians, separately?

THE HONOURABLE SIR GUTHRIE RUSSELL: (i) and (ii). Government have under consideration the question of importing men from England for certain senior subordinate posts in the mechanical workshops of the State-managed railways. There are no posts reserved for either Europeans or Indians in subordinate services.

THE HONOURABLE MR. HOSSAIN IMAM: Is it under the recommendation of the Wedgwood Committee or independently of that?

THE HONOURABLE SIR GUTHRIE RUSSELL: About three years ago we considered this question and we did our best to obtain men in the country because we thought that was the right policy to adopt but finally when the Wedgwood Committee told us it was essential to bring men out from home we decided to adopt that policy.

THE HONOURABLE RAI BAHADUR LALA RAM SARAN DAS: Are these Europeans being imported to replace those Indians who are now officiating as chargemen or foremen?

THE HONOURABLE SIR GUTHRIE RUSSELL: No Indian who can carry on efficiently will be replaced.

THE HONOURABLE MR. HOSSAIN IMAM: Has the Government found that Indians are unsuitable to manage these workshops?

THE HONOURABLE SIR GUTHRIE RUSSELL: In certain cases, yes.

THE HONOURABLE MR. HOSSAIN IMAM: Were they given any training?

THE HONOURABLE SIR GUTHRIE RUSSELL: That is a rather difficult question to answer but certainly a great many of them have been trained.

THE HONOURABLE MR. HOSSAIN IMAM: Is it the defect of their training that they do not come up to the mark?

THE HONOURABLE THE PRESIDENT: That does not arise.

QUALIFICATIONS OF IMPORTED EUROPEANS IN SERVICE IN THE MECHANICAL WORKSHOPS OF STATE-MANAGED RAILWAYS.

240. THE HONOURABLE MR. HOSSAIN IMAM: Will Government state the minimum qualifications, both academic and practical of:

- (i) The covenanted hands already in service?
- (ii) The covenanted hands proposed to be recruited?
- (iii) The year of recruitment of the last batch of covenanted hands? and
- (iv) The number then recruited?

THE HONOURABLE SIR GUTHRIE RUSSELL: I am obtaining certain information and will lay a reply on the table of the House in due course.

IMPROVEMENTS MADE BY IMPORTED EUROPEANS IN THE MECHANICAL WORKSHOPS OF STATE-MANAGED RAILWAYS.

241. THE HONOURABLE MR. HOSSAIN IMAM: Will Government state if European railway specialists have brought about any extraordinary improvements which qualified Indians could not independently do? If so, will Government disclose their nature and details?

THE HONOURABLE SIR GUTHRIE RUSSELL: For the reasons necessitating the importation of a certain number of experienced supervisors for the mechanical workshops of State-managed railways, I would refer the Honourable Member to paragraph 50 of the Report of the Indian Railway Enquiry Committee (1937) and the Railway Board's comments thereon in the statement showing the action taken by the Railway Department (Railway Board) on the paragraphs in Chapters III to XI of that Report. Copies of both these documents are in the Library of the House. In the absence of qualified Indians it is not practicable to make the comparison desired by the Honourable Member.

STATEMENT MADE BY LORD STANLEY IN THE HOUSE OF COMMONS ON THE RESOLUTION OF THE NATIONAL LIBERAL FEDERATION ABOUT FEDERATION.

242. THE HONOURABLE PANDIT HIRDAY NATH KUNZRU (on behalf of the Honourable Raja Yuveraj Datta Singh): (a) Has the attention of Government been drawn to the statement made by Lord Stanley, the Under Secretary of State for India, in the House of Commons the other day, that the National Liberal Federation of India had adopted a resolution, urging expedition in the introduction of Federation, and the contradiction of the statement by Sir Chimanlal Setalwad, President of the National Liberal Federation (*vide the Hindustan Times*, dated the 9th March, 1938)?

(b) Was the information furnished by the Government of India, on the basis of which the Under Secretary of State made the statement and will Government lay on the table a copy of the information, if any, supplied by them?

THE HONOURABLE KUNWAR SIR JAGDISH PRASAD: (a) Yes.

(b) The reply to the first part of the question is in the negative. The second part does not arise.

DISABILITIES OF INDIANS IN AUSTRALIA.

243. THE HONOURABLE PANDIT HIRDAY NATH KUNZRU (on behalf of the Honourable Raja Yuveraj Datta Singh): (a) Do the Indian settlers in Australia labour under administrative discrimination in admission to public services, and grant of permits to work in mines?

(b) If so, what steps have been taken by Government to redress their grievances?

THE HONOURABLE KUNWAR SIR JAGDISH PRASAD: (a) and (b). No instances of such discrimination have been brought to the notice of Government.

REPAYMENT OF THE RUPEE LOAN OF 19 CRORES, ETC.

244. THE HONOURABLE MR. G. S. MOTILAL: (a) Will Government state in what year the rupee loan of 19 crores, raised in 1932 at 5½ per cent. interest and repayable in 1938—1940, is proposed to be repaid?

(b) Which sterling loans have been purchased by Government and at what price?

(c) Are they the loans of £11,539,986 and £77,024,185 of 2½ per cent. and 3 per cent. respectively, the market quotations for which are about £68½ and £79½ respectively, or some other sterling loans?

THE HONOURABLE MR. J. C. NIXON: (a) I have nothing to add to what was stated by the Honourable the Finance Member in paragraph 16 of his Budget speech.

(b) and (c). I do not think it desirable in the public interest to give this information.

CUSTOMS REVENUE RECEIVED FROM BRITISH IMPORTS TO WHICH PREFERENTIAL DUTY APPLIES, ETC.

245. THE HONOURABLE MR. G. S. MOTILAL: Will Government lay on the table two sets of statements for each of the last three financial years showing in detail the customs revenue received from British imports to which preferential duty applies, and also from those to which preferential duty does not apply?

THE HONOURABLE MR. J. C. NIXON: The information asked for will be found in Table VI in the Accounts relating to the Sea-borne Trade and Navigation of British India for March, 1937, a copy of which is available in the Library of the House.

REASONS FOR OMISSION OF THE INTEREST-BEARING OBLIGATIONS OF THE GOVERNMENT OF INDIA FROM THE EXPLANATORY MEMORANDUM ON THE BUDGET.

246. THE HONOURABLE MR. G. S. MOTILAL: (a) Will Government state the reason for omitting from the Explanatory Memoranda on the Budget relating to 1937-38 and 1938-39 the statement showing interest-bearing obligations of the Government of India at the close of each financial year, which was included in 1936-37 and previous Budget Memoranda?

(b) Do Government propose to furnish such statement to the Members of the Indian Legislature now, and to include it in future in the Explanatory Memoranda?

THE HONOURABLE MR. J. C. NIXON: (a) The Government of India were not fully satisfied with the statements as an expression of their debt position, apart from the fact that owing to the adjustments with provinces and with Burma, some of the figures were, and some still are, not final.

(b) I would refer the Honourable Member to the statement which I laid on the table in connection with question No. 213 asked by the Honourable Mr. Hossain Imam. The question whether such statements should be included in future Explanatory Memoranda is under consideration.

REASONS FOR CHANGES AND OMISSION OF TABLES IN THE EXPLANATORY MEMORANDUM ON THE BUDGET.

247. THE HONOURABLE MR. G. S. MOTILAL: Will Government state the reasons for the various changes and the omission of various tables made in the Explanatory Memorandum on the Budget for the year 1938-39 as compared with the Explanatory Memoranda of 1936-37 and 1937-38?

THE HONOURABLE MR. J. C. NIXON: The main differences between the Memorandum for 1937-38 and the Memorandum for 1936-37 were:

- (1) statements showing the allocations made to certain Funds and the cost of Provincial Autonomy and the separation of Burma were added in order to illustrate the budget proposals; and
- (2) the statement showing the interest-bearing obligations of the Government of India was omitted.

As regards the second of these changes I would refer the Honourable Member to the reply given to his immediately preceding question.

This year there have been some changes of form and arrangement, which it was hoped would make the memorandum more convenient, but I do not think there have been any important changes of substance. If the Honourable Member desires further information regarding any particular change I shall be glad to supply it.

GRIEVANCES OF INDIANS IN THE BELGIAN CONGO, ETC.

248. THE HONOURABLE PANDIT HIRDAY NATH KUNZRU (on behalf of the Honourable Raja Yuveraj Datta Singh): Will Government state the main grievances of Indians in the Belgian Congo, and the Mandated Territory of Ruanda Urundi; and what steps have been taken by them in the matter?

THE HONOURABLE KUNWAR SIR JAGDISH PRASAD: No general complaint has been received by Government from or on behalf of the Indian community in the Belgian Congo and the Mandated Territory of Ruanda Urundi. A communication was received by the Imperial Indian Citizenship Association from an Indian residing in the Belgian Congo complaining that Indians were:

- (a) subjected to residential and commercial segregation;
- (b) prevented from participating in the mining business;
- (c) subjected to illegal deportation;
- (d) inadequately provided with Consular facilities.

This letter was forwarded to the Government of India by the Association and enquiries were at once made through His Majesty's Government. The alleged grievances were found to be exaggerated and largely without foundation. A note giving in detail the results of the enquiry is laid on the table.

NOTE.

(a) It is correct to say that "A township has two quarters", but not that one quarter is kept exclusively for Europeans and "the other lower area cast aside for Asiatics". Towns are divided into "European" (i.e., everyone who is not a black African) and "Native" (comprising all African Negroes, whether Congolese or not). There is not, however, so far as is known, any law relegating Asiatics to any special residential or commercial quarter. It is, however, generally noticed that the Indians tend to gravitate together and seek to establish their shops in the vicinity of the native markets and quarter in order to capture more readily the native trade which is of particular importance to them. While European traders generally maintain separate premises for their "European" and "Native" businesses, the Indians prefer to have one single place of business on the outskirts of the European quarter accessible to all categories of buyers. In a number of towns, however, Indian shops are found side by side with those of Europeans in the centre of the main commercial districts.

(b) There is no law which discriminates against Indians in the matter of mining enterprises. All applicants for mining rights, however, have to fulfil certain requisites of recitude, guarantees of good faith, etc., laid down in the mining code, and, while it is found extremely difficult for any foreign subject to comply satisfactorily with the condition, it is unfortunate that by their own actions a large percentage of the Indian residents in the mining areas have laid themselves open to suspicion of gold stealing and smuggling, and the number of authenticated cases have been so large that it is feared there is small likelihood of Indians being admitted into the ranks of mining prospectors.

(c) Expulsion from the Congo on completion of a prison sentence is by no means limited to Asiatics. All non-natives are subject under the Congo Penal Code to deportation, and a prison sentence automatically includes a deportation order forbidding the culprit, regardless of race, to return to the Congo.

(d) The British Consul General at Leopoldville visited the trading establishments of the leading Indian business men in Usumbara, Stanleyville and other centres, but, although he took considerable pains to encourage the local Indians to bring their grievances to him, no indication was anywhere given that the Asiatics were under any genuine disability in regard to their trading or other activities.

CENTRAL ADVISORY COUNCIL FOR RAILWAYS.

THE HONOURABLE SIR GUTHRIE RUSSELL (Chief Commissioner for Railways): Sir, I move:

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

The Motion was adopted.

THE HONOURABLE THE PRESIDENT: With reference to the Motion which has just been adopted by the Council, I have to announce that nominations to the Committee will be received by the Secretary up to 11 A.M. on the 23rd March, and the date of election, if necessary, will be announced later.

INDIAN FINANCE BILL, 1938.

THE HONOURABLE MR. J. C. NIXON (Finance Secretary): Sir, I move:

"That the Bill to fix the duty on salt manufactured in, or imported by land into, certain parts of British India, to fix maximum rates of postage under the Indian Post Office Act, 1898, and to fix rates of income-tax and super-tax, in the form recommended by the Governor General, be taken into consideration."

Sir, I do not think the occasion makes it advisable or necessary for me to enter into a long statement. The circumstances of the last week or so are fresh in the minds of Honourable Members of the Council. The Governor General in Council thought it proper in the circumstances to restore all and completely the Grants which had been rejected in the Lower House. Consequently, in order to carry on the business of Government, the Government require all those resources which were indicated to the Legislature in the original Budget statement presented to both Houses. Those resources were intended to be obtained by the passing of the Finance Bill. The Finance Bill in its original form and in its recommended form were, as Honourable Members know, rejected by the Lower House and I move now that the Bill, in the form recommended by the Governor General, be taken into consideration in this House. Since the original figures were put before the two Houses, a certain number of further revenue returns have come before Government and I can give an assurance to the House that nothing that these returns has taught us indicates that Government can carry on its activities with anything less than the resources which are covered by the Finance Bill. The Finance Bill merely proposes to carry on the *status quo*. It imposes no fresh taxation and it proposes no reduction of taxation.

Sir, I move.

THE HONOURABLE RAI BAHADUR LALA RAM SARAN DAS (Punjab: Non-Muhammadan): Sir, I rise to make a statement on behalf of my Party. For reasons already stated, our Party has decided not to participate in the discussion of the Finance Bill or to remain inside the House during its discussion, but will vote against the Bill.

THE HONOURABLE MR. RAMADAS PANTULU (Madras: Non-Muhammadan): Sir, my Party also has decided not to participate in the debate on the Finance Bill. We have already given our reasons for not participating in the discussion on the Budget. The same reasons apply to justify our attitude on this occasion. Moreover, Sir, I wish to add that no useful purpose will be served by considering the Bill in its certified form, for no change can be made in it—

THE HONOURABLE THE PRESIDENT: Then you are making a speech on the Motion. You cannot blow hot and cold at the same time.

THE HONOURABLE MR. RAMADAS PANTULU: I am giving the reasons for not participating—

THE HONOURABLE THE PRESIDENT: That is a speech on the Motion itself. If you express any opinion on the Motion, then it is a speech, and yet you say you do not want to participate in the debate.

THE HONOURABLE MR. RAMADAS PANTULU: What I am saying is that in addition to the reasons already given, an additional reason today is that we cannot make any change in a certified Bill. Therefore, for this reason also we do not wish to participate. That is not a debate on merits.

THE HONOURABLE THE PRESIDENT: Whatever that may be, it is a speech.

(At this stage the Members of the Progressive and Congress Parties walked out.)

THE HONOURABLE MR. R. H. PARKER (Bombay Chamber of Commerce): Sir, I have very little to add to what I said on the Budget the other day. I would like to say how sorry I am that so many other Honourable Members—elected Members—do not consider it their duty to express their views: I would like to draw their attention to the fact that they did not wait to hear, on the constitutional issue, what any other Honourable Member had to say.

I want to emphasise that it is unfortunate that we still have the surcharges. My Honourable friend Mr. Nixon told me the other day that they had quite good reasons. I know that it is so, but it is a very serious thing that we should have to continue with the surcharges in good years.

Then again, I want to refer to the point about the railway surplus. The Honourable the Finance Member said the other day that he was not taking—at least I understood him to say—the whole of the surplus into ordinary revenues. I invited him to say how much he was not so taking, but he did not reply. I wish to remind him that in bad years you accumulate your losses and that in good years you are taking all your profits. There is only one end to a policy of that kind, certainly in commerce.

Then, the Honourable Mr. Nixon replied to me the other day on the question of tariff revision. I quite appreciate the nature of his answer and I think it is an admirable one. But I do hope that the preliminary points will be considered, and then you will come to a conclusion as to what you believe to be a scientific tariff—what you would like to do when the occasion arises when you are able to do it.

Sir, I support the Motion.

THE HONOURABLE SIR A. P. PATRO (Madras: Nominated Non-Official): Sir, I do not want to give a silent vote in the circumstances which have just now transpired in this House. It is a great pity—I do not say it is unfortunate, but it is a great pity—that Honourable Members representing constituencies have not been able to do justice to the financial position in the country. It is one thing to make a protest in regard to a matter on which we do not agree, but is another matter altogether that a Bill certified by the Governor General has not been paid that attention which it deserves. Sir, from a financial point of view, the passing of this Bill is absolutely necessary. There is no question about it. This House has no grievance regarding voting of grants. Even the Honourable Members who have left their places are convinced in their heart of hearts of the necessity for this Bill, because the balancing of the Budget included these items that are now before is in the Finance Bill. If the Budget

[Sir A. P. Patro.]

is approved by them and by the country, then there is absolutely no reason why we should abstain from taking any part in the discussion of the Finance Bill. There are enough precedents to show that a protest could be made in one form or another, but the protest ends there. The Government of India Act, 1935, gives ample scope for the Governor and the Governor General to carry on the administration in spite of any form of protest that we see elsewhere and in this House. Sir, the Bill is necessary because the proceeds of this taxation are necessary for the expenditure on the various items mentioned in the Budget. I therefore think that we will not be doing justice to ourselves and to the country generally by abstaining from voting on this Bill. I have supported the Budget, we had no grievances about it. And I consider that the Budget is a very sound one, because it levies no fresh taxation and it is only a continuation of what was there in the previous year, and great credit is due to the Finance Member and the Finance Secretary that we have a satisfactory Budget and a carry-on Budget without further burdens on the country. Therefore, Sir, I support the Motion.

THE HONOURABLE MAHARAJADHIRAJA SIR KAMESHWAR SINGH OF DARBHANGA (Bihar : Non-Muhammadan) : Mr. President, while discussing the Budget I have made it clear that I intensely dislike it because, it not only maintains the existing level of taxation, which is too high for the taxpayers of this country, but holds out the possibility of further taxation by the proposed income-tax legislation. Sir, I am watching world events with much apprehension and wish to ask the Government whether in this so called *status quo* budget they have made adequate provision for the defence of India? Are they in a position to assure us that the peace and tranquillity of India is fully protected from outside aggression and internal commotion and in future we shall not have to face proposals for further taxation on the plea of defence? I would also like to be satisfied that they can not do with less.

Sir, answers to these questions will determine my attitude towards this certified Bill which has come before us in the circumstances which I greatly deplore. I shall vote for the Bill if the Government give us the assurance I have mentioned. Otherwise, I feel that I must not support the measure which implements the Budget.

THE HONOURABLE MR. J. C. NIXON : My Honourable friend Mr. Parker regretted that we had found it necessary to retain what he called the surcharges. I presume he was referring to the surcharge on customs duty rather than to the surcharge on income-tax.

THE HONOURABLE MR. R. H. PARKER : Both.

THE HONOURABLE MR. J. C. NIXON : In regard to the surcharge on customs duty I had given him some assurance previously that we ourselves hoped in due course when the opportunity presented itself to be able to deal with the matter in a scientific way. We were engaged in examining the tariffs from a scientific point of view and when the Indo-British negotiations are nearer completion we shall continue that examination with the help, I hope, of Doctor Gregory. With regard to the surcharge on income-tax, the new feature of the situation now, as Honourable Members know, is that it is not only the Central Government which is interested in the proceeds of taxes on income but also the Provincial Governments.

I seem to have misunderstood my Honourable friend's speech a few days ago when he was talking about the railway surplus and when I shook my head in a negative way. I did not mean to imply that all the surplus that Railways had subscribed to general revenues this year had not been taken to revenue. It is true that it has all been taken to revenue. What I intended to imply was that we were not yet getting fully the contributions from Railways which under the 1924 convention were due to the civil Government.

The Honourable Maharajadhiraja asked me to give him and the House an assurance that we were providing all that was necessary for the defence of this country. That is a very large question to put to me. If he had put that question to His Excellency the Commander-in-Chief I have a sort of suspicion that the Commander-in-Chief would have answered in the direction of saying that we were not supplying all that this country needed in the way of defence and that the Finance Department was not supplying him with all the money that was necessary for the purpose. I can only say that taking into account the taxpayer and the defence needs of India and the other needs of India, we in the Finance Department have attempted as far as we are able at the moment to hold the scales as evenly as possible.

THE HONOURABLE THE PRESIDENT : Motion made :

"That the Bill to fix the duty on salt manufactured in, or imported by land into, certain parts of British India, to fix maximum rates of postage under the Indian Post Office Act, 1898, and to fix rates of income-tax and super-tax, in the form recommended by the Governor General, be taken into consideration."

(All the Members present in the House, with the exception of the Honourable Mr. Hossain Imam who walked into the House and took his seat as the Question was being put, said "Aye"; the Honourable Mr. Hossain Imam said "No".)

THE HONOURABLE THE PRESIDENT : I shall not permit a division on this occasion, because it is in the discretion of the President to refuse a division when he knows it is only for a purpose and not with the deliberate object of obtaining the real opinion of the Members of the House. The Honourable Member is the one Member of the Party who is present—

(While the Honourable the President was speaking four or five other Members of the Progressive Party had walked in and taken their seats and they interrupted to say, "We are here".)

—and his Leader made an announcement distinct enough that they were not going to take any part in the debate. If they had wanted only to vote they ought to have come into the House in time for me to make the Motion to the House which they did not do. Only one Member was present and the Council has responded clearly that the Motion should be adopted. I will therefore not ask the Council to divide and the Motion is adopted.

The Motion was adopted.

THE HONOURABLE RAI BAHADUR LALA RAM SARAN DAS : But, Sir, some of us are here.

SEVERAL HONOURABLE MEMBERS : Order, order.

THE HONOURABLE MR. HOSSAIN IMAM (Bihar and Orissa : Muhammadan) : May we submit most humbly—

THE HONOURABLE THE PRESIDENT: The Question is:

"That the Schedule stand part of the Bill."

(The Honourable Members who had returned and taken their seats kept on calling "No" to the "Ayes" from the rest of the Council.)

THE HONOURABLE THE PRESIDENT: I must say that this is an unbecoming procedure altogether for elder statesmen and for the second Chamber in the British Empire. It is such an undignified procedure. I did not wish to say a word on this subject, but the way in which some of the elder statesmen have behaved in this House makes it imperative on my part to refer to this matter. I have already disallowed a division in my discretion as I think it was only for the purpose of sport rather than to ascertain the deliberate expression of opinion of the House. I have already done so once and regarding this I also disallow it.

THE HONOURABLE MR. HOSSAIN IMAM: May we enquire under what rule of business?

THE HONOURABLE THE PRESIDENT: It is in the discretion of the President in certain cases when the object is not really to ascertain the opinion of the Members of the House but only for the purpose of provoking some sort of interruption, and I may tell you that during my long experience in this House there have been one or two precedents which Sir Henry Moncrieff Smith adopted and I am following my predecessors' example.

THE HONOURABLE MR. HOSSAIN IMAM: May I humbly submit that the rules are mandatory.

SEVERAL HONOURABLE MEMBERS: The Chairman's ruling cannot be questioned.

THE HONOURABLE PANDIT HIRDAY NATH KUNZRU (United Provinces Northern: Non-Muhammadan): It is not a question of ruling. What you have said amounts not to a ruling but to a reflection on our conduct in protesting against Government's action. (*Cries of "Order, order"*.) The Chair is not acting within the rules and regulations in this matter. The Chair is going beyond its province in reflecting on our political procedure here. It is entirely for the non-official Parties to decide what course—(*Cries of Order, order and other interjections*)—of action we should adopt and if our protest is to be regarded as undignified by you, we have the right to protest against your remarks.

THE HONOURABLE THE PRESIDENT: As the Honourable Sir A. P. Patro remarked this morning after you went out of the House you have every right to enter a protest against the Bill in an unqualified manner; there are no two opinions about your right to enter a protest. But the question is the way in which the Honourable Members have conducted themselves. That justifies the Chair in making certain allusions to it. The whole thing to my mind is absolutely undignified for the occasion.

THE HONOURABLE PANDIT HIRDAY NATH KUNZRU: We have created no disturbance in the House. We have chosen a certain method of giving expression to our protest and that the Chair should go so far as to say that that method of protest is wrong, is highly objectionable.

THE HONOURABLE THE PRESIDENT: I did not say it is right or wrong

THE HONOURABLE PANDIT HIRDAY NATH KUNZRU: We have not disturbed the proceedings of the House in the slightest degree. It is entirely out of consideration for you that we choose a method of protest which would leave the other Honourable Members undisturbed in their work. But now you have gone so far as to condemn us and even to refuse a division at our request. Is it permitted by any rule or regulation? You are going too far in gagging us.

THE HONOURABLE THE PRESIDENT: Is it fair to the House that you should ask for a division when you did not take part at all in the debate?

THE HONOURABLE PANDIT HIRDAY NATH KUNZRU: We are entirely at liberty to remain silent and yet to vote at the end against every measure brought before us by Government. We made our position clear before we left. We have done nothing that is contrary to the rules and regulations.

THE HONOURABLE MR. HOSSAIN IMAM: May I submit once more that you will reconsider your ruling in the light of the fact that we have stated before we went out that we will participate in the division stage.

THE HONOURABLE THE PRESIDENT: I shall reconsider my ruling if you express your regret, that you acted not in the proper manner.

THE HONOURABLE PANDIT HIRDAY NATH KUNZRU: Not at all.
(At this stage several Honourable Members began to speak.)

HONOURABLE MEMBERS: Order, order. The Chair.

THE HONOURABLE MR. HOSSAIN IMAM: I want your ruling whether you declare that a walk out is unconstitutional or unparliamentary or undignified. That question must be decided today, because that is all that we have done.

THE HONOURABLE THE PRESIDENT: I am not called upon to give a ruling.

THE HONOURABLE MR. HOSSAIN IMAM: I want your ruling on this subject, a final and a permanent ruling.

THE HONOURABLE THE PRESIDENT: I do not give rulings on hypothetical questions. I have expressed my personal opinion. You should remember that the President is as much entitled to speak on any Motion under the Standing Orders and under the Rules on every question, every Resolution if he wishes, and I have expressed my opinion on the question. I am also a Member of the House. Being the President does not disqualify me from expressing my personal opinion on the subject.

THE HONOURABLE RAI BAHADUR LALA RAM SARAN DAS: Sir, when I made the statement—

THE HONOURABLE THE PRESIDENT: I think now you are certainly disturbing the order of this House by each one of you getting up and making speeches.

THE HONOURABLE MR. HOSSAIN IMAM: We want your ruling. Our remaining here or not depends on your ruling. We want to know whether under the rules we are entitled to have a division?

THE HONOURABLE THE PRESIDENT: I have only expressed my opinion that it was not a dignified procedure for this House to adopt. One Honourable Member has said in your absence on this point and I am entitled to express my opinion.

THE HONOURABLE PANDIT HIRDAY NATH KUNZRU: Are we to have the division that is our due or not?

THE HONOURABLE THE PRESIDENT: You have not participated in the debate.

THE HONOURABLE PANDIT HIRDAY NATH KUNZRU: We may not. The Rules and Regulations permit us to challenge a division though we may remain absolutely silent.

THE HONOURABLE THE PRESIDENT: As I say, it is deliberately to cause a disturbance. It has been ruled in the past that the President in his discretion may not sanction a division. I am following that procedure.

THE HONOURABLE RAI BAHADUR LALA RAM SARAN DAS: The object of our calling a division is to show the people of India how many elected Members of this House who constitutionally represent them vote for it or against it.

THE HONOURABLE THE PRESIDENT: Others have refused to come in.

THE HONOURABLE PANDIT HIRDAY NATH KUNZRU: It is their lookout.

THE HONOURABLE DIWAN BAHADUR SIR RAMUNNI MENON (Madras : Nominated Non-Official): Sir, as there seems to be a lot of confusion over this matter and there seems to be a good deal of misunderstanding also, may I beg of you to permit them to explain their position so that you might give your considered opinion on their request? I am sure they never intended to show any disrespect to the Chair or to behave in a manner derogatory to the dignity of the House.

THE HONOURABLE THE PRESIDENT: But I gave them an opportunity to express an opinion.

THE HONOURABLE DIWAN BAHADUR SIR RAMUNNI MENON: They seem to be in an excited mood!

THE HONOURABLE THE PRESIDENT: I consider it as one occupying the Chair that it is disrespect to the Chair also that Honourable Members should leave the House unceremoniously in that way and come in and ask for a division.

THE HONOURABLE PANDIT HIRDAY NATH KUNZRU: We were entirely within our rights in doing so.

THE HONOURABLE PRINCE AFSAR-UL-MULK MIRZA MUHAMMAD AKRAM HUSAIN BAHADUR (Bengal : Nominated Non-Official): The point

is whether the sense of the House is with you as the President—whether a division should be taken on this question or not? I believe the sense of the House is with you, and if that is so, a division need not be taken at all.

THE HONOURABLE PANDIT HIRDAY NATH KUNZRU: The majority I suppose wants that a division should not be taken, but it has no power to decide the matter.

THE HONOURABLE MR. HOSSAIN IMAM: As Sir Ramunni Menon has said, there was no intention of casting any reflection on either the Chair or on the House. Our protest was primarily, mainly and only directed against the Government of India, and therefore, Sir, I hope you will reconsider your ruling in the light of the fact that we never meant to cast any reflection on you. As a matter of fact walk outs are never meant in such instances to be a reflection either on the Chair or on the House but they are against the action of Government.

THE HONOURABLE THE PRESIDENT: You cannot say that. Your overt act shows that you wanted to show disrespect to the Chair and also to Honourable Members who are here.

HONOURABLE MEMBERS: No, Sir.

THE HONOURABLE KUNWAR SIR JAGDISH PRASAD (Leader of the House): May I suggest for your consideration that we might adjourn the House for a quarter of an hour which will also enable us to think over the matter. If you have no objection, Sir, you might adjourn the Council for a quarter of an hour.

THE HONOURABLE THE PRESIDENT: I would like to take the sense of the House whether they would like me to adjourn for a quarter of an hour or whether I should allow a division or not. I will adopt either of the courses which they think right.

THE HONOURABLE KUNWAR SIR JAGDISH PRASAD: I think, Sir, the sense of the House is that we should adjourn for a quarter of an hour.

THE HONOURABLE THE PRESIDENT: The House will meet again at Ten Minutes to Twelve of the Clock.

The Council then adjourned till Ten Minutes to Twelve of the Clock.

The Council reassembled at Ten Minutes to Twelve of the Clock, the Honourable the President in the Chair.

THE HONOURABLE RAI BAHADUR LALA RAM SARAN DAS: Sir, I wish to state on behalf of my Party, that any action taken by us, was by way of protest against the action of the Governor General in Council in withholding certain Demands from the vote of the Central Legislature. Our action was in no sense intended as a discourtesy to yourself, with whom our relations have always been cordial, or to this Honourable Council. We now hope that as we desire to challenge a division, you will kindly direct that a division be taken.

THE HONOURABLE THE PRESIDENT: I may point out to this House that the decision which I took a few minutes ago in disallowing a division was based on precedent. It has been ruled by predecessors of mine that the grant of permission for divisions is within their discretion, and on several occasions they have disallowed divisions when asked on frivolous ground. I would only point out one occasion to you in 1922 when no less distinguished a President than Sir Alexander Muddiman stated that the request for a division was frivolous and he disallowed it. And there are several subsequent rulings on this point by his successors supporting his ruling.

In view of the statement now made by the Leader of the Opposition and particularly as I see a large number of Honourable Members have now resumed their seats to participate in a division, that puts a different complexion on this sad and unpleasant incident and I shall allow a division on the Question that the Schedule stand part of the Bill.

Question put: the Council divided:

AYES—27.

Akram Husain Bahadur, Hon. Prince
Afsar-ul-Mulk Mirza Muhammad.
Ataullah Khan Tarar, Hon. Chaudhri.
Buta Singh, Hon. Sardar.
Charanjit Singh, Hon. Raja.
Devadoss, Hon. Sir David.
Ghosal, Hon. Sir Josna.
Govindachari, Hon. Rao Bahadur K.
Haidar, Hon. Khan Bahadur Shams-ud-Din.
Hissamuddin Bahadur, Hon. Lt.-Col. Sir.
Ismail Ali Khan, Hon. Kunwar Haji.
Jagdish Prasad, Hon. Kunwar Sir.
Khurshid Ali Khan, Hon. Nawabzada.
Menon, Hon. Diwan Bahadur Sir Ramunni.

Mitra, Hon. Mr. D. N.
Muhammad Yakub, Hon. Sir.
Mukherjee, Hon. Rai Bahadur Sir Satya Charan.
Nihal Singh, Hon. Sirdar.
Nixon, Hon. Mr. J. C.
Parker, Hon. Mr. R. H.
Patro, Hon. Sir A. P.
Puckle, Hon. Mr. F. H.
Reid Kay, Hon. Mr. J.
Roy, Hon. Mr. S. N.
Russell, Hon. Sir Guthrie.
Singh, Hon. Raja Devaki Nandan Prasad.
Williams, Hon. Mr. A. deC.
Yeatts, Hon. Mr. M. W. M.

NOES—15.

Abdus Sattar, Hon. Mr. Abdur Razzak Hajee.
Biyani, Hon. Mr. B. N.
Chettiyar, Hon. Mr. Chidambaram.
Hossain Imam, Hon. Mr.
Kalikar, Hon. Mr. V. V.
Kameshwar Singh of Darbhanga, Hon. Maharajadhiraja Sir.
Kunzru, Hon. Pandit Hirday Nath.

Mahtha, Hon. Rai Bahadur Sri Narain.
Muhammad Husain, Hon. Haji Syed.
Pantulu, Hon. Mr. Ramadas.
Ram aran Das, Hon. Rai Bahadur Lala.
Ray Chaudhury, Hon. Mr. Kumarsankar.
Roy Chowdhury, Hon. Mr. Susil Kumar.
Sapru, Hon. Mr. P. N.
Sinha, Hon. Kumar Nripendra Narayan.

The Motion was adopted.

The Schedule was added to the Bill.

Clause 2 was added to the Bill.

Clause 3 was added to the Bill.

Clause 4 was added to the Bill.

Clause 1 was added to the Bill.

The Title and Preamble were added to the Bill.

THE HONOURABLE MR. J. C. NIXON: Sir, I move:

“That the Bill, in the form recommended by the Governor General, be passed.”

THE HONOURABLE THE PRESIDENT: Motion made:

“That the Bill to fix the duty on salt manufactured in, or imported by land into, certain parts of British India, to fix minimum rates of postage under the Indian Post Office Act, 1898, and to fix rates of income-tax and super-tax, in the form recommended by the Governor General, be passed.”

Question put: the Council divided:

AYES—27.

Akram Husain Bahadur, Hon. Prince
Afsar-ul-Mulk Mirza Muhammad.
Ataullah Khan Tarar, Hon. Chaudhri.
Buta Singh, Hon. Sardar.
Charanjit Singh, Hon. Raja.
Devadoss, Hon. Sir David.
Ghosal, Hon. Sir Josna.
Govindachari, Hon. Rao Bahadur K.
Haidar, Hon. Khan Bahadur Shams-ud-Din.
Hissamuddin Bahadur, Hon. Lt.-Col. Sir.
Ismail Ali Khan, Hon. Kunwar Haji.
Jagdish Prasad, Hon. Kunwar Sir.
Khurshid Ali Khan, Hon. Nawabzada.
Menon, Hon. Diwan Bahadur Sir Ramunni.

Mitra, Hon. Mr. D. N.
Muhammad Yakub, Hon. Sir.
Mukherjee, Hon. Rai Bahadur Sir Satya Charan.
Nihal Singh, Hon. Sirdar.
Nixon, Hon. Mr. J. C.
Parker, Hon. Mr. R. H.
Patro, Hon. Sir A. P.
Puckle, Hon. Mr. F. H.
Reid Kay, Hon. Mr. J.
Roy, Hon. Mr. S. N.
Russell, Hon. Sir Guthrie.
Singh, Hon. Raja Devaki Nandan Prasad.
Williams, Hon. Mr. A. deC.
Yeatts, Hon. Mr. M. W. M.

NOES—15.

Abdus Sattar, Hon. Mr. Abdur Razzak Hajee.
Biyani, Hon. Mr. B. N.
Chettiyar, Hon. Mr. Chidambaram.
Hossain Imam, Hon. Mr.
Kalikar, Hon. Mr. V. V.
Kameshwar Singh of Darbhanga, Hon. Maharajadhiraja Sir.
Kunzru, Hon. Pandit Hirday Nath.

Mahtha, Hon. Rai Bahadur Sri Narain.
Muhammad Husain, Hon. Haji Syed.
Pantulu, Hon. Mr. Ramadas.
Ram Saran Das, Hon. Rai Bahadur Lala.
Ray Chaudhury, Hon. Mr. Kumarsankar.
Roy Chowdhury, Hon. Mr. Susil Kumar.
Sapru, Hon. Mr. P. N.
Sinha, Hon. Kumar Nripendra Narayan.

The Motion was adopted.

The Council then adjourned till Eleven of the Clock on Wednesday, the 23rd March, 1938.

COUNCIL OF STATE

Wednesday, 23rd March, 1936

The Council met in the Council Chamber of the Council House at Eleven of the Clock, the Honourable the President in the Chair.

MEMBER SWORN :

The Honourable Mr. Hugh Dow (Commerce Secretary).

QUESTIONS AND ANSWERS.

APPOINTMENT OF AN AFGHAN TRADE AGENT IN CALCUTTA.

249. THE HONOURABLE PANDIT HIRDAY NATH KUNZRU (on behalf of the Honourable Raja Yuveraj Datta Singh) : Are Government in possession of any information to show that an Afghan Trade Agent is likely to be appointed in Calcutta shortly ?

THE HONOURABLE KUNWAR SIR JAGDISH PRASAD : The answer is in the negative.

SUBSTITUTION OF CHINESE LABOURERS BY INDIANS IN JAPANESE MINES IN MALAYA.

250. THE HONOURABLE PANDIT HIRDAY NATH KUNZRU (on behalf of the Honourable Raja Yuveraj Datta Singh) : (a) Will Government state the approximate number of Indian labourers in Johore, Chinese Malaya ?

(b) Are Government aware that the Chinese labourers having boycotted working of Japanese iron mines in Johore, Indian labourers have been substituted for them ?

(c) Who is looking after the interests and welfare of the Indian labourers in that territory ?

THE HONOURABLE KUNWAR SIR JAGDISH PRASAD : (a) The approximate number of Indian labourers in Johore on 31st December, 1936, was 33,396.

(b) Government have seen a press report to that effect.

(c) The Agent of the Government of India in British Malaya.

EMERGENCY LANDING GROUND AT JIUNRI, KALAT STATE.

251. THE HONOURABLE PANDIT HIRDAY NATH KUNZRU (on behalf of the Honourable Raja Yuveraj Datta Singh) : (a) Did the Government prepare a civil aerodrome some years back at Jiunri in Kalat State as an emergency landing ground ? If so, what is the total capital and recurring expenditure involved, and is the expenditure borne on the civil or military estimates ?

(b) Is it intended to develop this aerodrome at the instance of the Air Ministry in England? If so, in what respects, and at what cost?

(c) Is this aerodrome in control of civil or military authorities and is any change contemplated in this respect?

THE HONOURABLE KUNWAR SIR JAGDISH PRASAD (on behalf of the Honourable Mr. S. N. Roy): (a) An emergency landing ground at Jiunri was prepared in 1934 by the Government of India at a total cost, including subsequent improvements, of Rs. 3,527. A sum of Rs. 735 has been spent during the last three years for maintenance of this ground. This expenditure has been met from Civil Aviation funds.

(b) An investigation is being made at the cost of His Majesty's Government with a view to the possible development of Jiunri as a seaplane station as an alternative to Gwadar. The Government of India do not bear the cost of development of seaplane stations required in India in connection with the Empire Air Mail scheme.

(c) The Jiunri landing ground is purely for civil purposes and no change in this respect is contemplated.

INDIAN TEA CONTROL BILL.

THE HONOURABLE SIR MUHAMMAD YAKUB (Commerce and Labour Member): Mr. President, I beg to move:

"That the Bill to provide for the control of the export of tea from, and for the control of the extension of cultivation of tea in, British India, as passed by the Legislative Assembly, be taken into consideration."

This Bill follows very closely the existing Indian Tea Control Act which is due to expire on the 31st March, 1938. I will ask Honourable Members to cast back their minds to the time five years ago when the existing Act was passed with very little opposition or even comment from any section of either House of the Legislature. The Indian tea trade was at that time in very depressed circumstances, and it was generally recognised that without enforcing some kind of restriction scheme there was no hope that the industry could be brought back quickly to a state of prosperity. How effective the control scheme has been in restoring prosperity to the industry is well known, but although the position is very much improved, there is no doubt that the time for removing control has not yet arrived and that to allow the present restrictions to lapse would be immediately to plunge the industry back into the state from which it was rescued five years ago.

The existing Act embodies three main principles:

- (1) That the tea industry itself should be responsible for providing the machinery and for paying for its administration;
- (2) That the scheme should work equitably to all the interests involved, whether European or Indian, and whether large or small; and
- (3) That the operation of the scheme should not press more hardly on India than on other countries who are parties to the scheme.

The Bill before you now maintains all these three principles. In the form in which it now comes before us, certain additional provision has been made for the separate representation of interests that are not represented on the existing committee and an additional safeguard for the grower has been

provided by giving him the option of an appeal to the High Court as an alternative to an appeal to Government.

It is proposed that the present Bill shall remain in force for a further period of five years.

That, perhaps, is all I need say in commending this measure to the support of this Honourable House.

Sir, I move.

THE HONOURABLE RAI BAHADUR LALA RAM SARAN DAS (Punjab: Non-Muhammadan): I am glad, Sir, that the Government at the instance of the other House agreed to take one representative on the Tea Licensing Committee from the Punjab, the United Provinces, and other places which are not represented. I do not want to take much time of the Council and I hope that the quota of tea will be fixed so that it may be advantageous to India.

The Motion was adopted.

Clauses 2 to 10 were added to the Bill.

Clauses 11 to 25 were added to the Bill.

Clauses 26 to 32 were added to the Bill.

Clauses 33 to 38 were added to the Bill.

Clause 39 was added to the Bill.

The Schedule was added to the Bill.

Clause 1 was added to the Bill.

The Title and Preamble were added to the Bill.

THE HONOURABLE SIR MUHAMMAD YAKUB: Sir, I beg to move:

"That the Bill, as passed by the Legislative Assembly, be passed."

The Motion was adopted.

WORKMEN'S COMPENSATION (AMENDMENT) BILL.

THE HONOURABLE SIR MUHAMMAD YAKUB (Commerce and Labour Member): Sir, I beg to move:

"That the Bill further to amend the Workmen's Compensation Act, 1923, for certain purposes, as passed by the Legislative Assembly, be taken into consideration."

Mr. President, this is a Bill which proposes to make a number of detailed amendments in the Workmen's Compensation Act. Most of these are explained in the Notes on Clauses appended to my predecessor's Statement of Objects and Reasons but as the Bill has undergone certain changes in another place I propose to allude to its leading provisions. Of the eleven substantive clauses, Nos. 4, 7 and 8 relate to amendments which are more or less formal, and clause 2 makes minor amendments in the definition of dependants.

Clauses 3 and 12, which should be read together, amend the law relating to compensation for occupational disease. We are dividing the Schedule of such diseases into two parts, according as the diseases are normally contracted quickly and those which are contracted gradually. For the latter the condition the workman must have served the employer for at least six months remains, although a minor change has been made in the Explanation in favour of

[Sir Muhammad Yakub.]

the workman. For the former the condition of six months' service will not apply. We have at the same time added to the list of diseases.

The next clause of importance is clause 5 which makes a number of changes in the provisions relating to notice and limitation. We propose to make it clear that the limitation period refers to the time taken to apply to the Commissioner and not, as one High Court has held, to the time taken to apply to the employer. The most important change proposed is the extension of the period allowed from six months to a year. Other changes in favour of the workman are the elimination of one of the conditions relating to notice and an enlargement of the cases in which no notice is required.

Clause 6 is designed to remove defects in a sub-section which provides for the aggravation of injuries arising from neglect on the part of the workman. A case which arose in Calcutta indicated that the section as it stood was defective; and the change which we are proposing involves no amendment of principle.

Clauses 9 and 10 make minor changes in two sections relating to proceedings before Commissioners. They are adequately explained in the Statement of Objects and Reasons to which I would refer Honourable Members.

Clause 11 involves an enlargement and a modification of Schedule II of the Act which relates to the definition of "workman". As Honourable Members will see, a substantial number of workmen are now being included in the Act itself for the first time, but the majority of these have already been given the privilege of workmen's compensation by means of notifications issued by the Government of India. The most important groups which are not so covered are liftmen, men employed in tapping palm trees and men engaged in hunting wild animals.

The Bill has been very fully scrutinized by all parties at every stage of the procedure, and I can confidently recommend it for the approval of this House.

Sir, I move.

The Motion was adopted.

THE HONOURABLE THE PRESIDENT: Clause 2.

THE HONOURABLE MR. A. DEC. WILLIAMS (Government of India: Nominated Official): Sir, with your permission, I will move the three amendments, which stand in my name, together. They effect purely verbal changes which require no explanation. The amendments are:

"That in sub-clause (a) of clause 2 the word 'and' be omitted at the end.

"That to sub-clause (b) of clause 2 the word 'and' be added.

"That in sub-clause (c) of clause 2 for the words 'be inserted' the words 'shall be inserted' be substituted."

THE HONOURABLE THE PRESIDENT: The three amendments are moved collectively and I presume no Honourable Member has any objection?

HONOURABLE MEMBERS: No.

Question put and amendments adopted.

*THE HONOURABLE MR. KUMARSANKAR RAY CHAUDHURY (East Bengal: Non-Muhammadan): Sir, I beg to move:

"That after sub-clause (c) in clause 2, the following sub-clause be inserted, namely:

'(d) in sub-clause (ii) after the word 'minor' wherever it occurs the words 'or decrepit' be inserted'."

This clause defines who are the dependants and sub-clause (ii) of clause (d) of section 2, sub-section (I), runs as follows:

"Dependant" means any of the following relatives of the deceased workman, namely,"

I need not deal with clause (i). I will come to clause (ii) with which only I am concerned. It runs thus:

A dependant is one who,

"is wholly or in part dependent on the earnings of the workman at the time of his death, a husband, a parent other than a widowed mother, a minor-illegitimate son, an unmarried illegitimate daughter, a daughter legitimate or illegitimate if married and a minor or if widowed, a minor brother, an unmarried or widowed sister, a widowed daughter-in-law, a minor child of a deceased son, or, where no parent of the workman is alive, a paternal grandparent:"

So a minor illegitimate son and a minor daughter, legitimate or illegitimate and a minor child of a deceased son come within the definition of dependants. The object of my amendment is that if such persons are not only minors but are decrepit and are dependent on the earnings of a workman they should be included within the term "dependant" so as to be able to get a share in the compensation allowed to the dependants.

THE HONOURABLE SIR MUHAMMAD YAKUB: Mr. President, I must oppose this amendment. It seeks to introduce an entirely new principle in regulating dependency, and one which, so far as I am aware, has never been even advocated in the course of the many discussions that have taken place on our workmen's compensation law. The provisions of this Bill in particular were the subject of a reference to Provincial Governments but none of them put forward any such proposal.

Apart from this the amendment seems to me to be quite unsound. The primary meaning of "decrepit" as given in reliable dictionaries is "worn out with old age". Now, if Honourable Members will refer to the clause to which this amendment relates, they will find that the word "minor" is used with reference to certain sons and daughters of the deceased, to the brothers of the deceased and to certain grandchildren. It is impossible that any of the children of the workman would be worn out with old age at the time when the workman was killed because if they were as old as that their parent could not possibly be working and it is most unlikely that a brother of the workman would be worn out with old age. A further point worth noting is that the amendment would have the result that we would have in one place "a minor or decrepit child". In other words, "a child worn out with old age", which would be a ridiculous expression.

I hope that after hearing my explanation the Honourable Member will withdraw his amendment.

*Not corrected by the Honourable Member.

THE HONOURABLE MR. HOSSAIN IMAM (Bihar and Orissa : Muhammadan) : Will the Honourable Member be prepared to consider the inclusion of the maimed and crippled ?

THE HONOURABLE SIR MUHAMMAD YAKUB : That question is not before the House.

THE HONOURABLE THE PRESIDENT : And I am not going to allow any further amendment.

Amendment moved :

"That after sub-clause (c) in clause 2 the following sub-clause be inserted, namely :

'(d) in sub-clause (iv) after the word 'minor' wherever it occurs the words 'or decrepit' be inserted'."

Question put and amendment negatived.

Clause 2, as amended, was added to the Bill.

THE HONOURABLE THE PRESIDENT : New clause 2A. The Honourable Mr. Kumarsankar Ray Chaudhury.

THE HONOURABLE MR. A. DEC. WILLIAMS : I wish to submit that this amendment cannot be moved. I would ask for your ruling as to whether this amendment is at all admissible under the Rules and Standing Orders. It seeks to amend the definition of "workman" in the parent Act. It can readily be understood that in an Act which deals with compensation for workmen the definition of "workman" must be of the very greatest importance. Now the Bill before this House at no point touches that definition and I submit that an amendment which seeks to effect a very important provision of the parent Act in no way germane to the subject of the Motion, that is to say the Bill, before the House is inconsistent with Standing Order 32 (I), which says that "An amendment must be relevant to and within the scope of the Motion to which it is proposed". That is in paragraph 56 of the Manual on page 17. I submit, Sir, that this amendment is inadmissible and cannot be moved.

THE HONOURABLE THE PRESIDENT : I think the objection raised by Government is a valid one. As I understand the objection it is this, that this amending Bill is limited to certain provisions of the parent Act which the Government propose to amend, and among the amendments proposed there is none regarding the definition of the term "workman". The Honourable Mr. Chaudhury wishes to make an amendment in the parent Act regarding the definition of "workman". As far as I am aware, amendments to a Bill before the House are allowed only in respect of the subject-matter of the Bill and not any further. That is what is meant by the words, "An amendment must be relevant to and within the scope of the Motion to which it is proposed". To my knowledge in this House there have been no precedents, but in the Assembly the proceedings will show that there are many rulings on the point which uphold the view which the Honourable Mr. Williams has expressed. This principle has been recognised in several rulings, to which I need not refer at this stage, where it is said that in respect of anything outside the scope of a Bill before the House amendments cannot be permitted. And that principle has been well recognised and I therefore hold that the Honourable Mr. Chaudhury's amendment is not in accordance with the rules and cannot be proceeded with. I disallow the amendment on these grounds.

Clause 3.

THE HONOURABLE MR. A. DEC. WILLIAMS : Sir, I have to propose three further verbal amendments to clause 3 ; and again, with your permission, I will move them together :

"That in sub-clause (a) of clause 3 the word 'and' be omitted at the end.

"That to sub-clause (b) of clause 3 the word 'and' be added.

"That in sub-clause (c) of clause 3 for the words 'be added' the words 'shall be added' be substituted."

Question put and amendments adopted.

Clause 3, as amended, was added to the Bill.

Clauses 4, 5, 6, 7 and 8 were added to the Bill.

THE HONOURABLE THE PRESIDENT : Honourable Mr. Kumarsankar Ray Chaudhury, as regards your amendment, new clause 8A, the ruling which I gave a few minutes ago equally applies and I therefore disallow it.

Clauses 9, 10 and 11 were added to the Bill.

Clause 12, including Parts A and B, were added to the Bill.

Clause 1 was added to the Bill.

The Title and Preamble were added to the Bill.

THE HONOURABLE SIR MUHAMMAD YAKUB : Sir, I beg to move :

"[That the Bill further to amend the Workmen's Compensation Act, 1923, for certain purposes, as passed by the Legislative Assembly and as amended by the Council of State, be passed."

The Motion was adopted.

STANDING COMMITTEE FOR ROADS, 1938-39.

THE HONOURABLE THE PRESIDENT : The Council will now proceed to elect three Members to serve on the Standing Committee for Roads. The election will be according to the principle of proportional representation by means of the single transferable vote and the ballot papers will now be placed in Members' hands.

(Voting papers were then distributed to Honourable Members and the ballot taken.)

THE HONOURABLE THE PRESIDENT : As the Council will not probably meet next week, I shall have the result of the election communicated to the Honourable Members by circular as soon as conveniently possible.

CENTRAL ADVISORY COUNCIL FOR RAILWAYS.

THE HONOURABLE THE PRESIDENT : With reference to the announcement by me yesterday regarding nomination to the Central Advisory Council for Railways, I have to announce that the following Honourable Members have been nominated for election to that Committee :

(1) The Honourable Sardar Nihal Singh.

(2) The Honourable Lt.-Col. Sir Hissamuddin Bahadur.

[Mr. President.]

- (3) The Honourable Nawabzada Khurshid Ali Khan.
- (4) The Honourable Mr. Ramadas Pantulu.
- (5) The Honourable Sir David Devadoss.
- (6) The Honourable Sardar Buta Singh.
- (7) The Honourable Haji Syed Muhammad Husain.
- (8) The Honourable Rai Bahadur Lala Ram Saran Das.
- (9) The Honourable Raja Yuveraj Datta Singh.
- (10) The Honourable Mr. Sitakanta Mahapatra.

There are 10 candidates for six seats and an election will be necessary. The date of election will be announced later.

STATEMENT OF BUSINESS.

THE HONOURABLE KUNWAR SIR JAGDISH PRASAD (Leader of the House): Sir, with your permission, I propose that the outstanding official business, namely, the Motions for the consideration and passing of (1) the Hindu Women's Rights to Property (Amendment) Bill and (2) the Trade Disputes (Amendment) Bill may be taken up on Friday, the 1st April. The election of Members to the Central Advisory Council for Railways may also be held on that day. I therefore request that you may be pleased to direct that a meeting be held on that day for the purpose.

The Council then adjourned till Eleven of the Clock on Friday, the 1st April, 1938.

COUNCIL OF STATE.

Friday, 1st April, 1938.

The Council met in the Council Chamber of the Council House at Eleven of the Clock, the Honourable the President in the Chair.

MEMBERS SWORN :

The Honourable Mr. Shantidas Askuran (Bombay : Non-Muhammadan).
The Honourable Mr. Andrew Gourlay Clow (Labour Secretary).
The Honourable Sir Muhammad Yakub (Nominated Non-Official).

QUESTIONS AND ANSWERS.

INDIA'S CONTRIBUTION FOR THE RELIEF OF THE VICTIMS OF THE CIVIL WAR IN SPAIN.

252. THE HONOURABLE PANDIT HIRDAY NATH KUNZRU (on behalf of the Honourable Raja Yuveraj Datta Singh): Have Government made a contribution of £2,000 or any other sum to the International Red Cross Society, or any other institution for relief work in the Spanish civil war? If so, when and to whom?

THE HONOURABLE KUNWAR SIR JAGDISH PRASAD : Yes. A contribution of £2,000 was made to the International Red Cross Committee, Geneva, in February this year for the relief of the victims of the Civil War in Spain.

RESEARCHES FOR TURNING SHORT STAPLE COTTON BY CHEMICAL PROCESS INTO FIBRO SERVING THE PURPOSE OF LONG STAPLE COTTON.

253. THE HONOURABLE MR. G. S. MOTILAL: (a) Will Government state whether any experiments have been conducted in their research institutes for turning short staple cotton by chemical process into fibro which serves the purpose of long staple cotton?

(b) If the answer to (a) is in the affirmative, what has been the result and what is the cost of such process per pound of cotton in question?

THE HONOURABLE KUNWAR SIR JAGDISH PRASAD : (a) Preliminary experiments on the conversion of short staple cotton into chemical cotton have been made at the Technological Laboratory of the Indian Central Cotton Committee and the Committee have under consideration the question of installing a pilot plant for continuing the experiments on a semi-commercial scale.

(b) The results so far obtained indicate linters and waste as the only possible cotton raw materials, short staple cotton being far too expensive. Until the pilot plant is installed and the experiments are completed, the cost per pound cannot be worked out.

NUMBER OF EUROPEAN AND INDIAN TRUSTEES IN THE PORT TRUSTS,
ETC.

254. THE HONOURABLE MR. G. S. MOTILAL: (a) Will Government state the number of European and Indian trustees at present in the different Port Trusts of India and the number of Indians holding the position of chairman, deputy chairman and secretary in each of them?

(b) What action have they taken since 1922 to Indianise Port Trusts and the higher services under their control?

(c) What is the number—

(i) of Europeans, Anglo-Indians and Indian officers in the employ of the different Port Trusts of India who are receiving salaries of (1) Rs. 500 to Rs. 999, (2) Rs. 1,000 to Rs. 1,999 and (3) Rs. 2,000 and over;

(ii) of Indian officers newly appointed under the above three groups since 1932; and

(iii) of Indians, Anglo-Indians and Europeans working under the Bombay Port Trust and in other Port Trusts of India in the capacity of pilots, dredging officers, chief engineers, assistant mechanical superintendents, mechanical foremen, assistant engineers, chief draftsmen and deputy conservators?

(d) How many Indians and Anglo-Indians are holding posts requiring mercantile marine qualifications, and the total number of such posts?

(e) How many cadets trained in the "Dufferin" are employed in the different Port Trusts of India and in what capacities?

THE HONOURABLE MR. S. N. ROY: (a) A statement is laid on the table.

(b) Since 1922, the various Port Acts have been amended to provide for increased representation of Indian commercial interests on the Boards. As regards the Indianisation of the higher Port Trust services, the powers of Government in this matter are limited as, except in the case of certain high posts, the statutory authority to make appointments is vested in the Port Trusts themselves. The percentage of Indians holding appointments with a maximum salary of Rs. 500 and above has risen from 9.4 in 1925 to 44.3 in 1936-37.

(c) and (d). Four statements are placed on the table.

(e) Seven; mostly as Assistant River Surveyors.

I

Statement showing the number of European and Indian Trustees in the different Port Trusts.

Ports.	Trustees.		Total.
	Europeans.	Indians.	
Calcutta	14	5	19
Bombay	12	10	22
Madras	11	4	15
Karachi	8	7	15
Chittagong	8	4	12

II.

Statement showing the number of Europeans and Indians occupying the posts of Chairman, Deputy or Vice-Chairman and Secretary in the different Port Trusts.

Ports.	Chairman.	Deputy or Vice-Chairman.	Secretary.
Calcutta	European	European	European.
Bombay	Do.	..	Do.
Madras	Do.	..	..
Karachi	Do.	Indian	Indian.
Chittagong	Do.	Do.	Do.

Statement showing the number of Indians, Anglo-Indians and Europeans in the employ of the different ports of India who are receiving salaries of (1) Rs. 500 to Rs. 999, (2) Rs. 1,000 to Rs. 1,999 and (3) Rs. 2,000 and over.

Ports.	(1) Rs. 500 to Rs. 999.			(2) Rs. 1,000 to Rs. 1,999.			(3) Rs. 2,000 and over.		
	Indians.	Anglo-Indians.	Europeans.	Indians.	Anglo-Indians.	Europeans.	Indians.	Anglo-Indians.	Europeans.
Calcutta	14	53	52	3	6	42	..	..	9
Bombay	23	8	42	6	..	24	1	..	6
Madras	4	..	6	..	..	2	..	..	1
Karachi	4	2	7	3	..	9	..	..	2
Chittagong	1	..	5	..	..	3	..	..	..
Vizagapatam	3	3	10	..	..	3	..	..	1
Cochin	3	..	11	..	..	3	..	..	1

Statement showing the number of newly appointed Indians in the various Ports since 1932 who are receiving salaries of (1) Rs. 500 to Rs. 999, (2) Rs. 1,000 to Rs. 1,999 and (3) Rs. 2,000 and over, excluding promotions.

Ports.	(1) Rs. 500 to Rs. 999.	(2) Rs. 1,000 to Rs. 1,999.	(3) Rs. 2,000 and over.
Calcutta	..	1	..
Bombay	2	1	..
Madras	1	..	..
Karachi	..	..	..
Chittagong	1	..	..
Vizagapatam	..	..	..
Cochin	..	..	..

Statement showing the number of Indians, Anglo-Indians and Europeans working under the various Port Trusts in India in the capacities of Pilots, Dredging Officers, Chief Engineers, Assistant Mechanical Superintendents, Mechanical Foremen, Assistant Engineers, Chief Draftsmen and Deputy Conservators.

Ports.	Pilots.		Dredging Officers.		Chief Engineers.		Assistant Mechanical Superintendents.		Mechanical Foremen.		Assistant Engineers.		Chief Draftsmen.		Deputy Conservators.										
	I.	A-I.	E.	I.	A-I.	E.	I.	A-I.	E.	I.	A-I.	E.	I.	A-I.	E.	I.	A-I.	E.							
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	
Calcutta	..	..	35*	..	..	10	..	5†	4†	..	..	..	1	8	2	5	..	38	..	..	1	..	..	..	1
Bombay	..	..	18	2	1	4	..	..	1	3	..	2	3	2	6	6	..	1	..	..	1	..	..	..	1
Madras	..	..	5¶	..	..	1	..	..	1	..	..	..	..	..	..	3	..	1	..	..	..	..	..	..	1
Karachi	1	..	..	..	..	..	..	..	1	..	..	..	..	..	1	..	..	..	..	..	..	..	..	..	1
Chittagong	..	..	4¶	..	..	1	..	..	1	..	..	..	..	..	1	..	..	..	..	..	..	..	..	..	..
Vizagapatam	..	..	4¶	..	..	2	..	..	2**	..	..	..	..	..	1	1	..	..	..	..	..	..	..	..	..
Cochin	..	..	6	1	..	2	..	..	1	..	..	..	..	..	..	..	..	18	..	..	..	..	..	..	..

* The pilots at Calcutta belong to the Bengal Pilot Service and are not employees of the Port Trust. The posts shown are those of Harbour Master and Assistant Harbour Masters.

† 5 Chief Engineers, Class I, II and III vessels.

‡ Includes 1 Chief Mechanical Engineer and 2 Chief Engineers, Class I vessels.

§ 3 Assistant Mechanical Engineers.

¶ Harbour Masters and Assistant Harbour Masters who perform the duties of pilots.

|| Port Engineer.

** Includes a post of Port Engineer.

Statement showing the number of Indians and Anglo-Indians holding posts requiring mercantile marine qualifications and the total number of such posts.

Ports.	Indians.	Anglo-Indians.	Total.	Total posts.
Calcutta	3	20	23	92
Bombay	1	..	1	30
Madras	..	..	..	6
Karachi	2	..	2	12
Chittagong	..	..	..	4
Vizagapatam	..	..	..	4
Cochin	..	..	..	6

APPLICATION OF THE NEW LEAVE RULES BY THE E.I.R.

255. THE HONOURABLE PANDIT HIRDAY NATH KUNZRU: Did the Chief Accounts Officer, E.I.R., circularise to all the Divisional Accounts Officers in 1932 that under the orders of the Railway Board on the subject of the applicability of the new leave rules to the staff of the E.I.R., the staff appointed before the 1st September, 1928, whether temporary or permanent on the 1st April, 1930, would have the option of coming under the new leave rules, or of remaining under the old leave rules, and that "in cases where men have not exercised the option it must be presumed that they are willing to be governed by the old leave rules?" If so, are there men in certain departments, particularly in the E.I.R. Workshops who were appointed before the 1st September, 1928, but to whom no option has been given, and who have been brought under the new leave rules? If so, why?

THE HONOURABLE SIR GUTHRIE RUSSELL: The answer to the first part is in the affirmative.

As regards the second part it is believed that there may have been cases of workshop employees and inferior servants in which no declaration of election was obtained, but the new rules were applied automatically as they would operate obviously to the advantage of the Government servant affected.

THE HONOURABLE PANDIT HIRDAY NATH KUNZRU: Is it a fact, Sir, that the Chief Accounts Officer stated in his circular that if the men did not choose to come under the new rules, they must be presumed to prefer to remain under the old rules?

THE HONOURABLE SIR GUTHRIE RUSSELL: That is correct.

THE HONOURABLE PANDIT HIRDAY NATH KUNZRU: Then why have the new rules been applied to these men without their consent?

THE HONOURABLE SIR GUTHRIE RUSSELL: Because the new rules are obviously to their advantage.

THE HONOURABLE PANDIT HIRDAY NATH KUNZRU: Is there any discontent among the men concerned?

THE HONOURABLE SIR GUTHRIE RUSSELL: I have heard of no discontent but I will make enquiries.

APPLICATION OF THE NEW LEAVE RULES BY THE E.I.R.

256. THE HONOURABLE PANDIT HIRDAY NATH KUNZRU: Did certain departmental heads on the E.I.R. fail to secure declarations from some members of the subordinate staff appointed after the 1st September, 1928, but made permanent before the 1st April, 1930, to the effect that when new leave rules for railway staff were promulgated, they would be liable to be governed by these rules? If so, why have the subordinates concerned been subjected to the new leave rules? Do Government now propose to take steps to redress the grievances of the men referred to above?

THE HONOURABLE SIR GUTHRIE RUSSELL: The Railway Board's orders requiring a declaration to be signed by all staff appointed on or after the 1st September, 1928 to the effect that they would be liable to be brought under the new leave rules for railway establishments on their promulgation were duly communicated to all heads of departments and Divisional Superintendents on the E.I.R. If such a declaration was not actually obtained from any employee, this should be regarded as an omission, but in view of the condition having been generally made known, such omission cannot form a valid reason for his not being subjected to the new leave rules, and he can have no grievance on this account.

THE HONOURABLE PANDIT HIRDAY NATH KUNZRU: In the case of men made permanent without being required to sign such a declaration, should it not be presumed that the old rules applied to them?

THE HONOURABLE SIR GUTHRIE RUSSELL: We have had a ruling from the Secretary of State in the case of officers saying that it is not necessary to sign a declaration.

THE HONOURABLE PANDIT HIRDAY NATH KUNZRU: Then why were the officers concerned asked to obtain declarations from men employed after a certain date that they would come under the new leave rules if this was thought to be unnecessary?

THE HONOURABLE SIR GUTHRIE RUSSELL: I do not think it was thought to be unnecessary at the time, but actually that is the ruling we finally got in the case of one or two officers.

NUMBER OF APPRENTICE MECHANICS AND TRADE APPRENTICES ENGAGED ON THE E.I.R. DURING 1935 TO 1937.

257. THE HONOURABLE PANDIT HIRDAY NATH KUNZRU: What is the number of apprentices recruited for training in the E.I.R. shops during the years 1935, 1936 and 1937? How many of them are Indians and how many are Anglo-Indians?

THE HONOURABLE SIR GUTHRIE RUSSELL: I lay a statement on the table of the House giving the required information.

Statement showing the number of apprentice mechanics and trade apprentices engaged on the E.I.R. during 1935 to 1937.

Year.	Number of apprentice mechanics recruited.					Number of trade apprentices recruited.								
	Hindus.	Muslims	Sikhs.	Euro- peans and Anglo- Indians.	Indian Chris- tians.	Others.	Total.	Hindus.	Muslims.	Sikhs.	Euro- peans and Anglo- Indians.	Indian Chris- tians.	Others.	Total.
1935 .	17	6	..	11	..	..	34	64	28	..	..	7	..	99
1936 .	19	5	..	4	..	..	28	65	27	1	7	...	..	100
1937 .	7	5	..	13	..	..	25	55	22	2	2	2	..	83

INDIAN APPRENTICES LODGE, LILLOOAH.

258. THE HONOURABLE PANDIT HIRDAY NATH KUNZRU: (a) Is the accommodation in the Indian Apprentices Lodge at Lillooah strictly limited and are many apprentices who are refused accommodation required to make their own arrangements?

(b) Do Government propose to take steps for enlarging the Lodge? What is the board and lodging allowance allowed to (i) resident apprentices and (ii) those who are required to make their own arrangements? Is the allowance paid to the latter less than that paid to the former? If so, why?

(c) Are Government aware of the complaint that the savings effected in the board and lodging allowance of the Indian apprentices are utilised for the European apprentices on the ground that their standard of living is higher? If so, will Government state the average sum so utilised monthly?

THE HONOURABLE SIR GUTHRIE RUSSELL: I am obtaining information and will lay a reply on the table of the House in due course.

LEAVE RULES APPLICABLE TO RAILWAY SERVANTS SERVING IN RAILWAY SCHOOLS.

259. THE HONOURABLE PANDIT HIRDAY NATH KUNZRU: Has no provision in the leave rules recently promulgated for leave on average pay been made for the grant of leave on medical grounds? Are Government aware that teachers in Provincial Government schools are allowed leave on full average pay on medical certificate? If so, on what grounds, has no such provision been made in the leave rules referred to above? Do Government propose to make such provision now?

THE HONOURABLE SIR GUTHRIE RUSSELL: It is assumed that the Honourable Member is referring to the leave rules applicable to railway servants serving in railway schools. If so, the answer to the first part of the question is as follows:

As the rules are at present worded, it is possible to interpret them as disallowing the grant of leave on average pay (including such leave on medical certificate) to a railway servant serving in a railway school in a year in which he has fully availed of the vacation. This, however, is not the intention of the rules. The intention is that, for the year in which vacation is fully availed of, no leave on average pay is earned, but the amount of leave on average pay earned for all the previous years, minus such leave already taken in the past, can be availed of in that year, subject to the prescribed maximum. Action is being taken to recast the rules so as to make the intention clear.

In view of this reply, the other parts of the question do not arise.

LAHORE FORT.

260. THE HONOURABLE PANDIT HIRDAY NATH KUNZRU (on behalf of the Honourable Raja Yuveraj Datta Singh): In whose custody is the Lahore Fort—the Military authorities or the Provincial Government?

THE HONOURABLE MR. F. H. PUCKLE: Except for a few buildings used for police purposes which are in charge of the Provincial Government the Lahore Fort is in the charge of the Archaeological Department.

APPOINTMENT OF INDIAN APPRENTICES IN SUITABLE PERMANENT POSTS AFTER UNDERGOING TRAINING IN THE E.I.R. CARRIAGE AND WAGON SHOPS, LILLOOAH.

261. THE HONOURABLE PANDIT HIRDAY NATH KUNZRU: (a) Do the E.I.R. recruit a certain number of apprentices for training in the E.I.R. Carriage and Wagon Shops at Lillooah every year? If so, were none of the successful Indian apprentices given until recently jobs in the shops on the completion of their five years training?

(b) Were some of these men appointed in the shops as chargehands or mistris in temporary vacancies instead of being appointed as chargemen in permanent vacancies and were none of them given the grade and scale of pay to which they were entitled? If so, what action do Government propose to take for securing appointment of Indian apprentices in suitable permanent posts?

THE HONOURABLE SIR GUTHRIE RUSSELL: I am obtaining information and will lay a reply on the table of the House in due course.

THE HONOURABLE PANDIT HIRDAY NATH KUNZRU: May I request the Honourable Member to change the word "some" in part (b) of the question into "none". The latter word was in the original question and it appears to have been incorrectly printed as "some".

THE HONOURABLE THE PRESIDENT: Has the Member in charge any objection?

THE HONOURABLE SIR GUTHRIE RUSSELL: No, Sir.

THE HONOURABLE THE PRESIDENT: Then it can be done.

EXCLUSION OF INDIANS FROM THE POSTS OF FOREMAN AND ASSISTANT FOREMAN IN THE E.I.R. CARRIAGE AND WAGON SHOPS, LILLOOAH.

262. THE HONOURABLE PANDIT HIRDAY NATH KUNZRU: Are there scarcely any Indians occupying the posts of Foreman and Assistant Foreman in the Carriage and Wagon Shops of the E.I.R.? Are Indian practically excluded from the upper grade of chargemen? If so, on what grounds have Indians been excluded from these posts and Europeans and Anglo-Indians appointed to them?

THE HONOURABLE SIR GUTHRIE RUSSELL: As regards the first part, the available information is given in the E.I.R. "Classified List of Subordinate staff of all departments on rates of pay of Rs. 250 and above", a copy of which is in the Library of the House.

As regards the latter parts, I am sending a copy of the question to the Agent, E.I.R., to examine the allegations of racial discrimination in the question and to take whatever steps may be necessary to give effect to the policy of the Government in the matter.

THE HONOURABLE PANDIT HIRDAY NATH KUNZRU: As regards the first part of the question will the Honourable Member say whether it is a fact that there are scarcely any Indians. I have seen the Classified List to which the Honourable Member referred—

THE HONOURABLE THE PRESIDENT: Please don't argue. Only put the question.

THE HONOURABLE PANDIT HIRDAY NATH KUNZRU: I am not arguing. I have seen that list and it is not clear from that who are the permanent men and who are not.

THE HONOURABLE SIR GUTHRIE RUSSELL: I think it is correct to say that not a large number of Indians are employed.

THE HONOURABLE PANDIT HIRDAY NATH KUNZRU: Could the Honourable Member give the number of Indians in those positions?

THE HONOURABLE SIR GUTHRIE RUSSELL: I am afraid I cannot give it off-hand.

THE HONOURABLE MR. HOSSAIN IMAM: Will the Honourable Member obtain it and lay it on the table?

THE HONOURABLE SIR GUTHRIE RUSSELL: I am quite prepared to do that.

REPORT OF THE ROYAL COMMISSION APPOINTED TO ENQUIRE INTO THE TRINIDAD AND TOBAGO DISTURBANCES, 1937.

263. THE HONOURABLE PANDIT HIRDAY NATH KUNZRU: (a) Have Government received a copy of the Report of the Royal Commission appointed last June to enquire into the riots which broke out in the Colony of Trinidad and Tobago?

(b) Have His Majesty's Government adopted the recommendations of the Commission? Did they consult the Government of India before doing so? If not, why?

(c) Have the Government of India made any representations to them on the subject?

THE HONOURABLE KUNWAR SIR JAGDISH PRASAD: (a) The Report has been received recently and a copy has been placed in the Library of the House.

(b) and (c). Government are not aware whether any action apart from the appointment of an Industrial Adviser has been taken on the recommendations of the Commission, but have made enquiries and have asked that final decisions should be deferred until they have had opportunity to examine the Report and make representations, if necessary, from the standpoint of Indian interests.

THE HONOURABLE PANDIT HIRDAY NATH KUNZRU: Did Government see in the papers that the Secretary for the Colonies stated that the recommendations of this Commission had been accepted by His Majesty's Government?

THE HONOURABLE KUNWAR SIR JAGDISH PRASAD: I believe the answer which I have given is correct. We have had a subsequent communication. I understand that the only recommendation of the Commission which has so far been implemented is the appointment of the Industrial Adviser.

CONGRATULATIONS TO THE HONOURABLE SIR THOMAS STEWART ON HIS APPOINTMENT AS OFFICIATING GOVERNOR OF BIHAR AND TO THE HONOURABLE MR. A. G. CLOW ON HIS APPOINTMENT AS OFFICIATING MEMBER OF THE GOVERNOR GENERAL'S EXECUTIVE COUNCIL.

THE HONOURABLE THE PRESIDENT: Honourable Members, following previous practice the Council will expect that I should refer to the two new appointments which have just been made by His Majesty the King Emperor. You are aware that the Honourable Sir Thomas Stewart has been appointed Officiating Governor of Bihar and our old friend the Honourable Mr. Clow has been elevated to the post of Member for Communications. On behalf of the Council and myself I tender our hearty congratulations to these two gentlemen.

The Honourable Sir Thomas Stewart is not in this House at present, but he has occupied with much distinction a place in this Council for many years and shown conspicuous ability in the discharge of his duties. (Applause.) The Honourable Mr. Clow has been in this Council for many years and only very recently he was translated to the Assembly to discharge some important official functions. He has come back to this Council and we all know of his great ability and his splendid and very faithful discharge of his duties over many years in this House. (Applause.) Both these officers are outstanding Civilians of the time and enjoy the respect of everybody. Their appointments and elevation has met with the approval not only of the officials but also of the non-official Members of this Council and of the general public. (Applause.)

THE HONOURABLE MR. A. G. CLOW (Labour Secretary): Sir, I would just like to thank you and through you the Members of this Council for your very kindly references to myself.

PRESENTATION OF A MACE TO THE COUNCIL OF STATE BY THE HONOURABLE MAHARAJADHIRAJA SIR KAMESHWAR SINGH OF DARBHANGA.

THE HONOURABLE THE PRESIDENT: Honourable Members, I have very important and interesting news to give you, that our esteemed colleague the Honourable Maharajadhiraja Sir Kameshwar Singh of Darbhanga has presented a mace to this House. (Applause.) He has particularly asked me to read his letter and I will therefore do it. He says:

"My dear Sir Maneckji,—Apropos the talk we had I write this brief note to confirm that I shall be delighted to present a mace to the Council of State as a token of my high regard for the House and its first non-official and distinguished President. (Applause.) I hope you will do me the honour of accepting the gift."

I had to ask the Governor General's permission to accept this gift and I am glad to say that he has accorded his permission. The Private Secretary to His Excellency the Governor General writing to me says:

"His Excellency has read with great interest your letter of the 24th March in which you inform him of the generous decision of the Honourable Maharajadhiraja of Darbhanga to present a mace to the Council of State. He has great pleasure in according the permission for which you ask to be allowed to accept this mace on behalf of the Council of State."

As regards the ceremony with which the mace will be received into this House I shall consult the Leaders of Parties and other Members at the proper time.

INFORMATION PROMISED IN REPLY TO QUESTIONS LAID ON THE TABLE.

STATE RAILWAY COLLIERIES AND COMPANY-MANAGED RAILWAY COLLIERIES:

THE HONOURABLE SIR GUTHRIE RUSSELL (Chief Commissioner for Railways): Sir, I lay on the table the information promised in reply to question No. 135 asked by the Honourable Mr. Hossain Imam on the 2nd March, 1938.

Colliery.	Name of contractor.	Contract rate (per ton).	Date of termination of contract.	Period of contract.	Remarks.
<i>State Railway Collieries.</i>					
Kargali	Madhavji Mepa	1 0 0	31-7-37	3 years.	Contract extended up to 31-7-38.
	Rambilas Nageswar.	0 11 0	31-7-37	Do.	
Bhurkunda	N. C. Roy & Co.	0 11 6	31-7-39	Do.	Do.
Giridih	Rambilas Singh	1 2 0	30-4-30	Do.	
	D. Mukherjee	1 2 0 &	30-4-40	Do.	
Jt. Bokaro	Rai Bahadur H. P. Banerjee.	0 10 6	31-7-37	Do.	Do.
Jt. Sawang	Harilal M. Jagani	1 2 0	31-7-37	Do.	Do.
<i>Company-managed Railway Collieries.</i>					
Jarangdih	Rai Bahadur H. P. Banerji.	0 11 0	30-6-39	Do.	
Talcher	D. Parkhani	0 11 0	31-7-39	Do.	
Kurasia	Rambilas Singh	0 10 0	30-6-39	Do.	
		0 7 9	31-3-38	2 years.	
Argada	Dya Manji	0 12 0			
		(Open quarries)			
		0 12 0			
		(Other than quarries).			
		1 0 9			
Deulbera	Karamchand Thapar.	1 2 0	30-9-39	2½ years	

The difference in rates is due to the conditions of mining being different at each colliery. Tenders are invited through the public press and the lowest satisfactory tenders are accepted.

STATEMENT LAID ON THE TABLE.

PROGRESS OF RURAL DEVELOPMENT FROM JULY, 1936 TO DECEMBER, 1937.

THE HONOURABLE MR. J. C. NIXON (Finance Secretary): Sir, I lay on the table a copy of the Report * on the progress of the schemes financed from the grants for rural development.

BILLS PASSED BY THE LEGISLATIVE ASSEMBLY LAID ON THE TABLE.

SECRETARY OF THE COUNCIL: Sir, in pursuance of rule 25 of the Indian Legislative Rules, I lay on the table copies of the following Bills which

* Circulated to all Honourable Members separately.

(520)

were passed by the Legislative Assembly at its meetings held on the 28th and the 31st March, 1938, namely:

A Bill to provide for the temporary continuance of the existing protection conferred on the sugar industry in British India.

A Bill to amend the law relating to salt as at present in force in Sind.

A Bill to amend the Indian Coffee Cess Act, 1935, for a certain purpose.

A Bill further to amend the Child Marriage Restraint Act, 1929.

MESSAGES FROM THE LEGISLATIVE ASSEMBLY.

SECRETARY OF THE COUNCIL: Sir, three messages have been received from the Secretary of the Legislative Assembly.

First message:

"In accordance with the provisions of rule 36(1) of the Indian Legislative Rules, I am directed to inform you that the amendments made by the Council of State in the Bill further to amend the Workmen's Compensation Act, 1923, for certain purposes, were taken into consideration by the Legislative Assembly at its meeting held on Monday, the 28th March, 1938, and that the Legislative Assembly has agreed to the amendments."

Second message:

"In accordance with rule 36(1) of the Indian Legislative Rules, I am directed to inform you that the amendments made by the Council of State in the Bill to amend the Durgah Khawaja Saheb Act, 1936, were taken into consideration by the Legislative Assembly at its meeting held on Thursday, the 31st March, 1938, and that the Assembly has agreed to the amendments."

Third message:

"I am directed to inform you that the Legislative Assembly has at its meeting held on Thursday, the 31st March, 1938, agreed, without any amendment, to the Bill to provide that all Cutchi Memons shall be governed in matters of succession and inheritance by the Muhammadan Law, which was passed by the Council of State on the 7th March, 1938."

STANDING ADVISORY COMMITTEE FOR THE INDIAN POSTS AND TELEGRAPHS DEPARTMENT.

THE HONOURABLE MR. S. N. ROY (Communications Secretary): Sir, I move:

"That this Council do proceed to elect, in such manner as the Honourable the President may direct, two non-official Members to serve on the Standing Advisory Committee for the Indian Posts and Telegraphs Department for the financial year 1938-39."

The Motion was adopted.

THE HONOURABLE THE PRESIDENT: With reference to the Motion which has just been adopted by the Council, I have to announce that nominations to the Committee will be received by the Secretary up to 11 A.M. on the 4th April and the date of election, if necessary, will be announced later.

TRADE DISPUTES (AMENDMENT) BILL.

THE HONOURABLE MR. A. G. CLOW (Labour Secretary): Sir, I move:

"That the Bill further to amend the Trade Disputes Act, 1929, for certain purposes, as passed by the Legislative Assembly, be taken into consideration."

I am confident that all Honourable Members will agree that the subject with which this Bill deals, trade disputes, is one of great importance. It is

[Mr. A. G. Clow.]

also one which has been attracting a good deal of attention lately. Unfortunately the last twelve months have seen a remarkable number of strikes. I think the number has been greater than in any previous corresponding period in India except 1920-21 when we were suffering from the aftermath of the war. It has certainly been very much greater—probably more than double as many strikes have occurred in the last year than occurred in any year since the Trade Disputes Act was passed in 1929. I hope this epidemic will prove to be due in part at least to causes which are temporary; but I suggest that the main need is a general improvement in industrial relation. Now the amount we can achieve by legislation to secure such an improvement is very limited, much more limited than some labour enthusiasts suppose. But I think Honourable Members will agree that we should do what we can to promote harmony in industry and to secure the parties and the community from the loss and hardship which is involved in stoppages of work. That was the object with which the original Act was framed, and the greater part of this Bill, clauses 2 to 9, represent amendments of detail in the original scheme without involving any change in its essential structure. These are for the most part explained in the Statement of Objects and Reasons and I need not do more than allude to them very briefly.

Clause 2, the first part of it, makes certain slight enlargements of the definition of public utility service and clause 7 makes amendments in the section, which contains the provisions relating to public utility services, and requires notices in the case of lock-outs and strikes. The object of the main amendment in clause 7 is to ensure that Provincial Governments get early information of possible stoppages so that they can consider what action is required on their part. Clauses 4, 5 and 6 make certain minor changes in the sections which govern the procedure of Boards and Courts. A somewhat more important change is done in the latter part of clause 2 and clause 3. At present the definition of "trade dispute" is limited to disputes between employers and workmen and disputes between workmen and workmen. It is only the former type of dispute that is covered by the conciliation machinery. What we are proposing to do here is to cover all three possible kinds of disputes, between employers and employed, between workmen and workmen and between employers and workmen and to extend the conciliation provisions to all three. That brings me to clauses 8 and 9. These make minor changes in the provisions relating to general strikes. If Honourable Members will refer to the Statement of Objects and Reasons they will see that the main section 16 is criticised there as having been "framed in terms which as experience has indicated, render it of little value for the protection of the community". I cannot claim that the amendments here being made go any large distance to remove that criticism, although they are minor improvements. But we propose to consult Provincial Governments on the question of whether we cannot do more to check or curtail strikes when methods of conciliation and enquiry are being pursued.

The remaining clause, clause 10, is of a different character, because it proposes to enlarge and supplement the scheme of conciliation provided for by the main Act. This change was suggested by the Whitley Commission and I might read a short passage from its report as it explains better than I can do the underlying object. After discussing the neglect of conciliation, they go on to say:

"It is in the earlier stages that assistance of the right kind can be most valuable. We do not suggest that the heavy artillery of the Trade Disputes Act should be used at

this stage; we would repeat that it is far better to get the parties to a dispute to settle it themselves than to put forward a settlement for them and attempt, by invoking public opinion or otherwise, to give it force. There are frequent occasions when the tactful and experienced official can assist by bringing the parties together, or by putting before either party aspects of the other's case which may have been overlooked, or even by suggesting possible lines of compromise. India has tried to copy the less valuable part of the machinery employed in Great Britain whilst ignoring the most valuable part. There, less reliance is placed on *ad hoc* public enquiries of the kind contemplated by the Indian Trade Disputes Act than in the efforts of conciliation officers and others to bring the parties privately to agreement".

The Tribunals that we can at present appoint and Provincial Governments can appoint at present cannot really be established in the earlier stages of the dispute. They are thus compelled to start work when the parties have already ranged themselves into opposite camps and when conciliation is therefore extremely difficult. The Conciliation Officers for whom the Bill provides could by acting as the friends of both the parties and by mediating before any serious antagonism has been aroused prevent many disputes which would otherwise result in a rupture of industrial relations.

THE HONOURABLE MR. P. N. SAPRU (United Provinces Southern : Non-Muhammadan) : Sir, you will perhaps permit me to offer my congratulations to the Honourable Mr. Clow on his appointment, even though temporarily, as a Member of the Governor General's Executive Council. The Honourable Mr. Clow is a very very earnest man. He is respected greatly for his sympathy with the working classes of this country and I am genuinely sorry that he should have promoted a Bill parts of which I have to criticise and which generally in its present form I cannot support.

Sir, I will enumerate the criticisms that I have to make against the Bill as briefly as I can. First of all, my criticism is that the Government have extended the list of industries which are hereafter to be considered as public utility services. If you look at clause 2 you will find that a sub-clause is to be added and the effect of that sub-clause (*ia*) would be to make inland steam vessel services or transport services, which the Local Government may by notification in the local official gazette declare to be public utility services for the purposes of this Act. Now, Sir, so far as these inland steam vessel services are concerned, they are private owned services. Why should they be regarded as public utility services? The present position is that in a public utility service under the present Trade Disputes Act of 1929, it is an offence to go on strike without notice. The result of this extension will be that it will be an offence to go on strike without notice in the industries to which may be classed as public utility services, namely, the inland steam vessel services and the tramway services. Now, so far as these inland steam vessel services are concerned, they are privately owned and these services are not being used or being run only for public utility. They are being run mainly for private profit. And therefore I see no reason why inland steam vessel services should be brought within the scope of the definition of the Bill.

Then, take again the question of the tramway services. How far are you going to extend this conception of the public utility services? If you have the tramway services, then why not have the cabs and bullock carts and the ekkas which are more often used by the poor people than trams in certain parts of the country? In Cawnpore you have trams but I think trams have not replaced ekkas. Then why not extend the definition to ekkas? Why not extend it to bullock carts also? Where are you going to draw the line?

THE HONOURABLE THE PRESIDENT : Tramways are being used by poor people.

THE HONOURABLE MR. P. N. SAPRU : Yes, Sir, but ekkas are more often used by poor men than tramways. I can understand the case of a service which is run by the State, which is managed by the State, which is controlled by the State, being regarded as a public utility service.

THE HONOURABLE THE PRESIDENT : Are you aware that almost all the electric supply companies in India are run by private companies ?

THE HONOURABLE SIR DAVID DEVADOSS : Well, in Madras, the electric supply companies are private companies, they are not owned by the State, and yet they are public utility concerns.

THE HONOURABLE MR. P. N. SAPRU : Sir, it all depends upon the measure of control we have over a particular service and also it depends on the nature of the service. In the case of a tramway there are alternative methods of transport available.

THE HONOURABLE SIR DAVID DEVADOSS : No. In Madras people are likely to be stranded if there is a strike.

THE HONOURABLE MR. P. N. SAPRU : People are always stranded. If the Honourable Sir David Devadoss had his way he would probably allow no strikes at all. Humanity for certain people only mean humanity for the vested interests, or the propertied classes. Only rarely, Sir, do we have the poor people in mind. Therefore, there is a basic difference, a difference which cannot be bridged, there is a difference of ideology between my point of view and the point of view of the Honourable Sir David Devadoss, and I think, Sir, it will serve no useful purpose if I were to go into these basic questions. But I think, Sir, the point remains that tramways are not exactly like railway trains and therefore I see no reason why there should be an extension of the definition of public utility services which is to be found in the old Trades Disputes Act. The result of this extension, Sir, will be that a strike without notice if it comes within section 16, will be an illegal strike. Sir, in England even railways are not treated as public utility services. Why should there be this extension here ?

I come now, Sir, to the question of illegal strikes. Now, Sir, the original Act provided that

" 16. (1) A strike or a lock-out shall be illegal which—

- (a) has any object other than the furtherance of a trade dispute within the trade or industry in which the strikers or employers locking out are engaged ; and
- (b) is designed or calculated to inflict severe, general and prolonged hardship upon the community and thereby to compel the Government to take or abstain from taking any particular course of action "

Now, Sir, I do not want to go into the question whether these lightning strikes should be declared illegal under any circumstances at all. I do not want to go into that question. I find that the principle has been settled in the Trade Disputes Act and I am not going to question the principle of the Trade Disputes Act of 1929. But the point is that there have been certain changes made in the Trade Disputes Act of 1929 and the result of those changes will

be to make the position of the worker more difficult. Now, Sir, the word " prolonged " has been taken out. The position now is that as the clause stands it would rule out sympathetic strikes altogether. It would rule out political strikes altogether. If the intention of the strike is to coerce Government or do something which will cause hardship to the community, then the strike is illegal. That is the present position so far as the law is concerned. But in order that the strike might be illegal it has to satisfy three qualifications. It must be severe, it must be general and it must be prolonged. Well, if you take out the word " prolonged " it will mean this that, if a strike lasts even for one day, it can be made illegal. Sir, the case against the measure is that in the old Act the words were " severe, general and prolonged " and if one word is taken, then you will have necessarily to place a more narrow interpretation upon the Statute. If there is a strike even for a single day, according to the amended section the strike would be an illegal one. That is going too far.

THE HONOURABLE THE PRESIDENT : One day's stoppage might cause thousands of rupees loss.

THE HONOURABLE MR. P. N. SAPRU : That is an argument which capitalists always employ, if I may say so with respect, against all strikes. You have to look at the question from a humanitarian point of view, not merely from the point of view of profits. It may not be possible for us to do away with the capitalist system. I do not say that it is possible for us to do away with it. I do not ask the House to go as far as that. But it is certainly possible for us to have a humanised capitalism. It is certainly possible for us to have a reformed capitalism under which it will be possible for the under-dog also to have fair play. It becomes necessary sometimes for a strike to be a lightning strike in order that it may succeed. If you make a lightning strike so difficult, then you are not promoting the cause of industrial peace. So, I fear that the elimination of the word " prolonged " will worsen the position of the workers. It may be said that the British Act does not contain the words " severe, general and prolonged ". But the position here is that these words were in the old Act, and if you take away this particular word " prolonged " from the Statute, then the courts are bound to construe that the word " prolonged " had some meaning and thus you narrow the interpretation. Assuming, Sir, that political strikes are wrong I am not going to argue that political strikes are right or not ; I will not answer that question here at all whether political strikes are right or not ; assuming, Sir, that political strikes are wrong why should sympathetic strikes intended to influence Government for securing beneficent legislation like for example health insurance or the appointment of a court of enquiry be ruled out ? Supposing we have some general scheme of health insurance extended to one industry. Then why should a strike by some other industry in order that the benefit of this health insurance scheme might be extended to it also be ruled out ? Sir, the clause as it stands is not limited to making political strikes illegal. And, Sir, why should political strikes be illegal in the case of industry only ? If a strike is illegal in industry, it ought to be illegal in other spheres of life also. You know that you have hartals some times in this country ; shop-keepers close their shops and great hardship is inflicted upon the public when shops are closed. If it is not a penal offence for a shop-keeper to obey the orders of a Congress dictator—we have not Congress dictators now ; we have Congress premiers and Congress ministers now—but if it is not illegal for a shop-keeper to obey the dictates or the will of a Congress dictator then why should it be illegal for a poor industrial worker

[Mr. P. N. Saprū.]

to go on sympathetic strike with those with whom he has natural affinities? Sir, reference was made by the Honourable Mr. Clow to the existing position in this country with regard to industries. We have been having an epidemic of strikes. I deprecate that very much. I think a strike is a weapon which ought to be used with great restraint. It is not a weapon to be used lightly. But, Sir, you are not going to settle these industrial problems by repressive legislation of either a severe character or a mild character. You are going to establish industrial peace by promoting the method of conciliation between employers and employees. If our employers will adopt a more humane attitude towards labour, if they will look upon labour not as a mere commodity to be bought for a certain price but as human material which has to be respected, I am sure that the relations between employers and employees will improve. I am sure, Sir, that the so-called agitators will not have fertile soil then among the workers. The so-called agitators have fertile soil among the workers because the workers have genuine grievances today. Sir, our industrialists are always asking for protection and more protection, and when they ask for protection and more protection, they never think of the consumer or the worker. I have never been an opponent of this discriminating protection myself. But what I do say is this, that if you give protection to your capitalists, you must give protection to your workers also. Personally, I stand for what I would call the new protection, not the protection which my Bombay capitalist friends or my Ahmedabad capitalist friends have in mind, but a new protection which would protect the worker as well as give some security to the capitalists who want to invest money in business. Sir, you cannot get industrial peace by denying the workers certain social services. Honestly, I cannot understand why a civil wrong would be made a criminal offence. If a strike takes place, there has been a breach of contract and there is a civil remedy open to our capitalist. They can invoke the machinery of the law courts in civil cases. Why must they have the machinery of the criminal law also to assist them? What happens when a strike takes place?

THE HONOURABLE MR. G. S. MOTILAL : On a point of order, Sir. The Honourable Member is dealing with the very principle of the original Bill. This is an amending Bill.

THE HONOURABLE MR. P. N. SAPRU : These are general observations which arise out of the Bill.

THE HONOURABLE THE PRESIDENT : Please proceed.

THE HONOURABLE MR. P. N. SAPRU : What happens if there is a strike? The Congress Governments do not hesitate to use section 144 for keeping the peace. Section 144 has been more used by Congress Governments in some cases—I do not say wrongly—but I think they were great critics of section 144, and they have discovered virtues in section 144 since they came into office. (*An Honourable Member* : “They have learnt.”) They may have. I do not know. But what I was saying was this, that if you use section 144 against your workers, you must also use section 144 against your capitalists. And think very often these strikes are the result of bad handling of their employees by the capitalists.

THE HONOURABLE MR. SHANTIDAS ASKURAN (Bombay : Non-Muhammadian) : Get some experience!

THE HONOURABLE MR. P. N. SAPRU : Well, I have not the experience which my friend Mr. Askuran has as an employer of labour, but I am in touch with the labour world and I know how they feel and I think I can feel as they feel at all events on certain occasions and at certain times. Therefore, I would urge that this question ought not to be looked at only from the point of view of a certain class. It ought to be looked at from the point of view of the community as a whole. The machinery of the Trade Disputes Act has not been very much used. I think it has only been used on three occasions. We have not enough experience of the working of the Trade Disputes Act and therefore I do not see that there is any particular reason why there should be any change in the old Trade Disputes Act of 1929. There is a part of the Act which certainly attracts me, and that is the part about conciliation agencies. But as I say I cannot take an isolated view of the Act. There are parts of the Act with which I find myself in agreement and there are parts of the Act with which I do not find myself in agreement. The attitude for me to take is not to support the Bill in its present form. Of course I know the Bill has the support of the Party of which my distinguished friend the Honourable Mr. Ramadas Pantulu is the leader. I should have thought that that Party which stands for mass contact, which is so much—

THE HONOURABLE THE PRESIDENT : Do not make any reflection on other Parties.

THE HONOURABLE MR. P. N. SAPRU : No, Sir, it is not a rival Party. We both belong to the Opposition here in this House; so I am making a reflection, if it is a reflection at all, on a Party which generally co-operates with us, and what I was going to say was that I was rather sorry that the Congress Party should have departed from the idealistic programme which it has placed before itself and blessed this Bill.

Sir, with these words, I indicate my dissent from certain parts of the Bill. I am not prepared to support the Bill as it is. That is all I have to say.

THE HONOURABLE MR. HOSSAIN IMAM (Bihar and Orissa : Muhammadan) : Mr. President, this Bill has come to us after nearly four years since a Bill was to extend the original Act of 1929 was brought before this House. At that time the Government introduced what I might call an extending Bill, by means of which they made the Act permanent. On our query the then Member for Labour promised that he would introduce a measure as soon as he had consulted public opinion and finished with other labour legislations. I may say that the Labour Department during recent years has done immense service to the cause of labour. They have introduced measures for betterment of the conditions of labour, and as such they can really look back with pride on their achievement. But this Bill is not an unmixed blessing. It is as imperfect as we human beings are. Perfection and idealism are rather difficult to attain, and my Honourable friend Mr. Clow in the other House made it clear that in introducing this Bill he had looked at the question from the point of view of both capital and labour. It is neither in the interests of labour nor entirely in the interests of capital.

THE HONOURABLE THE PRESIDENT : His words do not mean that.

THE HONOURABLE MR. HOSSAIN IMAM : But unconsciously I may say there is a little more favouritism for capital than for labour. (*An Honourable Member* : “Where is that?”) The lesser stringency as far as section 16 is concerned.

[Mr. Hossain Imam.]

Mr. President, the major changes in this Bill are two. The first is about section 16 and the second is the addition of section 18A. In those respects we have to see what are the changes. The original Bill contained a provision which apparently was more favourable to labour than the compromise arrived at in the Select Committee of the other House. How it happened we do not know, because the proceedings of the Select Committee are not made public. We only have the report which does not give us any definite information on that point. The Honourable Mr. Clow made it clear in his speech in the other place that he is not giving up the idea underlying clause 8 as originally drafted. He has only deferred it for consulting Provincial Governments and other public opinions. That, Sir, is in my opinion a guarantee that justice and equity will be done. Although this is an imperfect measure it promises that in future it may be improved. My Honourable colleague Mr. Sapru was rather critical of the extension of the scope of the Act to include public utilities. Perhaps I may clear the air by stating that a strike in a public utility service has not been declared illegal. They are not under the mischief of clause 16. They come under clause 15 whereby the public utility worker is required to give us notice. The only thing we debar a public utility worker from doing is to declare a lightning strike. Now we must give precedence to the interests of the masses and not to the classes. When workers and the general public clash it is natural that the general public interests should prevail rather than the interests of the class to which the labour must belong. The labour in any one industry does not form a majority of the population, and the majority of the population suffer if a public utility service is stopped without notice. The idea underlying the requirement of notice is that there should be a fair bargain and an opportunity for conciliation. If there is a lightning strike it does not give an opportunity for conciliation to take place. It is like a man holding a pistol at my head and asking me to do this or that. I therefore think that in the prohibition of lightning strikes in public utilities we may concede that the Government is not in the wrong. Then there is another safeguard which my Honourable friend has overlooked, namely, that our own Provincial Governments come into the picture. It is not the old bureaucratic Government which will declare a tramway or a steamship company to be a public utility service. It is the present reformed Governments, i.e., the Congress Governments. Is my Honourable friend prepared to trust

12 Noon.

them? Perhaps he has looked apprehensively at the changed attitude of the Congress, which has changed much, and on account of the weight of responsibility is no longer as irresponsible as it used to be. I find that they have learnt their lesson well and they can each things to the former bureaucratic Government here. It is not very many days since I heard even shooting of the masses being approved by Congress Ministers.

THE HONOURABLE SIR DAVID DEVADOSS: How is all this relevant?

THE HONOURABLE THE PRESIDENT: Wholly irrelevant!

THE HONOURABLE MR. HOSSAIN IMAM: Because the authority which will declare a public utility service is the Congress in seven provinces therefore whether it is trustworthy or not from the public point of view can be discussed. I do not say that they have done wrong. They were wrong before when they were condemning all the actions of the former Governments. They have learnt the lesson now that they are occupying office. They used to do and say things formerly which used to be irrational, they are perhaps actuated

by the requirements of the situation, they have learnt and I hope they will learn more as time passes.

Now, Sir, the Honourable Mr. Clow referred to section 18A, and I wish to endorse that the introduction of section 18A is a very welcome change—an improvement on the old Act. Much will depend on the personnel selected by the Central and Provincial Governments to occupy that post. If these posts are to be merely added to the list of preferments in the hands of the Governments it will fail, but if selection is made of persons who are really suitable to occupy these posts it will prove an immense success. After all prevention is always better than cure, and the machinery and the entire success of this provision will depend on the personnel appointed to these posts. I hope that in making these appointments the Central and the Provincial authorities will make suitability their one and only criterion and no political consideration or service will be taken into account. It is feared that it might degenerate into jobbery as it did in bureaucratic times.

Sir, the Bill, as I said, is not much of an improvement on the original Act. Excepting clause 10 I do not find that other clauses are much favourable to the labour view-point. Nevertheless in this House as it is at present constituted, it is impossible for the Opposition to make any improvement in the legislation before the House. It was primarily the duty of the Lower House which has an overwhelming majority of Opposition Parties to make whatever improvement it thought proper to make in the interests of labour and the general public. But our experience of the last eight months has been that more often than not the chief Opposition and the Government think alike, because they both form the Government but in different spheres; and therefore we on our part can do nothing but express our dissent from such measures which are not in the interests of labour.

THE HONOURABLE MR. V. V. KALIKAR (Central Provinces: General): Sir, I had no mind to take part in this debate, but some remarks of my Honourable friend Mr. Sapru induced me to have my say on this measure. Sir, my Honourable friend Mr. Sapru is a great politician and I hope he would look at this measure from a politician's point of view, rather from the point of view of a particular class of Indians. Sir, the Government said—in fact our Honourable colleague Mr. Clow said in the other House—that the Bill is not perfect. It is not a momentous one, but he has tried according to him to keep the scales even between the two contending parties.

THE HONOURABLE MR. HOSSAIN IMAM: A little weighted!

THE HONOURABLE MR. V. V. KALIKAR: My Honourable friend Mr. Hossain Imam says "a little weighted". But from the Minutes of Dissent he will find that the capitalists also are not in any way pleased with this Bill. They say that the original Bill was much better and the Bill is robbed of many things which were useful for preventing strikes. So I think the Bill is more in the interests of the community as a whole than in the interests of a particular class of the community. My Honourable friend Mr. Sapru says that the public utility services should not be recognised as such unless they are owned by the State.

THE HONOURABLE MR. P. N. SAPRU: Controlled.

THE HONOURABLE MR. V. V. KALIKAR: Unless they are controlled or owned by the State. Sir, we may have our differences on that point, but

[Mr. V. V. Kalikar.]

the question is whether these services cater to the needs of the public or not? Now, take tramway services or electric companies in India. Does my friend want that there should be no notice given by the worker to the company before he goes on strike? What is the dangerous principle there? As my Honourable friend Mr. Hossain Imam stated just now, it is just fair that the workers should give notice to the company, so that they may arrange for seeing that the public is not in any way inconvenienced? Sir, I am speaking neither as a capitalist nor as a labourer, but as a third party and I think I can take a detached view of the measure before the House. Sir, I have some knowledge of the strikes that happened in my city, Nagpur. I do not want to cast any reflections on the leaders of the labour party there, but I know it for certain that there were many strikes which were really not in the interests of the labourers but for imaginary grievances. I could cite examples of some strikes where inefficient workers were dismissed by the management and labourers went on strike. I am very glad to find that labour leaders have admitted that the labourers do suffer much in these strikes, but even the industries also suffer to a great extent. I must state, Sir, that you can not compare India with England in these matters. In England industries are very strong, labour organisation is equally stronger. Here, in India, Sir, which is practically an agricultural country and in which we have to maintain these nascent industries, against the onslaught of foreign competition and foreign countries we as legislators must not put undue restrictions on the industry as a whole in India.

Sir, my friend the Honourable Mr. Sapru said that capitalists have gained much. If we were to turn and read the labour legislation that has been passed in this House and by the Assembly during the last five years, we as third parties would come to the conclusion that the Government of India is taking a real interest in, is giving more importance to, the complaints and to the grievances of labour than of capital. So, Sir, my point is, that we as legislators should not look to this measure from the angle of vision of a capitalist or a labourer, but we should take into consideration the measures that have been incorporated in the Bill and see whether they are in the interests of the community as a whole or not.

Sir, I am certainly pleased to find that a new clause 10 (18A) has been added to the Bill. It is better, Sir, to prevent strikes when there are signs of its developing than to find measures to settle those strikes when the strikes are in existence. Sir, I hope this Conciliation Officer would do much by way of mediation, by way of inducing the contending parties not to go on strike and also try his level best to settle the disputes that may arise in future and that will cause loss not only to the public but to the contending parties. So, Sir, this special measure which has been incorporated in this Bill will, I hope to a great extent assist us in establishing industrial peace in this country.

Sir, then about the dropping of the original section and retaining the old section 16, much has been said and much was said in the other House. I find, Sir, on reading the speech of the Honourable Mr. Clow which he delivered in the other House that he has not yet given up the idea. He says, Sir, that he wants to consult Provincial Governments and public opinion on that matter. Now, Sir, in all those 11 provinces we have got responsible Government and therefore, Sir, I would request the labour leaders and my friends like the Honourable Mr. Sapru and others to wait and to have full confidence in the Provincial Governments and then after the Provincial Governments

have decided their policy in the matter, then to bring pressure on the Government of India. But then, Sir, I must submit that, though we may help labourers to remedy their just grievances, we cannot be a party to help them in those measures where they not only bring themselves into difficulty, and the industries too, but they inflict very great hardships on the community as a whole. I therefore, Sir, have great pleasure in supporting the measure so ably moved by my Honourable friend Mr. Clow.

THE HONOURABLE SIR DAVID DEVADOSS (Nominated : Indian Christians) : Sir, I had no idea of speaking on this Bill as I thought it was one which was favourable to labour. Mr. Clow, Sir, whose preferment we are all pleased to hear of, has made a special study of labour questions and during the last few years he and his chief, Sir Frank Noyce, have done much for labour. The observations of the Honourable Mr. Sapru, Sir, seem to show there should be no legislation which would benefit the country. His idea is that if there is any legislation it ought to benefit a certain class, that is the class he is interested in, Labour. Sir, legislation ought to be for the greatest benefit of the greatest number. I will confine myself only to one or two of his observations. Now, as regards tramways, Sir, as you know, in Madras we have got a tramways system which is run by a private company. We have got an electric supply company which is also a private company. We have got a telephone company which is also run by a private company; and we have in the Madras Presidency a number of electric supply corporations or companies which are run by private companies. Now, Sir, if there is a sudden strike, we will say, on the tramways in Madras; there is an apprehended strike and there is some talk of compromise and so on, and suppose one fine morning we people find there are no trams. I don't know if Honourable Members are aware that Madras is a city of distances. Well, people from the south, we will say Mysore or Adyar, have to go to George Town for their work,—clerks, peons, duffadars, and so on. They have to be at their offices at 10 o'clock. What about them, Sir? The Honourable Mr. Sapru talked about labour people. What about these people? One morning they get up and find there are no trams. How are they to get to George Town which is six miles distant. Then if there is a rickshaw or a jutka or any other form of conveyance, as you know very well that day they will put up their fares and want four or five rupees for the trip. Are the poor people to be victimised like that because one or two people are dismissed by the tramways? Or suppose one or two undesirable men are dismissed by the electric supply corporation and there is a sudden strike. We shall have no lights. The Municipality will have no lights and all the machinery will have to be stopped. Therefore, Sir, I fail to see how the extension of this principle to tramways and boat services will in any way prejudicially affect labour? I think, Sir, clause 10 is really a beneficent measure. You can always consider the grievances of labour and try to bring about peace. Instead of that, if labour is allowed to go on a sudden strike, the whole country will be plunged in difficulties, not merely in darkness. Supposing, we will say, a company which supplies water has a strike in it, if the water is cut off what will the people do? If they draw water from wells there will be cholera next day. Therefore, Sir, I submit that, so far as the provisions of this Bill are concerned, they are very salutary, if not beneficent to the workmen. I really congratulate the Honourable Mr. Clow, who has made a special study of labour, upon producing this piece of legislation. No doubt it cannot be perfect. Nothing is perfect in this world, and Mr. Clow himself is not satisfied with the Bill. He does not say that it is perfect. But this is a piece of legislation which so far as it goes is a very

[Mr. Ramadas Pantulu,

But there are two aspects of the question to be considered. The difference between England and India in this matter is this. First of all, in England, labour is well organised. Trade Unions know their duty and it is more unlikely that irresponsible leaders promote strikes in England than is the case in India today. The other difference is that tribunals and courts there have a definite background in deciding trade disputes. They are long accustomed to trade disputes and the judges can be expected to do justice much better in England between labour and capital. Therefore, we need not invite a comparison between England and India in this matter. The labour organisations have a party in the House of Commons to protect labour interests in matters of legislation also. I would ask the labour leaders to organise a party in the Central Legislature. That will have a greater effect. Instead of only Mr. Sapru here and Mr. Ranga there, let there be a Labour Party.

THE HONOURABLE SIR A. P. PATRO (Madras : Nominated Non-Official) : Sir, I am not a little surprised at the observation made by the last speaker in regard to the formation of a Labour Party in the Legislatures. I thought and have always understood that the Congress represents the whole mass and all classes of people.

THE HONOURABLE THE PRESIDENT : Why do you take it so seriously ? (Laughter.)

THE HONOURABLE SIR A. P. PATRO : My Honourable friend is the Leader of the Congress Group in this House. As Congress represents the whole country including Labour, I thought the Congress Group also represents Labour and there is no need for any separate Labour Party.

THE HONOURABLE MR. RAMADAS PANTULU : Represents the nation.

THE HONOURABLE SIR A. P. PATRO : The nation is as vague as himself and his speech in this House and as vague as the remarks we have had from him this morning ! Therefore, I need not say what a nation means according to him and how he represents that nation !

Then, again, I am rather struck by the remarks of my Honourable friend Sir David Devadoss, who said the Honourable Mr. Sapru was talking of legislation more in favour of labour than for the benefit of the country. I am afraid it is the other way about. Mr. Sapru has been labouring all the time the point that legislation should be equitable and just to both parties. He was not supporting labour as against capital, but he said that capital should so conduct itself that it should not dominate the interests of the country. I do not think there was anything on which we could question the validity of his remarks, as I understood him.

Then, Sir,—

THE HONOURABLE MR. G. S. MOTILAL : Are you opposing ?

THE HONOURABLE SIR A. P. PATRO : That is the voice of capitalism ! I am not prepared to answer that at present. It is shown that the Bill includes tramways in public utilities and if there is a strike it will cause great harm, and so on. But the real significance of this Bill and its scope is very limited.

There are only two prominent facts in this Bill. The first is that inland waterways and tramways are brought into line with other services and under this Bill strikers will have to give notice. Without notice there can be no strike ; that is the important point. So that there may be no hardship to the public. It is a compromise between labour and capital. Labour should not take advantage of its position and inconvenience the public and dislocate services without proper notice. So tramways have been included so that public convenience may be protected.

Then again, Sir, it is said that the Congress have always been on the side of Labour. I do not want to enter into the ethics not the principles of it on this occasion because they are not perhaps very relevant, but all that I would say is that in this matter there is no question of only labour. It is a sort of protection to labour, that they should not be victimised by the blandishments and misrepresentations of certain classes of people who were notorious in creating trouble and who now sit as judges over the so-called wrongdoers. Owing to their activities, capitalists of the class of my friend here suffered very much. Therefore I say that in this matter of the tramways there is absolutely no difficulty whatever in including them in this definition. All that it means is that they will have to give notice of strike.

The other matter of importance in this Bill is the appointment of Conciliation Officers. It is a very desirable and necessary thing and I cannot see any difficulty at all in the working of it. The matter is also left entirely to the discretion of the Provincial Governments. It is not the Central Government which is going to declare that tramways should be brought into the purview of this Bill. It is the Congress Governments in the five provinces who will decide whether or not they should bring the tramways within the purview of this Bill. They will judge the conditions, the circumstances existing at the time, the relations between employers and employees and whether there is reason for utilising this provision or not. It is purely optional and discretionary and I am sure the Provincial Governments will exercise their good discretion and judgment in the matter.

And in regard to Conciliation Officers I hope there will be no amendment in the sense of which notice has been given. That amendment is quite unnecessary. The appointment of Conciliation Officers by the Central or Provincial Governments for looking into these matters is a very desirable thing and it will make for a timely prevention of any such strike. The economic relation between employers and employees is a matter which Governments have to consider with great care. And not only the Government, the public are equally concerned in the matter. Therefore these Conciliation Officers will be able to treat any confidential matter communicated to them with the utmost care and they cannot violate such confidences without the previous consent of the authorities. Therefore Conciliation Officers are very necessary and this Bill is in the right direction to prevent strikes and I support the principles of the Bill.

THE HONOURABLE PANDIT HIRDAY NATH KUNZRU (United Provinces Northern : Non-Muhammadan) : Mr. President, it will be admitted on all hands that this is a controversial Bill and that it deals with a matter of some importance. It affects the freedom of the workers to go on strike, and this is a subject on which, as my Honourable friend Mr. Clow knows, strong feelings are roused not merely in this Legislature but also in the country. It was necessary therefore that he should enlighten us with regard to the genesis of the Bill, so that we might know what was that proved necessity which compelled

[Pandit Hirday Nath Kunzru.]

whether the other clauses of the Bill will promote the object that this part has in view. If you want to give the Conciliation Officer a chance, it is necessary that he should be able to start his work in a friendly atmosphere. But if you make the appointment of the Conciliation Officer part of a Bill which will only irritate one of the parties engaged in the carrying on of industries, then you will be greatly hampering him in the discharge of his duties. Besides the Act, even with the amendments now put forward by my Honourable friend Mr. Clow may not be sufficient for the purposes that Government have in view. They may not even then be able to get from the courts the verdict they desire. The Bill will in that case have proved both futile and irritating. Now, if my Honourable friend Mr. Clow cannot enjoy a happy and tranquil leisure hour, when he has one, and finds that time hangs heavy on his hands, let him employ it in hatching better measures than the one that he has brought forward now. And for the present let him confine the Bill only to that part of it which deals with the appointment of a Conciliation Officer. It is only when this officer has worked for some time that we shall be in a position to see how far the machinery of conciliation is sufficient to deal with industrial disputes and how far it is necessary to strengthen what I may call the penal provisions of the Trade Disputes Act. Without this experience you are not in a position to justify the amendments now put forward. Therefore, Sir, while according my support to the appointment of a Conciliation Officer, I oppose all those clauses of the Bill which seek to make amendments which may not serve the purpose that Government have in view and will at the same time jeopardise the object that they would like to be achieved by the appointment of a Conciliation Officer.

The Council then adjourned for Lunch till a Quarter to Three of the Clock.

The Council re-assembled after Lunch at a Quarter to Three of the Clock, the Honourable the President in the Chair.

THE HONOURABLE MR. R. H. PARKER (Bombay Chamber of Commerce): Sir, I must admit that I was left in a state of bewilderment this morning by the Progressive Party. I am sorry they are not here now. They rather reminded me of the advertisement of a tourist agency. It said, "Send us your luggage and we will deliver it in all directions!" They seem to be progressing in all directions. I must admit that the Honourable Pandit Kunzru left me under the impression that he rather likes strikes. Fortunately, most of the other Honourable Members do not like strikes. Certainly those who have had any experience of them do not like them. Then, the Honourable Mr. Hossain Imam made a point, which I want to make also, that this provision about tramways and water transport services being public utility services is not mandatory. It is merely a power given to the Local Governments. I cannot understand how the Honourable Mr. Sapru can say that it is reasonable that there should be no power to make a tramway a public utility service. It obviously is very often of the greatest importance to the public and the suggestion that there is always an alternative is to my mind quite beside the point. It is not so. Very often, there is no alternative.

Then, one Honourable Member on the Opposition Benches said that this was repressive legislation. I think it was the Honourable Mr. Kunzru who said it, but I am not quite sure. This is not repressive; this is merely restrictive in the interests of the nation and the community as a whole.

We welcome this Bill as tending to reduce the risks of strikes and to end them when they occur.

THE HONOURABLE MR. A. G. CLOW: Sir, I must thank the House for the reception it has given to the Bill. I was particularly glad to note that all the Honourable Members—there have been many—who have spoken from the front Benches have supported it. Criticisms came only from the Honourable Mr. Sapru and the Honourable Pandit Kunzru, neither of whom, I regret to observe, is present now. So far as I can gather, the Honourable Mr. Sapru's objections were limited to two clauses out of the ten—clauses 2 and 8. The point that he seemed to overlook throughout his speech was that we are not trying in those clauses to confer benefits particularly on employers or on labour. We have in mind the community as a whole. He suggested that in some mysterious way a public utility service ceased to be a public utility service when it was owned by a private employer, thereby showing that he overlooked the object of the provision which is to protect the community against sudden stoppages of work in those services. Suppose we sit here one night and all the lights suddenly go out. It is no consolation at all to hear Mr. Sapru's kindly voice saying, "It is all right; this electricity concern is being run by a private company for profit!" We are exactly in the same position as if it was being run by Government. If you have the whole power and lights cut off from a city, the situation is just as serious when it is a State organisation as when it is run by my Honourable friend Mr. Parker, or any other capitalist.

As a matter of fact, I thought that the Honourable Mr. Sapru's argument had been so effectively answered by subsequent speakers that I was hardly expecting them to be repeated in a slightly different form by the Honourable Pandit Kunzru. He also made it a complaint that I had not given a history of the measure. I thought it better to present the measure as it stands to the House for it to consider it on its merits. I did not see we were very greatly concerned with the history behind it which is fairly familiar to most Honourable Members of the House. But I will recall the fact that the original Act... As the Honourable Pandit Kunzru has come in; I would repeat that I was trying to give, in answer to his complaint, a very brief history of the measure. The original Trade Disputes Act was a temporary measure for five years. The Whitley Commission offered certain observations and criticisms of it and indicated that a permanent measure was required. A one clause Bill was introduced making the measure permanent. But as we were not ready with proposals for amendment, the undertaking was given that a further measure would be introduced which would give the Legislature an opportunity of reviewing the more important clauses of the main Act. It is in pursuance of that undertaking that the Bill was introduced. There are further indications of the history of the Bill in the Statement of Objects and Reasons. For example, clauses 4, 5 and 6 owe their origin to a big Court of Enquiry—an enquiry into retrenchment on railways. Clause 10, as I said, came from the Whitley Commission. Clause 7, I think, is due to a suggestion made by a Provincial Government. Clause 8, as the House is well aware, is not the clause that stood in the Bill when it was originally introduced. I cannot refer to the vicissitudes which it underwent in the Select Committee and in another place. But where, I think, my Honourable friend Pandit Kunzru went astray was in his suggestion that the whole object of the original Act was to be found in sections 15 and 16. He seemed to be under the impression that these were designed to meet a grave emergency only. That is true of section 16, but that is not in the least true of section 15, which is an ordinary provision, for which parallels can be found elsewhere, for the protection of the public. Well, Sir, Sir Bhupendra Mitra,

[Mr. A. G. Clow.]

who was not merely the sponsor but very largely the author of the original measure, has gone from us. But I was fairly closely in his confidence and I am quite sure that there is no foundation for the Honourable Pandit Kunzru's conjecture that if clauses 15 and 16 had not been there, he would not have gone on with the Bill. Actually, these proposals were under consideration before there was any suggestion of the 1927 Act in England on which clause 16 was based. I may say that he regarded, as I certainly do, the first 14 clauses of the Act as constituting its main part.

I think my Honourable friend was equally astray in suggesting that I had set out the number of strikes we have recently had as a justification for this provision. I should have been on weak ground if I had done so, because the Bill was actually introduced two years ago and we could not have possibly anticipated the events of the last twelve months. I was merely referring to the number of strikes as indicating the importance of doing all we can to mitigate industrial unrest; I did not cite them as supporting these provisions. These provisions stand on their merits and I would regard them equally as good if we had had in the last year 100 strikes instead of over 300.

THE HONOURABLE THE PRESIDENT: Motion moved:

"That the Bill further to amend the Trade Disputes Act, 1929, for certain purposes, as passed by the Legislative Assembly, be taken into consideration."

Question put and Motion adopted.

Clauses 2, 3, 4 and 5 were added to the Bill.

Clauses 6, 7, 8 and 9 were added to the Bill.

THE HONOURABLE THE PRESIDENT: Clause 10.

THE HONOURABLE MR. A. DEC. WILLIAMS (Government of India: Nominated Official): Sir, with your permission I would like to move the amendment in my name in a somewhat different form. Instead of substituting for the words "by him or under his" the words "by it or under its" I would wish to substitute "by them or under their". The amendment will then read—

"That in clause 10 in sub-section (1) of proposed section 18A for the words 'by him or under his' the words 'by them or under their' be substituted."

There is merely a grammatical change.

THE HONOURABLE THE PRESIDENT: Amendment moved:

"That in clause 10 in sub-section (1) of proposed section 18A for the words 'by him or under his' the words 'by them or under their' be substituted."

Question put and amendment adopted.

THE HONOURABLE MR. R. H. PARKER (Bombay Chamber of Commerce): Sir, I move:

"That in clause 10 to the proposed section 18A the following sub-sections be added, namely:

(4) If any person supplying information or producing a document to a Conciliation Officer requests that the information or the document or any part thereof shall be treated as confidential the Conciliation Officer shall not disclose such information or the contents of such document or part thereof except to—

(a) the authority which appointed him to be a Conciliation Officer; or

(b) the parties concerned in the dispute for the purpose of mediating therein or promoting the settlement thereof.

(5) If the Conciliation Officer contravenes the provisions of sub-section (4), he shall be punishable with fine which may extend to one hundred rupees.

(6) No Criminal Court shall take cognizance of an offence under this section except with the previous sanction of the authority appointing the Conciliation Officer; and no Civil Court shall without the like sanction entertain any suit against a Conciliation Officer in respect of the disclosure of any information or the contents of any document or part thereof of the nature referred to in sub-section (4)."

Now, Sir, the existing Act in section 13 deals with the question of disclosure of information of this kind by the Courts or Boards provided for under the Act and by any individual members, and we are seeking to make somewhat similar provisions regarding information which may become known to a conciliator in the course of his duties. It is a matter of considerable importance. It is quite evident that a conciliator might get information which would be bad for the public, bad for the business, bad for the owners and possibly bad for the labourers. But, generally speaking, I think it is proper that all information which is obtained in the course of proceedings of this particular kind should be only used towards the end in view, that is conciliation, and that no other use really ought to be made of it. In these circumstances I understand that conferences outside this House have considered the matter since it was considered in the Lower House and that they have come to the conclusion that this is right and proper, and I hope it will be acceptable to all Members of the House.

THE HONOURABLE PANDIT HIRDAY NATH KUNZRU: Sir, my Honourable friend who has proposed this amendment said in the course of his speech that he was certain that, generally speaking, it was desirable that confidential information supplied to the Conciliation Officer should be treated as such. Now, I agree with him there, but when he used the word "generally" he introduced an important qualification. His amendment however recognises no such exception. The amendment makes it obligatory on the Conciliation Officer not to disclose the information or any part of it at any time. Now it may be desirable for the Conciliation Officer to make some part of it public. This is recognised by the law in other countries. I may for example refer to the Canadian Disputes Investigation Act. Clause 32 of that Act says:

"that when confidential information is supplied to the officer concerned, the information so obtained shall not, except in so far as the Board deems it expedient, be made public".

Now here it is accepted, generally speaking, that the information received by the Board would be treated by it as secret, but it has been left discretion in the matter. Its hands are not completely tied. I ask that the same discretion should be left to the Conciliation Officer in this country. If my Honourable friend could introduce some word which would have the effect of bringing out his idea that the information given to the Conciliation Officer should generally be treated as confidential, I would be perfectly prepared to support him. But in its present broad form it is open to objection. I hope he will look into the matter and will see that the objection to which I have drawn attention is done away with.

THE HONOURABLE MR. R. H. PARKER: Sir, if I may say so, I think the objection is rather far-fetched, and for my part I could not suggest any change.

THE HONOURABLE MR. A. G. CLOW: Sir, I do not think the amendment is open to the objection raised by my Honourable friend Pandit Kunzru. The whole object of Conciliation Officers is to work privately, and in fact that I

[Mr. A. G. Clow.]

think was mentioned by the Whitley Commission. And if there is a possibility that in certain cases, which obviously would not be capable of definition, the information which they receive from what I may call their clients is going to be disclosed, I am sure their value would be very seriously impaired. I would refer to section 13 of the Act which contains somewhat analogous provisions in the case of Courts and Boards. It seems to me that Courts and Boards now are designed to appeal to the public opinion. Here we have an officer working completely informally, approaching one party one day and making a suggestion to them, approaching another party another day and putting certain aspects before them. And I hope if suitable officers are appointed—and I agree with Mr. Hossain Imam that the personnel of these officers will be a matter of considerable importance—but if suitable officers are appointed they will naturally be the recipients of confidence and of confidential information. It seems to me that the value of their work would be undermined if when a special request is made to keep information confidential the officer was in a position to ignore that request.

THE HONOURABLE MR. HOSSAIN IMAM: Sir, may I say a word to Mr. Clow and Mr. Parker? In section 13, to which reference has been made, there is a provision which guards the interests which Pandit Kunzru wants to safeguard. The wording of the original section is:

"Any information obtained by the Court or Board in the course of its enquiry or investigation as to any Trade Union which is not available otherwise than through evidence given before the Court or Board".

If that is introduced in this amendment, that would meet the objection which Pandit Kunzru has. It is really a tall order to say that at one time what the parties give will be private and next time it will not be private. For this reason the Legislature in 1932 had provided a check. If that check is incorporated, I think Pandit Kunzru will not have objection to it.

THE HONOURABLE MR. P. N. SAPRU: Sir, may I with your permission suggest that if the wording is slightly altered, it may perhaps meet the point of view of all.

THE HONOURABLE THE PRESIDENT: Both the Mover of the amendment and the Government Member in charge have refused to accept the suggestion to make an alteration in the amendment.

THE HONOURABLE MR. P. N. SAPRU: I do not know whether Mr. Parker and Mr. Clow will refuse to listen to reasonable arguments which may be suggested.

THE HONOURABLE THE PRESIDENT: You should have said all that after the Honourable Mr. Parker moved his amendment.

THE HONOURABLE MR. G. S. MOTILAL (Bombay: Non-Muhammadan): Sir, this point is, I find, already provided for in the amendment of Mr. Parker. In this section of the Trade Disputes Act it says that this information shall be treated as confidential except with the consent in writing of the Secretary of the Trade Union or the employer. Now, the amendment which the Honourable Mr. Parker has moved more or less carries the same idea, for it begins like this:

"If any person supplying information or producing a document to a Conciliation Officer requests that the information or the document or any part thereof, shall be treated as confidential the Conciliation Officer shall not disclose such information".

So it is only in such cases where the party concerned requests that it shall be treated as confidential information, it will be so treated. The difference is only in the expression. There this conditional clause is put at the end and here the clause begins with this condition. I therefore think that Honourable Members will see that this point is really secured.

THE HONOURABLE MR. A. G. CLOW: Sir, I think it is dangerous to accept an amendment of this kind on the floor of the House. The point seems to me personally to be more or less covered by the words "supplying information" which I do not find in section 13. The Honourable Mr. Parker's amendment begins with the words:

"If any person supplying information or producing a document to a Conciliation Officer requests".

If the Conciliation Officer had already been supplied with the information from another source or had got a document from another source, surely he would not be guilty of a breach of this provision if he disclosed it.

THE HONOURABLE THE PRESIDENT: Amendment moved:

"That in clause 10 to the proposed section 18A the following sub-sections be added namely:

- (4) If any person supplying information or producing a document to a Conciliation Officer requests that the information or the document or any part thereof shall be treated as confidential the Conciliation Officer shall not disclose such information or the contents of such document or part thereof except to —
 - (a) the authority which appointed him to be a Conciliation Officer; or
 - (b) the parties concerned in the dispute for the purpose of mediating therein or promoting the settlement thereof.
- 5) If the Conciliation Officer contravenes the provisions of sub-section (4), he shall be punishable with fine which may extend to one hundred rupees.
- (6) No Criminal Court shall take cognizance of an offence under this section except with the previous sanction of the authority appointing the Conciliation Officer; and no Civil Court shall without the like sanction entertain any suit against a Conciliation Officer in respect of the disclosure of any information or the contents of any document or part thereof of the nature referred to in sub-section (4)."

Question put and amendment adopted.

Clause 10, as amended, was added to the Bill.

Clause 1 was added to the Bill.

The Title and Preamble were added to the Bill.

THE HONOURABLE MR. A. G. CLOW: Sir, I move:

"That the Bill further to amend the Trade Disputes Act, 1929, for certain purposes, as passed by the Legislative Assembly and as amended by the Council of State, be passed."

The Motion was adopted.

HINDU WOMEN'S RIGHTS TO PROPERTY (AMENDMENT) BILL.

THE HONOURABLE MR. A. DEC. WILLIAMS (Government of India: Nominated Official): Sir, I move:

"That the Bill to amend the Hindu Women's Rights to Property Act, 1937, as passed by the Legislative Assembly, be taken into consideration."

[Mr. A. deC Williams.]

This Bill, Sir, is designed solely to remove certain defects which were found in the Hindu Women's Rights to Property Act, 1937, and to clear up certain ambiguities in its wording which have been detected since it became law. In that sense I cannot claim that the Bill makes no substantial change in the law, but it in no way contravenes or interferes with the principles of the parent Act and it will be out of place to discuss those principles now. There is very little which I need add to what is stated in the Statement of Objects and Reasons as regards the provisions of the Bill. (The words "leaving a widow" in section 2 of the Act itself were somewhat unfortunate for they have the effect of depriving widowed daughters-in-law of their rights under the two provisos to sub-section (1) of section 3 of the Act in cases where the Hindu happens to die a widower. This was never intended when the parent Act was framed and consequently the Bill provides that those words should be omitted from section 2 of the Act.)

A number of changes have been made by the Bill in sub-section (1) of section 3. In that sub-section the words "along with his lineal descendants, if any" are somewhat misleading, because they might be taken to mean that daughters and the lineal descendants of daughters can succeed along with the widow or widows. This again was not the intention of the framers of the Act and these words have been omitted. Again, in sub-section (1) of section 3 as it stands the words "devolve in like manner as it devolves upon a son" are not very clear and the Bill has substituted the simple statement that the widow shall be entitled to the same share as a son. Again, this sub-section as it stands is ambiguous in cases where the intestacy of the deceased relates only to part of the property and the rest of the property is covered by a will. The Bill makes clear, as was originally intended, that in such cases the right of the widow relates only to the property which is not covered by the will. Further, the same sub-section only referred to the widow in the singular and doubt has been felt as to what would be the position if there were more than one widow. The Bill now makes it clear that if there is more than one widow, all the widows together will get the share of one son.

In sub-section (2) of section 3 of the Act, the word "intestate" is most inappropriate because it is used in relation to the joint family property referred to in the sub-section which cannot be disposed of by will. Consequently that word is inappropriate in its application to joint property of that nature and the Bill proposes to omit it.

In sub-section (4) of section 3, there is a lacuna. The sub-section purports to save certain estates which descend to a single heir either by custom or by rule of succession and the sub-section omitted to make any reference to estates which descend to a single heir by virtue of the terms of a State grant. There is judicial authority to the effect that the terms of these State grants will overrule the ordinary Hindu law of succession and it is considered desirable to make a reference to such grants in the sub-section.

Finally, Sir, it has been considered advisable to insert in the Act a definition of intestacy on the lines of section 30 of the Indian Succession Act, chiefly to meet the case where there has been a will but the will is subsequently found to be invalid. I may add that it is proposed that the Bill should have retrospective effect as from the commencement of the Act itself.

Sir, I move.

THE HONOURABLE MR. G. S. MOTILAL (Bombay: Non-Muhammadian): Sir, this Bill, while it improves the Act as it stands in certain respects, also

introduces another complication which is probably as unconsciously being introduced as certain what I should call defects crept in in the last Bill on account of, I should say, loose drafting. So far as clause 1 is concerned, I have nothing to say but coming to clause 2, I admit it is an improvement when you say the words "leaving a widow" are to be omitted. The Act as it stands makes it conditional. It will apply only in those cases where a man left a widow. If he did not leave a widow it will not apply, if he had a son and the widow of a predeceased son, she will not get a share. So the object is defeated.

But now when we come to clause 3 (1) which substitutes and replaces section 3 (1) of the original Act, it introduces another clause. "If there is more than one widow all his widows together shall.....". The effect of it is that in case a person dies leaving more than one widow, then all his widows will get but one share. Under the Hindu law, if he dies leaving two widows, each widow is entitled to a share. I will illustrate this. If a person dies separate, separate say from his sons, one by each wife. Now, under the ordinary Hindu law, if there is a separate property of this person, his sons will each get a share and each of his widows will get a share.

THE HONOURABLE SIR DAVID DEVADOSS (Nominated: Indian Christians): Mayukh, or what are you talking about?

THE HONOURABLE MR. G. S. MOTILAL: Mitakshara.

THE HONOURABLE SIR DAVID DEVADOSS: They do not get a share at all.

THE HONOURABLE MR. G. S. MOTILAL: They do. Each wife gets a share.

THE HONOURABLE SIR DAVID DEVADOSS: No, no. Not in the Mitakshara. The sons get the property and the widow gets maintenance.

THE HONOURABLE MR. G. S. MOTILAL: You are only referring to the Madras school. This is the law according to the Benares school.

THE HONOURABLE SIR DAVID DEVADOSS: That is not Mitakshara. In Bombay they have Mayuka.

THE HONOURABLE MR. G. S. MOTILAL: That is again a mistake. It is not Mayuka. There are a number of Benares families in Bombay also. There are a number of Mitakshara families in Calcutta also. I don't know how these keen lawyers from Madras don't know this. Wherever the Benares school prevails, she does get a share.

THE HONOURABLE THE PRESIDENT: My law is rather stale but I am inclined to agree with Sir David Devadoss.

THE HONOURABLE MR. G. S. MOTILAL: At any rate, assuming that the widows do not get a share in Madras, now they will get a share under the new Act. Now where there is more than one widow, all the widows together will get one share. The widows may divide it among themselves.

THE HONOURABLE THE PRESIDENT: Don't you think that is very equitable?

THE HONOURABLE MR. G. S. MOTILAL : Well, that is a different matter. But that is really introducing a change in the Hindu law as it stands and this change is to the prejudice of the women. Is it intended? I do not think, Sir, that it is intended even by the framers of this Bill that these Hindu widows should have their rights restricted further. I am only pointing it out at this stage. I had not the time to send an amendment. I wish that those words be omitted, viz., "if there is more than one widow, all the widows together shall". If these words were omitted, it would not affect the Hindu law. It would leave it as it is. Each widow would get a share equal to her son.

THE HONOURABLE SIR DAVID DEVADOSS : If there are 20 widows, they will get 20 shares.

THE HONOURABLE MR. G. S. MOTILAL : Well, that is the Hindu law.

THE HONOURABLE MR. SUSIL KUMAR ROY CHOWDHURY (West Bengal : Non-Muhammadan) : In Dayabhag at least the widows get one equal share with the sons on a partition among them. If there are more than one widow they will divide it among themselves. This is in the Bengal school of Hindu law.

THE HONOURABLE MR. G. S. MOTILAL : I am not sure about the Bengal school of Hindu law, but so far as the Benares school is concerned, I am sure what I have stated is the position. Anyway, this is a fact which I want to point out. I want to do so because we are out not to restrict the rights of the women but to give them something more.

I really regret the other amendment also. I had thought that this expression "lineal descendant" was introduced so that where the person is separate on her death the property should also go to the daughters along with the sons. This question was discussed some time ago when something cropped up here and my friend sitting on my left said no share is given to daughters by the new Act. I thought it had been introduced deliberately. But now they say it was not the intention of the Legislature (and probably that is correct) but these words came in there, and as the words were there I would have been pleased if the view that it was intended to give a share to the daughters also had been taken and things had been made clearer. Of course, it means a change in the Hindu law. Even this Bill is changing the Hindu law. Advanced opinion does want changes in the Hindu law.

THE HONOURABLE THE PRESIDENT : In the Assembly there are many most eminent Hindu lawyers and they have not objected.

THE HONOURABLE MR. G. S. MOTILAL : Then you mean to say we should not speak about it here?

THE HONOURABLE THE PRESIDENT : No, you can speak as much as you like.

THE HONOURABLE MR. G. S. MOTILAL : Very well, Sir. That is the point I am raising. If it had been raised in the Assembly it would not have been necessary for me to raise it here. I want Government to take note of this point and take the Bill back to the Assembly, to get it amended and bring it again in this House in the form in which the Assembly feel it should be put. This is one important point that I thought I should mention. I feel that a committee should now be appointed to go into the reform of Hindu law.

Many Hindus feel that the whole reform of the Hindu law should now be undertaken and a committee should be appointed—

THE HONOURABLE THE PRESIDENT : That is another matter.

THE HONOURABLE MR. G. S. MOTILAL : I will bring a Resolution for it. But I do wish to say that a committee should be appointed so that, instead of going in for piecemeal legislation, the whole Hindu law is considerably improved and brought in conformity with modern conditions.

THE HONOURABLE THE PRESIDENT : Quite so, but in the meanwhile let us pass this Bill!

THE HONOURABLE MR. RAMADAS PANTULU (Madras : Non-Muhammadan) : Sir, if the law in any province is that the widows should get as many shares as there are widows equally with the sons, then in the interests of Hindu law itself, it ought to be changed and the sooner it is changed the better. It will discourage more than one woman marrying a man, if you say that the wives won't get more than one share between them.

THE HONOURABLE MR. A. DEC. WILLIAMS : Sir, I will not join issue with my Honourable friend either as regards the law or as regards the merits, because in effect the Government, in framing this Bill, were concerned with neither. Government are only concerned to see that the intentions of the original framers of the Act are properly put into effect (as it appears unfortunately they were not) and Government are in a position, and the Members of the other House were in a position, to satisfy themselves that this Bill does give effect to those intentions. We are not concerned with the past state of the law or with the actual merits of these various items which have been discussed here.

THE HONOURABLE THE PRESIDENT : Motion moved :

"That the Bill to amend the Hindu Women's Rights to Property Act, 1937, as passed by the Legislative Assembly, be taken into consideration."

Question put and Motion adopted.

Clauses 2, 3 and 4 were added to the Bill.

Clause 1 was added to the Bill.

The Title and Preamble were added to the Bill.

THE HONOURABLE MR. A. DEC. WILLIAMS : Sir, I move :

"That the Bill, as passed by the Legislative Assembly, be passed."

The Motion was adopted.

CENTRAL ADVISORY COUNCIL FOR RAILWAYS.

THE HONOURABLE THE PRESIDENT : The Council will now proceed to elect six non-official Members from the Council who shall be required to serve on the Central Advisory Council for Railways. The election will be according to the principle of proportional representation by means of the single transferable vote and the ballot papers will now be placed in Members'

[1st APRIL 1938.]

[Mr. President.]

hands and I ask the Honourable Members to vote in accordance with the instructions noted thereon. I have also to inform the House that the Honourable Sardar Buta Singh and the Honourable Rai Bahadur Lala Ram Saran Das have since withdrawn their candidature for election.

(Ballot papers were then distributed and Members recorded their votes.)

THE HONOURABLE THE PRESIDENT: The result of the election will be announced later.

The Council then adjourned till Eleven of the Clock on Monday, the 4th April, 1938.

COUNCIL OF STATE.

Monday, 4th April, 1938.

The Council met in the Council Chamber of the Council House at Eleven of the Clock, the Honourable the President in the Chair.

MEMBER SWORN:

The Honourable Mr. Hugh Dow (Commerce Secretary).

QUESTIONS AND ANSWERS.

PUBLICATION ENTITLED "SOME FACTS AND FIGURES ABOUT INDIAN DEFENCE".

264. THE HONOURABLE MR. G. S. MOTILAL: Do Government propose to bring the important official publication entitled "The Army in India and its evolution" up to date with a view to enlarging the scope of its use?

HIS EXCELLENCY THE COMMANDER-IN-CHIEF: The place of "The Army in India and its evolution", which is now obsolete, has been taken by "Some Facts and Figures about Indian Defence", supplemented by the annual issue of a pamphlet entitled "A Summary of Important Matters concerning the Defence Services in India" in which all material developments of the previous year are summarised and explained.

SPEECH OF THE SECRETARY OF STATE FOR WAR ON THE ARMY ESTIMATES AND THE PROPOSED REORGANISATION OF THE BRITISH ARMY.

265. THE HONOURABLE PANDIT HIRDAY NATH KUNZRU: (a) Did the British Secretary of State for War say in the House of Commons on the 11th March, 1938, "India was never unwilling to despatch her forces beyond the Indian frontiers in time of need, but he and the Secretary of State for India have come to the conclusion that the time has come for an objective examination of the position"?

(b) What are the questions that will be considered in this connection and will the result of the enquiry be published? What steps do Government propose to take to have Indians associated with the enquiry?

(c) On what basis did the Secretary of State for War say that "India was never unwilling to despatch her forces beyond the Indian frontiers in time of need"? Has the Legislative Assembly protested against Indian troops being despatched beyond Indian frontiers?

HIS EXCELLENCY THE COMMANDER-IN-CHIEF: With your permission, Sir, I propose to answer question Nos. 265, 266 and 267 together.

In the course of his speech on the Army estimates of 1938 the Secretary of State for War outlined the proposed reorganisation of the British Army and the measures proposed to improve its conditions of service. In doing so, he pointed out generally the difficulties which the fact that a portion of the Army is stationed in India presented not only to His Majesty's Government but also to the Government of India.

The Government of India, on their part had already represented to the Secretary of State for India the serious effect upon the Indian budget of increase in cost of British troops in India which must necessarily result from the various measures announced by the Secretary of State for War for the purpose of improving conditions of service in the Army. The Prime Minister has authorised the opening of discussions between the Secretary of State for India and the Secretary of State for War on certain aspects of Indian defence in relation to the problem of Imperial defence as a whole, and the Government of India propose to take advantage of these discussions to place their views on all aspects of the question before His Majesty's Government. These discussions are to take place immediately, and it is obviously not in the public interest to give any further details of their scope.

As regards the parts of the Honourable Member's questions which have not been covered by this reply, I may add that the quotation used by him in part (a) of question 265 has been inaccurately reported, and, also, that the Secretary of State for War made no such statement as imputed to him in question No. 266. A copy of Hansard containing a full report of his speech will shortly be placed in the Library of the House.

THE HONOURABLE PANDIT HIRDAY NATH KUNZRU: With regard to question No. 266 will His Excellency the Commander-in-Chief state whether it is a fact that the additional cost thrown on the Indian military budget will be in the neighbourhood of half a million pounds?

HIS EXCELLENCY THE COMMANDER-IN-CHIEF: Sir, I have already made it clear that that statement was not made by the Secretary of State for War.

THE HONOURABLE PANDIT HIRDAY NATH KUNZRU: His Excellency referred to question 265(a). My supplementary question is with reference to question No. 266. So far as I could listen it has not been answered at all.

HIS EXCELLENCY THE COMMANDER-IN-CHIEF: May I repeat what I have said. At the end of my reply I said, "I may add that the quotation used by him in part (a) of question 265 has been inaccurately reported and also that the Secretary of State for War made no such statement as imputed to him in question 266".

THE HONOURABLE PANDIT HIRDAY NATH KUNZRU: There is another question that has not been answered. I asked whether Indians would be associated with the enquiries now proposed to be undertaken.

HIS EXCELLENCY THE COMMANDER-IN-CHIEF: The discussions I have referred to, Sir, are purely inter-departmental and therefore of a highly technical nature, and the question of associating Indians in them does not therefore arise.

THE HONOURABLE PANDIT HIRDAY NATH KUNZRU: Is it not possible to associate Indians with the enquiry in the same way as Indians were associated with the enquiry undertaken by the Garron Tribunal?

HIS EXCELLENCY THE COMMANDER-IN-CHIEF: I have got nothing further to say, Sir.

FINANCIAL EFFECT ON INDIA OF THE REORGANISATION OF THE BRITISH ARMY.

266. THE HONOURABLE PANDIT HIRDAY NATH KUNZRU: What is the additional burden that will be borne by Indian revenues owing to the improvements in the pay and allowances of officers and soldiers of the British Army recently sanctioned by His Majesty's Government? Did the Secretary of State for War state in the House of Commons that the burden involved would amount to about £500,000?

(See reply to question No. 265.)

DISCUSSIONS BETWEEN THE WAR OFFICE AND INDIA OFFICE ON CERTAIN ASPECTS OF INDIAN DEFENCE IN RELATION TO THE PROBLEM OF IMPERIAL DEFENCE AS A WHOLE.

267. THE HONOURABLE PANDIT HIRDAY NATH KUNZRU: What is the exact scope of the inter-departmental discussions which the Prime Minister proposes to initiate in order to re-examine questions concerning the employment of British soldiers in India which have already been discussed between the India Office and the War Office? Will they result in increasing the cost of the British Army stationed in India?

(See reply to question No. 265.)

MECHANIZATION OF THE DUKE OF CONNAUGHT'S OWN LANCERS AND THE SCINDE HORSE.

268. THE HONOURABLE PANDIT HIRDAY NATH KUNZRU: (a) Have Government decided to convert the Duke of Connaught's Own Lancers and the Scinde Horse into armoured car regiments?

(b) If so, what will be the cost of the conversion and the period over which it will be spread? How is it proposed to find any additional money required?

(c) Will the conversion of these Indian regiments like that of British regiments lead to economy in recurring expenditure or will it result in increased permanent expenditure? What will be the amount of the increase or decrease, as the case may be?

HIS EXCELLENCY THE COMMANDER-IN-CHIEF: (a) Yes.

(b) Rs. 49 lakhs, spread over two years. The money will be provided in the Budgets of 1938-39 and 1939-40.

(c) A recurring saving of Rs. 4.83 lakhs is anticipated.

THE HONOURABLE PANDIT HIRDAY NATH KUNZRU: With reference to part (b) of the question, will the increased cost lead to an increase in the military budget or will the additional money be found by savings in the ordinary expenditure?

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HIS EXCELLENCY THE COMMANDER-IN-CHIEF: It is going to be found from savings in the ordinary expenditure, and as I have stated the recurring savings will be Rs. 4.83 lakhs.

OPENING OF A MILITARY SCHOOL IN BIHAR, ETC.

269. THE HONOURABLE PANDIT HIRDAY NATH KUNZRU (on behalf of the Honourable Raja Yuveraj Datta Singh): (a) Will a military school, where students would be trained in aviation as well as other subjects, be opened in Bihar?

(b) If so, will Government make a statement on the subject, giving the general outline of the proposal and its financial implications?

HIS EXCELLENCY THE COMMANDER-IN-CHIEF: (a) and (b). Government have seen a press report to the effect that the Government of Bihar propose to open such a school, but have no further information on the subject and are not aware of the nature of the scheme or of its financial implications.

THE HONOURABLE MR. HOSSAIN IMAM: Did the Bihar Government make any representation to the Government of India?

HIS EXCELLENCY THE COMMANDER-IN-CHIEF: I have not seen it, Sir.

AUTHORISED CLERICAL STRENGTH OF INDIAN CIVILIAN CLERKS FOR U.T.C. AND A. F. (I.) UNITS.

270. THE HONOURABLE PANDIT HIRDAY NATH KUNZRU: (a) What is the authorised clerical strength for the U.T.C. and A.F.(I.) units?

(b) What is the number of clerks, British other ranks, Indian other ranks and Indian civilians in employment at present with their grades of pay?

HIS EXCELLENCY THE COMMANDER-IN-CHIEF: (a) and (b). One Indian civilian clerk is allowed for each of the 10 U.T.C. units at a rate of pay varying from Rs. 50 to Rs. 90 per mensem. For A.F.(I.) units of which there are 44 no definite clerical establishment is laid down. The number that may be required and the salary that is paid is a matter for local arrangement and varies from time to time and from place to place. No British or Indian other ranks are employed as clerks in these units.

MAXIMUM SALARY ADMISSIBLE TO INDIAN CIVILIAN CLERKS EMPLOYED IN U.T.C. AND A.F.(I.) UNITS.

271. THE HONOURABLE PANDIT HIRDAY NATH KUNZRU: (a) Are Indian civilian clerks employed in the U.T.C. and A.F.(I.) units entitled to draw a maximum salary of only Rs. 90 per month?

(b) Do the clerks of similar status in other departments connected with the Army rise to a maximum salary of Rs. 375 per month by annual increments?

(c) Has the scale of pay for the Army Remount Department recently been revised and fixed at Rs. 50 rising to Rs. 325 per month?

(d) If the answers to (a), (b) and (c) are in the affirmative, do Government propose to raise the standard of the salaries of the Indian civilian clerks in the U.T.C. and A.F.(I.) units to that of the other departments of the Army? If not, why not?

HIS EXCELLENCY THE COMMANDER-IN-CHIEF: (a) I refer the Honourable Member to the reply I have just given.

(b) No. The status of the clerks employed in U.T.C. and A.F.(I.) units is comparable to that of clerks in military schools and establishments whose scales of pay vary from Rs. 37—54 to Rs. 46—70, apart from the fact that they are not permanent.

(c) Yes, except that the starting pay is Rs. 45 per mensem and not Rs. 50 per mensem.

(d) Does not arise.

PENSIONS OR GRATUITIES ADMISSIBLE TO INDIAN CIVILIAN CLERKS EMPLOYED IN U.T.C. AND A.F.(I.) UNITS.

272. THE HONOURABLE PANDIT HIRDAY NATH KUNZRU: (a) Are Government servants entitled either to a pension or gratuity on completion of the stipulated period of service?

(b) Are British other ranks serving in the U.T.C. and A.F.(I.) units entitled to full pension on their retirement?

(c) Is no provision for a pension or gratuity made for Indian clerks serving in the U.T.C. and A.F.(I.) units?

(d) If the answer to (c) is in the affirmative, do Government propose to make provision for a pension or gratuity for Indian civilian clerks of the U.T.C. and A.F.(I.) units on a scale similar to that applicable in other departments?

HIS EXCELLENCY THE COMMANDER-IN-CHIEF: (a) No.

(b) Yes, those employed as instructors are so entitled. None are however employed as clerks.

(c) Yes.

(d) No. The appointments are temporary and Government has no intention of making them permanent and pensionable.

THE HONOURABLE PANDIT HIRDAY NATH KUNZRU: Is it a fact that these men have been in employment for a long time and that they continue in service from year to year, although they are technically called temporary?

HIS EXCELLENCY THE COMMANDER-IN-CHIEF: The answer may be in the affirmative, but I should like notice of it please.

DISCUSSIONS BETWEEN THE WAR OFFICE AND INDIA OFFICE ON CERTAIN ASPECTS OF INDIA DEFENCE IN RELATION TO THE PROBLEM OF IMPERIAL DEFENCE AS A WHOLE.

273. THE HONOURABLE PANDIT HIRDAY NATH KUNZRU (on behalf of the Honourable Raja Yuveraj Datta Singh): Will Government state whether it is intended to initiate a discussion in England in connection with the strategical distribution of the Army in India and elsewhere? If so, what is the precise object of this examination, and have the Government of India been consulted in the matter? If so, what views have they expressed?

HIS EXCELLENCY THE COMMANDER-IN-CHIEF: I refer the Honourable Member to the reply I have just given to the Honourable Pandit Hirday Nath Kunzru's questions Nos. 265 to 267.

AGREEMENT BETWEEN INDIA AND BURMA ON THE SUBJECT OF DEFENCE.

274. THE HONOURABLE PANDIT HIRDAY NATH KUNZRU (on behalf of the Honourable Raja Yuveraj Datta Singh): (a) Will Government state whether a military agreement has been concluded between the Government of India and the Government of Burma? If so, when; and what are the terms of the agreement?

(b) Will an Indian garrison be stationed permanently in Burma? If so, why and what garrison has been selected for the purpose?

(c) What is the total strength of the Indian Army now stationed in Burma? Is there a proposal to recall the whole or a part of it from Burma?

(d) Is the expenditure of the Indian troops stationed in Burma borne by the Government of India or the Government of Burma?

HIS EXCELLENCY THE COMMANDER-IN-CHIEF: (a) Yes, but it is not in the public interest to disclose its details.

(b) The reply to the first portion is in the negative. Other parts do not arise.

(c) The present strength is 954 including 73 followers. Indian units now serving in Burma will be withdrawn to India when equivalent Burman units have been raised and are considered fit to take their place, or when their services are no longer required by the Government of Burma.

(d) By the Government of Burma.

THE HONOURABLE PANDIT HIRDAY NATH KUNZRU: Since His Excellency the Commander-in-Chief cannot tell us the details of the military agreement, can he tell us what its principal features are?

HIS EXCELLENCY THE COMMANDER-IN-CHIEF: I am not quite sure what the Honourable Member means but it should be clear to him that as Burma has started a new career and has no soldiers of her own, we have lent her some troops from India until she can provide her own.

LIBRARIES FOR THE INDIAN ARMY.

275. THE HONOURABLE MR. B. N. BIYANI: (a) Are there any libraries for Indian soldiers and officers of the Indian Army in India?

(b) If so, what sort of books and newspapers are supplied to such libraries?

(c) Are there such libraries at every military station for Indian troops in India?

HIS EXCELLENCY THE COMMANDER-IN-CHIEF: (a) and (b). Libraries are maintained by the headquarters of various formations, such as districts and brigades. These are available, directly or indirectly, to all military personnel. Such libraries principally contain professional books and those dealing with travel and current world affairs. In addition many Indian units

maintain reading rooms for troops as an educational measure. These are purely unofficial and units make such arrangements for papers and periodicals as they may wish.

(c) No.

TOTAL PENSION CHARGES PAID ON BEHALF OF RETIRED PERSONNEL OF THE BRITISH ARMY AND INDIAN ARMY.

276. THE HONOURABLE MR. B. N. BIYANI: Will Government state the total cost that they are required to bear annually for retired British military officers and soldiers and for retired Indian military officers and soldiers, respectively?

HIS EXCELLENCY THE COMMANDER-IN-CHIEF: I lay on the table a statement showing the approximate average cost of pensions paid during the three financial years ending the 31st March, 1937 to the categories in question.

	Rs.
(i) Officers and men of British Army for service in India. (Paid to the War Office)	123 lakhs.
(ii) British officers and other ranks of the Indian Army (including gratuities, pensions to families and civilians, and war pensions)	324 lakhs.
(iii) Indian officers and men (including gratuities, pensions to families and civilians, and war pensions)	316 lakhs.

NUMBER OF MEN RECRUITED FOR THE INDIAN ARMY, ETC.

277. THE HONOURABLE MR. B. N. BIYANI: (a) How many Indian soldiers have been recruited annually from 1930 to 1937?

(b) How many Indian soldiers, if any, have been recruited from the Central Provinces and Berar during the above mentioned period?

HIS EXCELLENCY THE COMMANDER-IN-CHIEF: (a) and (b). I lay on the table a statement containing the required information.

Year.	Number of Indian soldiers recruited from		
	Whole of India.	Central Provinces.	Berar.
1930	20,432	4	..
1931	23,372	..	2
1932	19,572	1	7
1933	20,033	..	..
1934	17,675	1	..
1935	16,639	..	..
1936	18,388	..	2
1937	16,470	..	7
Total	152,581	6	18

INDIANS IN THE INDIAN MEDICAL SERVICE.

278. THE HONOURABLE MR. B. N. BIYANI: (a) Has the number of Indians in the Indian Medical Service been considerably decreasing since 1927?

(b) If so, why?

HIS EXCELLENCY THE COMMANDER-IN-CHIEF: (a) No.

(b) Does not arise.

RESTRICTIONS ON THE PURCHASE OF CERTAIN NEWSPAPERS BY INDIAN TROOPS.

279. THE HONOURABLE MR. B. N. BIYANI: (a) Are there any rules for Indian soldiers and Indian military officers of the Indian Army which prohibit them from subscribing to certain newspapers published in India?

(b) If so, what are the rules?

(c) Do Government propose to remove these restrictions?

(d) If not, why not?

HIS EXCELLENCY THE COMMANDER-IN-CHIEF: (a) There are no such rules at present.

(b), (c) and (d) do not therefore arise.

AVERAGE ANNUAL NUMBER OF BRITISH SOLDIERS AND INDIAN SOLDIERS CONVICTED FOR CRIMINAL OFFENCES.

280. THE HONOURABLE MR. B. N. BIYANI: (a) What is the average annual number of British and Indian soldiers and officers convicted for criminal offences of assault, murder and rape?

(b) What are the total annual expenses incurred by Government for British and Indian soldiers and officers, respectively, in defending such criminal cases?

HIS EXCELLENCY THE COMMANDER-IN-CHIEF: (a) I lay on the table a statement containing the required information for the past three years.

(b) The information is not readily available, and Government do not consider that the expenditure of time and labour involved in its collection would be justifiable.

Year.	Assault.		Murder.		Rape.	
	British other ranks.	Indian other ranks.	British other ranks.	Indian other ranks.	British other ranks.	Indian other ranks.
1935	11	2	..	2	..	..
1936	..	4	2	1	..	..
1937	..	6	..	2	..	..

IMPORTANCE OF BURHANPUR, CENTRAL PROVINCES.

281. THE HONOURABLE MR. B. N. BIYANI: (a) Is Burhanpur one of the biggest and oldest cities of the Central Provinces?

(b) Is it a cotton trading centre and is its cotton trade on the increase?

(c) Do the 6-Up Punjab Mail and 5-Down Punjab Mail trains halt at Burhanpur?

(d) Did the citizens specially the merchants of Burhanpur draw the attention of Government to this matter?

(e) Do Government propose to take necessary steps to remove the grievance of the people specially of the merchants?

THE HONOURABLE SIR GUTHRIE RUSSELL: (a) and (b). Government are aware that Burhanpur is an important cotton trading centre.

(c) No.

(d) I have not been able to trace any representation in my office.

(e) I will communicate the Honourable Member's suggestion to the Agent of the G.I.P.R.

RESTRICTIONS ON INDIANS IN CEYLON, BURMA, MALAYA AND FIJI.

282. THE HONOURABLE MR. B. N. BIYANI: (a) Will Government lay on the table a statement showing conditions laid down by the Malaya (F.M.S. and U.M.S.), Fiji, Burma and Ceylon Governments on the entry of Indians into their countries as tourists, for carrying on trade and commerce, for establishing industries, for entering into services, for owning residential or other properties and for agricultural purposes?

(b) Is there any legislation in force in any of these countries which prevents discrimination between the status of Indians living there and that of the natives of these countries?

THE HONOURABLE KUNWAR SIR JAGDISH PRASAD: (a) So far as Malaya, Fiji and Ceylon are concerned, the attention of the Honourable Member is invited to the statement laid on the table of the Legislative Assembly on the 31st August, 1936, in reply to Mr. Husenbhai Abdullabhai Laljee's question No. 141 asked on the 18th February, 1936. As regards Burma, the Government of India are not aware of any conditions or restrictions on the entry of Indians or of any legislation discriminating against them.

(b) Government is not aware of any such legislation.

MAINTENANCE OF RECORDS OF PERMANENT AND WORK-CHARGED STAFF IN DIVISIONS OF THE CENTRAL PUBLIC WORKS DEPARTMENT.

283. THE HONOURABLE HAJI SYED MUHAMMAD HUSAIN: Are there complete lists of the employees, permanent as well as work-charged maintained in each division of the Central Public Works Department? If the lists are maintained, will Government lay on the table the aforesaid lists relating to each Circle showing the proportion of each community?

THE HONOURABLE MR. A. G. CLOW : Records of the permanent and work-charged staff employed in each Division are maintained in Divisional offices. Government regret that they cannot undertake the work of collecting material for a complete list of the entire staff including work-charged employees in all Divisions in the Central Public Works Department, as this would involve an amount of labour incommensurate with the utility of such a compilation. A printed list of establishment in the Central Public Works Department, exclusive of the menial and work-charged staff, is maintained. As this list runs to more than 70 pages of print it is not suitable for laying on the table of the House, but a copy has been placed in the Library.

QUALITY OF WORK DONE BY CONTRACTORS IN THE BUILDING OF QUARTERS IN NEW DELHI.

284. THE HONOURABLE HAJI SYED MUHAMMAD HUSAIN : (a) Will Government place on the table any correspondence that passed between the Superintending Engineer and Executive Engineer concerned and the Work Assistant regarding the defective work done by Messrs. S. D. Marker & Co. in the unorthodox "C" quarters, etc. ?

(b) What action was taken against the above contractors for doing bad work ?

(c) What are the reasons for not debarring them from doing further work in the Central Public Works Department ?

(d) Is the person in charge of the local branch of the above firm a relative of one of the Superintending Engineers ?

(e) How many contractors have been put on the black list and debarred from tendering for work to the Central Public Works Department during the last two years ?

THE HONOURABLE MR. A. G. CLOW : (a) There was no correspondence between the officials named. Some notes were written discussing the quality of the work done by the contractors. Government are not prepared to lay these on the table.

(b) There was no need to take any action against the contractors as the work done by them was not bad.

(c) Does not arise.

(d) No.

(e) Twenty contractors have been removed from the list.

OFFICIATING ADMINISTRATIVE OFFICER, CENTRAL PUBLIC WORKS DEPARTMENT.

285. THE HONOURABLE HAJI SYED MUHAMMAD HUSAIN : (a) Will Government state the reason why a very junior person was appointed to officiate as the Administrative Officer, Central Public Works Department, when the permanent incumbent proceeded on leave ?

(b) What was the total number of Hindus recruited in different Divisions, as well as in the Central Office, during the officiating period of this officer ?

(c) How many persons recruited were "Kayasths" ?

(d) How many persons then recruited are relatives of the above officer or his wife ?

THE HONOURABLE MR. A. G. CLOW : (a) The most senior non-technical officer in the Department was selected to officiate as Administrative Officer in a leave vacancy last summer as he was considered the most suitable person for the vacancy.

(b), (c) and (d). Twelve Hindus, four Muslims, one Sikh and one European were recruited to vacancies in the Central Office during the period. Two of these were Kayasths and none was related to the Officiating Administrative Officer or his wife. Information regarding appointments made in the different Divisions is not readily available. Such appointments are made by the Divisional Officers and the Administrative Officer has no concern with them.

CONSULTATION WITH COMMERCIAL BODIES IN CONNECTION WITH INDO-AFGHAN NEGOTIATIONS FOR IMPROVING TRADE RELATIONS WITH AFGHANISTAN.

286. THE HONOURABLE MR. B. N. BIYANI : (a) Do Government propose to consult the Federation of Indian Chambers of Commerce and Industry and the Frontier Chamber of Commerce while negotiating with the Afghan Government to improve trade relations between India and Afghanistan ?

(b) If so, have Government taken any steps in the matter ?

(c) If not, why not ?

THE HONOURABLE MR. H. DOW : (a) to (c). The stage of negotiating with the Afghan Government has not yet been reached. Should it be reached Government will take such steps as they consider necessary to inform themselves of the views of the commercial interests concerned.

STAFF OF THE INDIAN TRADE COMMISSIONERS IN JAPAN AND EAST AFRICA.

287. THE HONOURABLE PANDIT HIRDAY NATH KUNZRU : When Government appointed Indian Trade Commissioners in Japan and East Africa were their superintendents and stenographers deputed from India ?

THE HONOURABLE MR. H. DOW : Yes. I may however point out that the person in charge of the office of these Trade Commissioners is designated head clerk and not superintendent.

STAFF OF THE INDIAN TRADE COMMISSIONER IN THE UNITED STATES OF AMERICA.

288. THE HONOURABLE PANDIT HIRDAY NATH KUNZRU : (a) Do Government propose to send an Indian Trade Commissioner to the United States of America this year ?

(b) Is it contemplated to depute the staff required by him from the Office of the High Commissioner for India in London ?

(c) If the answer to (b) is in the affirmative, why has the previous practice referred to in the preceding question been departed ?

THE HONOURABLE MR. H. DOW : (a) Yes.

(b) No.

(c) Does not arise.

THE HONOURABLE PANDIT HIRDAY NATH KUNZRU: Am I to understand from the Honourable Member's answer to part (b) that the head clerk and stenographers will be deputed from India as usual?

THE HONOURABLE MR. H. DOW: No, they will not; but that is not the usual practice either. It is rather difficult therefore for me to give a direct answer to the Honourable Member's question.

THE HONOURABLE PANDIT HIRDAY NATH KUNZRU: Could the Honourable Member state what is the method that will be adopted in the present case for supplying the Trade Commissioner with the necessary clerical assistance?

THE HONOURABLE MR. H. DOW: The method that it is proposed to adopt is that the Trade Commissioner in New York will be permitted to recruit his own staff in such manner as he thinks fit. There is no general practice of recruiting the staff of Trade Commissioners from India. In the case of Mombasa and Japan this has been done because there was no other efficient method open; but in the case, for example, of Hamburg, that has not been done. There is no such general rule as the Honourable Member seems to envisage.

THE HONOURABLE PANDIT HIRDAY NATH KUNZRU: May we hope, however, that the scales will be weighted in favour of Indians?

THE HONOURABLE MR. J. C. NIXON: I would have to object to that on financial grounds.

THE HONOURABLE MR. H. DOW: It is mainly a matter of finance. It is not a question of giving training to Indians for these are purely clerical posts of which the Honourable Member is speaking. We must deal with such matters on business principles.

THE HONOURABLE PANDIT HIRDAY NATH KUNZRU: But I hope not purely on financial grounds which are so dear to my Honourable friend Mr. Nixon even though they may conflict with larger interests!

THE HONOURABLE MR. H. DOW: The Trade Commissioner-Designate of New York is himself an Indian.

TEMPORARY PERMITS AND FEES FOR VISITORS TO SOUTHERN RHODESIA.

289. THE HONOURABLE PANDIT HIRDAY NATH KUNZRU: (a) Do the rules relating to visitors to Southern Rhodesia require that Union-born African servants and Asiatic servants who accompany their masters should obtain a temporary permit for which a fee of £1 is charged?

(b) Are the visitors from India whatever their status required to comply with this condition?

(c) Do Government propose to make the necessary representations for putting an end to this condition and for subjecting Indian visitors only to conditions applying to European visitors?

THE HONOURABLE KUNWAR SIR JAGDISH PRASAD: (a) and (b). Under section 2 of the Immigrants Regulation Ordinance of Southern Rhodesia,

certain classes of persons are treated as prohibited immigrants and may not enter that territory unless exempted by the Governor in Council, at his discretion, or authorised under a temporary permit to enter and reside in the territory upon prescribed conditions. The Government of India have no information that the Government of Southern Rhodesia have declared either African servants or Asiatic servants or visitors from India as prohibited immigrants; nor have they received any complaints in this respect.

(c) If the Honourable Member has, in his possession, any information which would suggest the desirability of representations by the Government of India, I shall be glad if he will furnish it to me, so that I can consider what action, if any, the Government of India should take.

THE HONOURABLE PANDIT HIRDAY NATH KUNZRU: May I say, Sir, that I have got the necessary information in my possession?

THE HONOURABLE KUNWAR SIR JAGDISH PRASAD: Sir, then I shall be very glad to receive it.

LETTER DELIVERY CLERKS IN THE ALLAHABAD DIVISION, E.I.R.

290. THE HONOURABLE PANDIT HIRDAY NATH KUNZRU: (a) Were the posts of letter delivery clerks in the Allahabad Division of the E.I.R. abolished in 1936 and recreated under a new name for the performance of the same duties but on a lower scale of salary? Had some of the men who were affected by the abolition served for nearly 25 years and were they required to accept a reduction of nearly 33 per cent. in their salaries?

(b) Were revised scales of pay introduced in all departments but made applicable only to new entrants and not to men already in service? If so, why were the Indian letter delivery clerks differently treated?

(c) Do Government contemplate restoring the old scale of salary in the case of the Indian letter delivery clerks who were employed before the revision of salary referred to above?

THE HONOURABLE SIR GUTHRIE RUSSELL: I am obtaining information and will lay a reply on the table in due course.

LABOUR DISTURBANCES IN MAURITIUS.

291. THE HONOURABLE PANDIT HIRDAY NATH KUNZRU: (a) Have Government received or asked for information regarding the riots which occurred a few months ago in Mauritius and which affected the Indian owners of sugarcane plantations?

(b) Will they state how the Indian planters have been affected by the riots and what steps are being taken to protect their interests?

THE HONOURABLE KUNWAR SIR JAGDISH PRASAD: (a) The attention of the Honourable Member is invited to the reply given to part (b) of Mr. S. Satyamurti's starred question No. 837 on the 28th September, 1937, in the Legislative Assembly.

(b) Government understand that a large Indian-owned estate was affected by the riots. Details will become available when the Report of the Commission set up to enquire into the disturbances is received. The Government of India have already asked to be supplied with copies.

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I may add that in reply to a question in the House of Commons, Mr. Ormsby Gore stated that the Governor of Mauritius expected to receive the Report about the middle of March. So it had not reached the Colonial Secretary in February.

CRIMINAL PROCEEDINGS AGAINST MR. GORDON, LATE STATION MASTER, HYDERABAD (SIND), N.W.R., AND OTHERS, ETC.

292. THE HONOURABLE RAI BAHADUR LALA RAM SARAN DAS : (a) Were Mr. Gordon, lately Station Master, Hyderabad (Sind) on the N.W.R., Bholoo, Head Jemadar and Handoo, Naib-Jemadar of licensed coolies of the Hyderabad railway station, last year convicted in a criminal case brought against them by certain licensed coolies of that station, and was Mr. Gordon sentenced to detention till rising of the Court and a fine of Rs. 1,000, and were Bholoo and Handoo sentenced each to six months' imprisonment and fine of Rs. 500 ? If so, what action have the Railway authorities taken for the prevention of such cases ?

(b) What are the terms and conditions on which licensed coolies are employed on the N.W.R., and are they in the employ of the Railway or not ? If not, why not ? How many jemadars and contractors for the supply of such licensed coolies are employed and on what basis and terms, and what charge per cooly are they allowed to collect ? Are the numbers allotted to each cooly changed from time to time ? If so, why ?

THE HONOURABLE SIR GUTHRIE RUSSELL : (a) The reply to the first part is in the affirmative. As regard the latter part, the Agent states that both Bholoo and Handoo were discharged, and that no action could be taken against Mr. Gordon, as he had retired from railway service in May, 1934, whereas the judgment in the criminal case referred to was delivered in September, 1937.

(b) At important stations, cooly jemadars are appointed who are responsible for arranging to provide a fixed number of licensed porters. These porters are not railway employees. A copy of the agreement which jemadars are required to sign is in the Library of the House. At the smaller stations, the station master is responsible for arranging for porters to meet passenger trains : these porters also are not railway employees. As the porters obtain their remuneration from the travelling public according to the services they render, there is no necessity for appointing them as railway employees.

I am calling for information in regard to the number of jemadars employed and will place a reply on the table when it has been received.

In regard to the charge which each cooly is authorised to collect, I would refer the Honourable Member to paragraph 19, page 167 of the N.W.R.'s Time and Fare Table.

As regards the last part of the Honourable Member's question, the Agent, N.W.R., states that licensed coolies are employed by the jemadars who themselves allot the numbers, and it rests entirely with these jemadars to make any changes they consider necessary.

THE HONOURABLE RAI BAHADUR LALA RAM SARAN DAS : What are the responsibilities of these jemadars in the employment of the Railways ?

THE HONOURABLE SIR GUTHRIE RUSSELL : The responsibility of the jemadars is to see that a sufficient number of coolies are engaged.

THE HONOURABLE RAI BAHADUR LALA RAM SARAN DAS : And in case of loss or misappropriation of luggage or misbehaviour who is responsible ? Is not the jemadar responsible ?

THE HONOURABLE SIR GUTHRIE RUSSELL : I have not heard of such a case but, if the Honourable Member will instance one, I will enquire what exactly does happen.

THE HONOURABLE MR. HOSSAIN IMAM : Are the jemadars railway employees or contractors ?

THE HONOURABLE SIR GUTHRIE RUSSELL : They are engaged by the Railways, but they are not railway employees, no.

THE HONOURABLE MR. HOSSAIN IMAM : Then what are they ? What is their exact position ?

THE HONOURABLE SIR GUTHRIE RUSSELL : Presumably they are contractors.

OFFER OF GHULAM MOHIYUDDIN TO SUPPLY LICENSED COOLIES FOR LAHORE RAILWAY STATION, N. W. R.

293. THE HONOURABLE RAI BAHADUR LALA RAM SARAN DAS : Will Government state whether one Ghulam Mohiyuddin offered to pay a sum of Rs. 3,000 per month for the supply of 350 licensed coolies for the Lahore railway station and to deposit one year's sum, viz., Rs. 36,000, in advance if he be given the contract for supply ? If so, what action have the Railway authorities taken in the matter ? If the offer has been refused, on what grounds ?

THE HONOURABLE SIR GUTHRIE RUSSELL : The Agent, N.W.R., states that Ghulam Mohiyuddin's application suggested that, if the Railway Administration were introducing any scheme for the control of station porters at Lahore, he was prepared to serve free of charge for about a month. He further stated that he could produce an income of Rs. 3,000 from the licensed porters as a contribution to railway revenues, based on a calculation he had made in regard to what the cooly jemadar at Lahore was earning from the 350 licensed porters now employed there. As the agreement with cooly jemadars prescribes a maximum of Rs. 2 only per mensem to be recovered by the jemadar from each licensed cooly, the acceptance of Ghulam Mohiyuddin's suggestion would have meant each cooly having to pay him about Rs. 10 per month. No action was, therefore, called for on Ghulam Mohiyuddin's application.

THE HONOURABLE MR. HOSSAIN IMAM : Does the Government say that jemadars do not charge more than Rs. 2 per head ?

THE HONOURABLE SIR GUTHRIE RUSSELL : I think I would like notice of that question.

THE HONOURABLE RAI BAHADUR LALA RAM SARAN DAS : Sir, on a two-rupee basis, these jemadars are getting something like Rs. 700 to Rs. 800 a month. Is that a right charge for the jemadar to exact from porters ? What are the jemadar's qualifications ?

THE HONOURABLE SIR GUTHRIE RUSSELL : All jemadars are entitled to exact Rs. 2 per head.

THE HONOURABLE MR. HOSSAIN IMAM : We want to know why a free gift of Rs. 700 per month was made. If there are 350 coolies in Lahore and you authorise him to charge Rs. 2 a head, he will get Rs. 700 a month or Rs. 8,400 a year. Why this present to the jemadar ?

THE HONOURABLE THE PRESIDENT : Order, order. You assume that it is a present.

THE HONOURABLE PANDIT HIRDAY NATH KUNZRU : Sir, cannot the Honourable Member answer that simple question ?

THE HONOURABLE MR. HOSSAIN IMAM : The Honourable Member stated that the jemadars are authorised to charge Rs. 2 per head. Now there are 350 coolies. That means that he makes Rs. 8,400 a year. Why is this present given to the jemadar ?

THE HONOURABLE SIR GUTHRIE RUSSELL : The Honourable Member's arithmetic is quite correct, but these are the terms on which we get a jemadar.

THE HONOURABLE RAI BAHADUR LALA RAM SARAN DAS : Sir, I ask why, when a certain contractor, Ghulam Mohiyuddin, offered to pay a sum of Rs. 3,000 per month for the supply of 350 licensed coolies at Lahore railway station, on exactly the same terms as rule at present, why should that offer be refused ?

THE HONOURABLE SIR GUTHRIE RUSSELL : The offer was that this Ghulam Mohiyuddin would pay the Railway Rs. 3,000 a month. Well, it was quite obvious that to pay that Rs. 3,000, he must get it from somewhere and the only place was from the coolies. This could not be countenanced by Government.

THE HONOURABLE MR. HOSSAIN IMAM : Is it not a fact that at present more income is being made than Rs. 3,000 a month ? Otherwise the new contractor would never have offered Rs. 3,000 a month.

THE HONOURABLE PANDIT HIRDAY NATH KUNZRU : What is the number of jemadars ?

THE HONOURABLE SIR GUTHRIE RUSSELL : I think that comes in the next question.

TOTAL NUMBER OF LICENSED COOLIES ON STATIONS OF THE N.W.R.

294. THE HONOURABLE RAI BAHADUR LALA RAM SARAN DAS :

(a) What is the total number of licensed coolies at each of the following stations on the N.W.R. :

- (i) Lahore, (ii) Delhi, (iii) Ludhiana, (iv) Amritsar, (v) Rawalpindi, (vi) Mooltan Cantonment, (vii) Karachi City, (viii) Hyderabad, (ix) Peshawar Cantonment, (x) Sukkur, (xi) Jullundur City, (xii) Bhatinda and (xiii) Kalka.

(b) Are there any night shifts working at any of these stations ? If so, at what stations and in what numbers ?

INFORMATION PROMISED IN REPLY TO QUESTIONS LAID ON THE TABLE. 565

THE HONOURABLE SIR GUTHRIE RUSSELL : I am calling for the information required by the Honourable Member and will place a reply on the table when it has been received.

THE HONOURABLE MR. HOSSAIN IMAM : We would like to have the names of the jemadars at each station.

THE HONOURABLE SIR GUTHRIE RUSSELL : I don't think I can give that information.

THE HONOURABLE PANDIT HIRDAY NATH KUNZRU : Is the Honourable Member ready to give information as to the number of jemadars at each place ?

THE HONOURABLE SIR GUTHRIE RUSSELL : Yes, I have promised that information.

INFORMATION PROMISED IN REPLY TO QUESTIONS LAID ON THE TABLE.

THE HONOURABLE MR. H. DOW (Commerce Secretary) : Sir, I lay on the table the information promised in reply to questions No. 78 asked by the Honourable Mr. Hossain Imam on the 14th February, and No. 110 asked by the Honourable Mr. G. S. Motilal on the 21st February, 1938.

FOREIGN TRADE.

Value of foreign trade of British India including and excluding Burma during the period April to December, 1937-38 and 1936-37.

British India including Burma.
(Pre-separation basis.)

	Nine months ending December, 1937.	Nine months ending December, 1936.
Merchandise private—	Rs. (lakhs).	Rs. (lakhs).
Imports	1,19,31	90,17
Exports (including re-exports)	1,57,57	1,39,14
Total	2,76,88	2,29,31

British India excluding Burma.
(Post-separation basis.)

Merchandise private—		
Imports	1,29,70	1,02,63
Exports (including re-exports)	1,47,16	1,32,76
Total	2,76,86	2,35,39

COMMERCIAL LIBRARY IN CALCUTTA.

A sum of about Rs. 98,500 has been spent from 1919-20—the year of its establishment—to 1936-37 on furniture and fittings and purchase of books for the Commercial Library. The present average cost of maintaining the Library is about Rs. 8,800 per annum.

STANDING ADVISORY COMMITTEE FOR THE INDIAN POSTS AND TELEGRAPHS DEPARTMENT.

THE HONOURABLE THE PRESIDENT : With reference to the announcement made by me on the 1st April, 1938, regarding nominations to the Standing Advisory Committee for the Indian Posts and Telegraphs Department for the financial year 1938-39, I have to announce that the following Honourable Members have been nominated for election to that Committee :

- (1) The Honourable Sir David Devadoss.
- (2) The Honourable Mr. Chidambaram Chettiyar.
- (3) The Honourable Mr. G. S. Motilal.

There are three candidates for two seats and an election will be necessary. The date of election will be announced later.

CENTRAL ADVISORY COUNCIL FOR RAILWAYS.

THE HONOURABLE THE PRESIDENT : I have to inform the Council that as a result of the election held on the 1st April, 1938, the following six non-official Members have been elected to serve on the Central Advisory Council for Railways :

- (1) The Honourable Mr. Ramadas Pantulu.
- (2) The Honourable Haji Syed Muhammad Husain.
- (3) The Honourable Lt.-Col. Sir Hissamuddin Bahadur.
- (4) The Honourable Sirdar Nihal Singh.
- (5) The Honourable Sir David Devadoss.
- (6) The Honourable Mr. Sitakanta Mahapatra.

RESOLUTION RE DECLARATION OF THE BIRTHDAYS OF GURU NANAK DEV AND GURU GOBIND SINGH AS HOLIDAYS.

THE HONOURABLE SARDAR BUTA SINGH (Punjab : Sikh) : Sir, I beg to move :

"That this Council recommends to the Governor General in Council to declare the birthdays of Guru Nanak Dev and Guru Gobind Singh as holidays under the Negotiable Instruments Act."

I do not think it is necessary for me to make a long speech. Government have recognised and given holidays to all communities. The birthdays of Guru Nanak Dev and Guru Gobind Singh, the founders of the Sikh religion, are observed by Sikhs wherever they happen to be. Even non-Sikhs celebrate these days. There is hardly any province in India where my community is not established. Calcutta and Bombay have a fairly large Sikh population, as well as other cities all over India. We have Gurudwaras in almost all towns, large and small. There is a keen demand from my community that these days be declared as holidays under the Negotiable Instruments Act.

Only on Friday last, a similar Resolution was moved in the Legislative Assembly which shows that the demand is universal. I earnestly request the Government to be so good as to declare these days as holidays under the Negotiable Instruments Act.

THE HONOURABLE MR. F. H. PUCKLE (Government of India : Nominated Official) : Sir, I am very sorry that I cannot accept my Honourable friend's Resolution. I think it is hardly necessary for me to go into statistics of the Sikh population, but it really seems to me asking rather a lot that all the Banks in Madras, say, where the Sikh population must be a tiny fraction of one per cent., should be closed on two days in the year simply for what is in that province a tiny minority. But my main reason for refusing to accept this Resolution is a much more fundamental one. Under the Adaptation of Laws Order, the Central Government have power to declare a day as a public holiday under the Negotiable Instruments Act. For one year after the 1st of April, 1937, under the Transitory Provisions Order, that power was vested in Provincial Governments. The effect of that Order lapsed a few days ago. It is the policy of the Government of India to leave matters like this in the hands of Provincial Governments, and it is the intention of the Government of India to take steps at once to delegate the power of declaring holidays under the Negotiable Instruments Act to Provincial Governments. Therefore, if my Honourable friend Sardar Buta Singh's community in any particular province wishes to move its own Government to declare these particular days as public holidays under the Act, they are perfectly at liberty to do so, but the Government of India do not propose to move in this matter.

THE HONOURABLE SARDAR BUTA SINGH : Sir, I am sorry to find that my modest request has been turned down by the Government, and the non-official Members also have not thought it fit to give me their support. My Honourable friend Mr. Puckle says that Government have decided to delegate these powers to the provinces. But may I ask him if he is willing to take action so far as the Centrally administered areas are concerned? Though I can foresee the fate of this Resolution, yet, I would leave it to the fair sense of the House, the Members of which are custodians of the interests of minorities also.

THE HONOURABLE THE PRESIDENT : Resolution moved :

"That this Council recommends to the Governor General in Council to declare the birthdays of Guru Nanak Dev and Guru Gobind Singh as holidays under the Negotiable Instruments Act."

Question put and Resolution negatived.

RESOLUTION RE SUBJECTION TO INCOME-TAX OF THE INTEREST ON STERLING LOANS AND PENSIONS PAID FROM INDIAN REVENUES.

THE HONOURABLE MR. G. S. MOTILAL (Bombay : Non-Muhammadan) : Sir, I rise to move :

"That this Council recommends to the Governor General in Council to make representations to His Majesty's Government for undertaking suitable legislation in Parliament so as to make it competent for the Indian Legislature to subject to income-tax the interest on sterling loans and salaries and pensions paid out of the revenues of the Central and Provincial Governments in India."

[Mr. G. S. Motilal.]

The public debt of India, Sir, consists of the rupee debts and the sterling debts. The rupee debt is divided into what are known as permanent loans, that is, those which are redeemable at one year's notice and those that are redeemable at fixed periods. Similarly, the sterling loans or some of them are redeemable after one year's notice and others at fixed periods. Those that are redeemable after one year's notice are known as non-terminable loans. The interest charges which India pays on her total public debt, looking to the figures in the 1938-39 Budget come to Rs. 46 crores. That is for rupee loans as well as sterling loans. On rupee loans known as the permanent debt, the Indian Treasury pays Rs. 17.60 lakhs. I will not inflict on the House the figures relating to the interest on the floating loans and unfunded debts in this country. I may, however, be permitted to refer to the figures of interest relating to sterling loans. For 1938-39, the provision made in the Budget is for a payment of about Rs. 13 crores on the sterling loans raised by India in England. To this we have to add the interest portion of annuities created in purchase of railway shares and interest in respect of that comes to Rs. 1.81 crores. We have other obligations in sterling in regard to the purchase on termination of railway contracts and interest liabilities in respect of those come to about Rs. 1.13 crores. Thus, on our sterling liabilities we pay out of the revenues of India Rs. 16 crores. The amount which Indian revenues are paying in respect of their sterling obligations is not negligible. The loans outstanding to-day are £276 millions, the non-terminable loans being of £177 millions and the terminable loans of £99 millions equal to a sum of Rs. 368 crores. It will be seen that our liabilities in respect of sterling loans alone come up to Rs. 368 crores. As against this it will be interesting for the House to note that our rupee loans total Rs. 484 crores and this is in addition to the floating loans. Hence our liabilities in respect of these two kinds of loans amount to Rs. 853 crores. At one time not very long ago we used to be supplied along with the Budget Estimates a statement of the unproductive and productive loans of India, i.e., of those loans which were covered by interest-yielding assets and those not covered by such assets. Since the last two years this practice has been discontinued. It is somewhat unfortunate that the information which was so useful is not now being furnished to us and we have to ask questions about it in this House in order to get it. We also find that from year to year during these last few years the statistical data which was being furnished to the House is being curtailed. If we only look to this year's Budget the Explanatory Memorandum which used to cover 43 pages now covers only 29, and the statistical information has been considerably cut down. Therefore, I am not in a position to state at this moment what is the present amount of our productive debts but I take the figures which were furnished by Government sometime ago and from those I gather that our unproductive loans are in the proximity of Rs. 200 crores. This shows that the loans which India has raised are largely covered by assets. Before the war our unproductive loans were only of Rs. 3 crores. The war expenditure and the contribution which India made or was made to pay and the budget deficits have raised India's unproductive loans to only Rs. 200 crores. I say *only* Rs. 200 crores because if we compare the unproductive loans of other countries with ours, this amount is certainly a small amount. Before the war the national debt of England herself was about £700 millions; to-day it stands at the staggering figure of £8,000 millions and most of it is unproductive loan. The increase in the productive portion of the loans of England is comparatively very little. Sir, the money which this country has borrowed from England is used for remunerative purposes and is yielding

revenue in this country and is not an unproductive loan. This is a fact which we have to bear in mind.

Sir, the next fact which I should like the House to grasp is that in 1914 our revenue from income-tax was only in the vicinity of Rs. 3 crores whereas in the 1938-39 Budget provision is made for a revenue of Rs. 14 crores from this source. These facts and figures show that the income from this tax has been rising and it has now become an important source of revenue to the Government of India. Next to the Customs revenue this is the most important source of income to the Central Government and if we are not getting the revenue which is legitimately due to this country it is our duty to make an effort in roping the income which is not coming to us. Sir, the question was raised first as far as I can see in 1916 in the old Imperial Legislative Council by the distinguished Member the Honourable Mr. C. Vijayaraghavachariar. In moving an amendment to one of the sections of the Indian Income-tax Act which was then on the anvil, he pleaded that sterling loans should be subjected to income-tax. I may be allowed to quote a passage from his speech to refresh the memory of Members after so many years.

THE HONOURABLE THE PRESIDENT: The amendment was in respect of loans to be floated in the future, not loans floated in the past.

THE HONOURABLE MR. G. S. MOTILAL: Sir, you were a Member of that House and probably you remember it, but I can only look to the terms of the amendment itself. I do not think it is necessary for me to read the text of the amendment but what I shall read are some portions of the speech made by that Honourable Member. He said:

"My suspicion is that certain proprietors of income by reason of the words which I wish to delete escape the payment of income-tax altogether. My amendment relates to the following clause which is repeated in the present Bill, viz., part (iii) clause (a), that is, interest on promissory notes, debentures, stock or other securities of the Government of India including securities of the Government of India whereon interest is payable out of British India by draft on any place in British India. But in all these cases the income-tax is taken at the source and not collected afterwards from the owner of the income by proof of what he has obtained."

Now in this particular case there is this difference between the holders of rupee securities and the holders of sterling securities as a class. And the Member further continued:

"The holders of our sterling securities unlike the holders of the rupee securities escape paying income-tax altogether. They are caught at the source on account of the existing wording of the clause in question and as they are beyond the jurisdiction of the Government of India, they altogether escape as the second method of assessing and collecting the tax is not available in their case."

He advanced further arguments which I need not, having regard to the time limit, go into at this stage, but I must refer to one fact. The Finance Member of the time, the Honourable Sir William Meyer, expressed his sympathy with the amendment.

THE HONOURABLE THE PRESIDENT: All this has no bearing on your Resolution. Your Resolution is entirely different—to pass an Act of Parliament to enable the Legislature to perpetuate a breach of faith.

THE HONOURABLE MR. G. S. MOTILAL: I am stating relevant facts as they stand and in the course of my speech I shall deal with this aspect of the question.

THE HONOURABLE THE PRESIDENT: This has nothing to do with your Resolution.

THE HONOURABLE MR. G. S. MOTILAL: If the Government Member feels that it is not relevant, then I will have an answer. These escape income-tax "because they are not liable to it". That was the Government's answer then. They were not liable to it, was the statement then made on behalf of Government. How they were not liable to it, was not explained by the Finance Member. There is one other fact which he stated and which we also must bear in mind. He said it would be inexpedient to subject the sterling loans to Indian income-tax. What he said was that we are now entering into negotiations with His Majesty's Government and a conference is being called in London in order to come to some arrangement with regard to the relief to be given in the case of double income-tax. There are taxes which are paid in this country because the income is derived from and originates in this country and then there are some incomes which are taxed again in another country where they are received. A conference was going to be convened for discussing the problem of double taxation. Therefore the Finance Member of that time said, "It will weaken our case if this amendment is accepted". The Honourable Mr. Vijayaraghavachariar thereupon formulated some four questions and he wanted answers to them, but the Finance Member instead of answering the questions preferred to proceed with the voting. Sir, since then a conference did meet in London which the representatives of the Dominions and of the United Kingdom and of India also attended. On behalf of India, it was, I believe, Sir James Meston who took part in the negotiations. At this conference an arrangement was arrived at whereby the incomes that were taxed in this country and were also taxed by reason of the Income-tax law in the United Kingdom or in the Dominions, were given relief and in pursuance of that agreement a provision was introduced in the Income-tax law of this country in the year 1920. Under that provision India is now paying by way of relief in respect of double income-tax as much as Rs. 1.2 crores. Before this relief was given, I could understand the reason for the Government's attitude, viz., that if these securities were subjected to Indian income-tax besides British income-tax which the holders of those securities had to pay under the British Income-tax Act then the additional burden of Indian income-tax will have to be borne by India, but since the principle of double taxation relief has been accepted and incorporated in the Indian Income-tax Act, there can be no hardship on the investor, and there is nothing which should stand in the way of the Government of India in obtaining the revenue from income-tax which is legitimately and properly leviable on the interest paid by this country on the sterling securities.

THE HONOURABLE SIR A. P. PATRO (Madras: Nominated Non-Official): Do you wish that the British Government should forego the income-tax on pensions paid in England?

THE HONOURABLE MR. G. S. MOTILAL: That is not what I am saying. What I am saying is that now that you have double income-tax relief provision in the Indian Income-tax Act, the British Government will under their own Act get the revenue by their Income-tax Act and give the assesses the relief in respect of double income-tax.

THE HONOURABLE SIR A. P. PATRO: Compensation?

THE HONOURABLE MR. G. S. MOTILAL: I wish you to read section 49 of the Indian Income-tax Act.

THE HONOURABLE SIR A. P. PATRO: Quite so.

THE HONOURABLE MR. G. S. MOTILAL: India also gives relief under this section. India is giving relief under this section though it is only one-sided. Before this arrangement was arrived at, no relief was given by India and the Indian Treasury retained more than one crore and twenty lakhs of rupees taking the latest figures available of the double income-tax relief. It will be obvious that there is no hardship imposed on the investor in England if he is made to pay the Indian income-tax on such investments, and by an equitable arrangement both the Treasuries should get their due share of the taxes. The Taxation Enquiry Committee which was appointed by the Government of India, in its report made in 1924-25, said that:

"The opinion has been somewhat widely expressed that India has been a sufferer because Indian income-tax is not deducted from the interest on sterling loans which is payable in London. It seems necessary to emphasise that in a case where one country borrows from another, the question whether income-tax should be payable on the interest paid should be decided by the terms of the loan",

and they in the end said,

"It is clearly desirable that there should be a definite statement in the prospectus as to whether Indian income-tax is going to be charged on the interest on the loan or not".

A Retrenchment Committee was appointed in the year 1931 and a very distinguished member of the Assembly, Sir Abdur Rahim, presided over it. That Committee also recommended that sterling loans should be subjected to Indian income-tax. This demand has been persistently put forward by responsible commercial associations in India but to our great surprise, when this Government of India Act of 1935 came to be enacted, this right of India which existed till then was taken away. Before this Act, there was no legislative prohibition against India levying a tax on the incomes paid outside India from the revenues of this country, but by this Act, the power of this Legislature in this matter was taken away. A provision was inserted which took away the right for the transitory period and another section was introduced which took away the right of the Indian Legislatures to tax interest on all the existing sterling loans of India even after the Federal constitution comes into operation. And this is the inequitable constitutional restriction

12 Noon.

which has been imposed upon India. Such a restriction, Sir, does not find a place in the constitution of any of the Dominions and the question was, I understand from my Honourable friend Sir Phiroze Sethna, discussed at the Round Table Conference also and that he had raised it. But notwithstanding all these provisions have been made and what attitude the Government of India took in this matter is not yet known to us. The Government of India as the custodians of the revenues of India are a responsible body who have to get what revenues are due to India for the Indian Treasury. We urge upon them that they should even now take this step, make representations to His Majesty's Government to remove the restrictions which they have imposed and make it competent to the Indian Legislature to deduct income-tax on the interest which they pay on sterling loans.

THE HONOURABLE THE PRESIDENT: What about the terms of the old contract on which the loans are floated?

THE HONOURABLE MR. G. S. MOTILAL: If there is a contract, certainly no one in this House will come forward to say that it should not be respected.

[4TH APRIL 1938.]

THE HONOURABLE THE PRESIDENT: Will the public lend money to Government hereafter?

THE HONOURABLE MR. G. S. MOTILAL: I do not know, Sir, why the public should not lend. The income-tax in India was introduced in 1860 for the first time for five years only.

THE HONOURABLE MR. P. N. SAPRU (United Provinces Southern: Non-Muhammadan): A National Government would repudiate all obligations.

THE HONOURABLE MR. G. S. MOTILAL: There is a safeguard for it in the other provisions of the Act. A thousand million pounds were lost to India. Can the argument at all stand that if the Government did not impose a particular tax before any given year, there is a contractual obligation between the people and the Government that it shall never impose such a tax. This argument has not been put forward even by Government. When this question was raised, what Sir Samuel Hoare said was that there is a long-standing practice and by that practice these loans and pensions were not subjected to Indian income-tax. This was the only argument advanced in justification of their attitude.

THE HONOURABLE THE PRESIDENT: Never mind the argument. But what would the investors say?

THE HONOURABLE MR. G. S. MOTILAL: Well, Sir, you know the investors and you can speak the mind of the investor.

THE HONOURABLE PANDIT HIRDAY NATH KUNZRU: What does it matter to the investor whether he pays the tax in India or in England?

THE HONOURABLE SIR DAVID DEVADOOS: He gets the credit for the amount paid in India. He does not lose.

THE HONOURABLE MR. G. S. MOTILAL: Then, Sir, the recent Committee which was appointed has dealt with this question also,—the Indian Income-tax Committee of 1936 say:—

“As the interest on such securities is payable in London, it has been held to accrue or arise without British India and therefore not to be taxable”.

They escape income-tax because the expression “accrue or arise” used in the Indian Income-tax Act has been construed to mean that the income accrues or arises where it is receivable; income which “accrues” or “is derived” or “arises” in ordinary parlance would mean income which has been earned in this country. But some judicial decisions go the length of laying down that it applies only to the place where it is receivable. Although the decisions are not uniform, in some cases, it has been held that if the income is receivable outside British India it is not liable to Indian income-tax. In another set of cases, as pointed out by Mr. Sundaram in his “Income-tax Law”, the courts have laid down that though the amount was paid outside India, it was liable to income-tax. The question was taken up again and representations were made before the recent Income-tax Enquiry Committee, which in its Report observes:

“As the interest on such securities is payable in London, it has been held to accrue or arise without British India and therefore not to be taxable except to the comparatively small extent to which the securities are held by residents in British India and the interest is brought into this country”.

On these very securities, if interest is brought into this country, it is taxable. Had there been a contract that these securities are to be exempt from Indian income-tax, the Government would certainly not take income-tax on the interest of these securities when it is received here. The Committee further observed:

“Repeated representations have been made to us that since this interest is a burden upon Indian revenues, there is no justification for not subjecting it to Indian income-tax”.

It then continued to state:

“As against this contention it may be remarked that when these securities were issued, the non-taxability of the interest under the existing Income-tax Law was a known fact and may almost have been taken to be an implied condition of issue”.

In conclusion, the Committee said:

“If in spite of these considerations, it is desired to bring such interest within the scope of British Indian income-tax, this could only be done by the amendment of that Act by the United Kingdom Legislature”.

The Committee does not say that it is against this proposal nor does it accept the argument of contract. It sets out the argument used on either side but does not express themselves to be against the amendment of the Act.

Now, Sir, I must pass on to the second part of my Resolution rather hurriedly. The pensions which we pay in respect of the defence forces come to about Rs. 5 crores which are paid in England. And something like Rs. 4 crores of other pensions are also paid in England. On the whole they come to about Rs. 10 crores. The Income-tax Enquiry Committee considered this question also and with reference to this matter too, they said that it involved the amendment of the Act. On the merits, they were not in favour of continuing the exemption. It is only because of the existence of provisions in the Act, they say they are precluded from making any recommendations and remarked that it was a question of financial policy. I would now quote what they have said with regard to leave salary which applies with equal force to pensions:

“The argument that this exemption is an existing right, tantamount to a contractual condition of service, has in our opinion no more validity than a claim that the rate of income-tax in respect of salary and other emoluments should never be increased”.

Well, Sir, as I have taken up my full time, I must here stop.

THE HONOURABLE THE PRESIDENT: As the List of Business for to-day is a very heavy one and this is the last non-official day, I request Honourable Members to be as brief as possible and help me to finish the List of Business by 4-30 in the afternoon.

THE HONOURABLE SIR DAVID DEVADOSS (Nominated: Indian Christians): Sir, some years ago I brought forward a more modest Resolution than this, namely, that the pensions and leave allowances paid to officers should be subject to the Indian Income Tax Act. That Resolution was almost carried against the Government, but the Government would not accept it. On a subsequent occasion I had to refer to the parable mentioned to King David. I simply remind Honourable Members of it. There was a very rich man who had flocks and herds and other things. A guest came to his house. Instead of killing one of the fatted calves in his flock, he took his neighbour's ewe lamb, which was the only one the neighbour possessed and which he treated as his own daughter. He killed it and feasted the guest.

[Sir David Devadoss.]

That is exactly what the Government of India are doing. The income of the United Kingdom is about £800,000,000, whereas our income, all told, so far as our present Government is concerned, is only about Rs. 90 crores. I said if the Honourable the Finance Member would consent to my Resolution, he would be making at least Rs. 50 lakhs a year. He did not want to have that. That was the gift I was prepared to give him.

Let me make the law on the point clear. There was an impression that if we taxed the pensions, leave allowance and leave pay, the recipients in England would suffer. That is not so. So far as the British Income-tax Act is concerned, it gives relief so far as the income-tax paid either in India or in the Colonies. I also referred at that time to the Australian Act. Australia assesses incomes paid out of Australia to income-tax, and relief is given so far as that is concerned by the British Act. The only people who are likely to suffer by our taxing pensions and leave allowances are those who live in the Free State of Ireland or on the Continent, say, France, or on the Riveira. There they do not get any relief, by paying only the Indian income-tax. The Indian income-tax is not so heavy, as you know, as the British income-tax. It used to be 4s. in the £, and now it is 5s. in the £ if my memory is correct.

THE HONOURABLE THE PRESIDENT: It is nearly as heavy.

THE HONOURABLE SIR DAVID DEVADOSS: Under the new Act, our taxes will be heavy and even in that case they get relief. The point is this. The pensioners and those on leave who get leave allowances will not suffer. So, Government need not at all consider that their servants will suffer in any way. The only thing is that the British Exchequer will have to pay a deduction in respect of it. Is it justifiable that a poor country like India should try to benefit a rich country like England by foregoing what is its legitimate due? That is exactly, as I said, Sir, where the parable applies. Here is a rich man—immensely rich—I will call him a millionaire, talking in present day language—who refuses to take something out of his own purse and picks the pocket of a neighbour, a poor man who has only 2d. for his dinner, and deprives him of his dinner. This is exactly the position, Sir. Before the Act, we had the right to tax these pensions. Probably, knowing the Resolution moved by me, the Act now makes it impossible for us to tax them. Unless the Act of 1935 is amended now so as to give us the power to tax these pensions, we cannot do so. I entirely sympathise with this Resolution and I think that Government ought also to feel sympathetic towards the Resolution. It may feel its hands tied, but there is one way of escape from it. Pay all the pensions in India and let them be remitted through banks. We can always get round this. If they are paid in England, no doubt we cannot tax them. But pay them here. Pay all the leave allowances here, if not to the present men, at least to future entrants. You can pay all your leave allowances, salaries and pensions, in India, to your men, whether they are Europeans or Indians or whatever their nationality may be. The civil servants who retire and who are living here are subject to our income-tax. Only those who go out of India escape our income-tax. But at the same time they pay the British income-tax. The remedy lies, therefore, in getting the Act amended in such a way as not in any way to inconvenience or to cause loss to the recipients of pensions and allowances but at the same time benefit the Indian Exchequer at the expense of the British Exchequer.

With these words, Sir, I express my entire sympathy with the Resolution.

THE HONOURABLE MR. HOSSAIN IMAM (Bihar and Orissa: Muhammadan): Mr. President, I rise to support the Resolution which has been so ably moved by my Honourable friend Mr. Motilal. This Resolution, although differently worded, is on the same lines, but a little wider, than the Resolution moved by the Honourable Sir David Devadoss on the 14th March, 1931, to which reference has been made. I moved a Resolution on the subject on the 15th March, 1933, and in the Resolution, as the Government of India Act's cramping effect had not come into operation, I had asked only for legislative sanction to impose taxation on interests on sterling securities, because the pensions were not affected by legislative sanction but by executive orders. It was an exemption granted by the Governor General, who had exempted pensions from Indian income-tax. We want to know whether Government base their claim on the theory of might or whether they are prepared to discuss the question of rights. If they base their case on might, there is nothing to be said. We are a subject nation and they are the people who have got the power. They can perpetrate whatever hardship and injustice they like. But if they are prepared to discuss the question on the basis of equity and rights, I am ready to join issue with them. The present Resolution deals with three items, sterling loans, salaries and pensions. Salary is still, I believe, not enmeshed by the Government of India Act. Leave salary is open to Indian taxation if the Government of India so desires.

THE HONOURABLE MR. R. H. PARKER (Bombay Chamber of Commerce): May I say it is dealt with in the new Bill?

THE HONOURABLE MR. HOSSAIN IMAM: I am very glad to hear this news. I rightly thought that it is exempt from this provision, and so far our friend has been anticipated by the Finance Department and we should be thankful to the Finance Department for this.

Now, coming to the question of pensions, the exemption granted to pensions is based on the legal fiction that they accrue outside India as in the service contracts pensions are payable in sterling out of India, while those of Asiatic domicile who live in India they are subjected to income-tax because of the fact that they get their salary in India and even if it were construed as accruing outside India as it is being brought inside the country it is subject to Indian income-tax. Now, on this subject we have authoritative books as well as the practices of the British Exchequer. The British Exchequer classifies income into three kinds. Firstly, there is the income arising in the country and derived by the people resident in the country. That is subjected to English income-tax as well as subjected to Indian income-tax. There is a second class of income, that derived from outside the country but by people who reside inside the country, the external income of the residents, that is subjected to English as well as Indian income-tax. Now, there is a third kind of income in which there is a difference between the practice of the British Exchequer and the Indian Treasury, that is the income derived by an outsider but accruing in India. Now, there is a difference of opinion, I should rather say there was a difference of opinion as to whether this income accrued in India or outside India. The sterling loans are issued under the East India Loans Act. Now, one of the provisions of the Government of India Act from the time of our connection with the Crown has been that no expenditure from Indian revenues for matters other than Indian concerns can be taken except with the sanction of Parliament. Parliamentary sanction is necessary for all expenses which are not in the interests of India. Take the instance of our war loan; for that sanction had to be given by the British Parliament before it could be undertaken. Now, if this

[Mr. Hossain Imam.]

expenditure of interest on loans is covered by a sanction of Parliament then a fiction might be created that it has accrued outside India. But until that happens the location of the accrual will be taken to be in India, although the commitment might be made outside. It is an ordinary fact that although the Government of India has its headquarters in Delhi, its expenses are taking place in several towns of India. Now, on these sterling securities the position of the Government seems to be this—that if we subject them to Indian income-tax it will be breaking an old practice, and a reference was made by you to what would be the effect on the investing public. Now, our point on this issue is very clear. We do not wish that those who have invested their money in sterling securities should be subjected to higher taxation than they are at present paying. We only wish that at the time of the disbursement of the interest when the British income-tax is deducted Indian income-tax too may be deducted. In this connection I should like to be illuminated by the Honourable Finance Secretary whether the statement of Sir David Devadoss was correct that those who live in the Irish Free State are not subjected to British income-tax on the sterling securities. I believe that I have the authority of the Finance Department, I asked a question on the subject and the reply was that they are all subject to British income-tax wherever they might be resident, because it is taken that it has accrued in Great Britain. Wherever received no one escapes from British income-tax. Now, our quarrel, as Sir David Devadoss very graphically put it, is between two, one a rich and the other a poor man, and the rich man wants to pick the pocket of the poor man. There will be absolutely no effect on the investing public. We are prepared even to be subjected to a restriction that no income-tax greater than half the amount of British income-tax can be levied on those persons because after all it comes to the same thing. By giving double income-tax relief you come to the same conclusion but in order to guarantee that in no case they will be subjected to a higher rate you might restrict the right of the Indian Government to impose taxation and realise in no case exceeding 50 per cent. of the taxation of the British Government.

Now, Sir, the Act as far as I have studied it is not clear about future sterling loans that might be floated by the Federal Government, when, if ever, it comes into being. (*An Honourable Member*: "There is no restriction there".) So I say, the Federal Government has not been restricted in the future sterling loans. Now, the question may very well be asked, if the thing is wrong why has it been allowed in the future? If it is based on wrong assumptions why not restrict it for the future as well? They knew that they had not a leg to stand upon. It was simply the action of a stronger power trying to dictate to small fry. There is no justification for it, no equity behind this. It is just as bad as Hitler's move in Austria.

Mr. President, I should like to remind the House that as far as pension is concerned I have a definite reply of the Honourable Mr. Alan Parsons. Question No. 1167 of the Legislative Assembly of 1932 was "Have the Government taken legal advice on the question whether sterling pensions accrue in India or outside India?" The Honourable Member replied that that is the view held by the Government, that sterling pensions accrue in India. Now, if accrual is in India, what is the reason that it should be exempted from Indian income-tax? If the Government is really anxious to strengthen income-tax legislation and they want to rope in those who are evading tax, I think that charity must begin at home. First of all, they should preach their dogmas to the British Parliament and get them to sanction in future that sterling pensions

will be subject to Indian income-tax. If they do not do this the Government will be open to the charge, and a proved charge, that they are making differences between the Indian and the British people. Discrimination will be taught to us by the British Government itself who in this way discriminates. Is the Government going to give this lesson to the Provincial Governments that discrimination is to be started by the Government itself and we are told that we should not have discrimination and that the British people should be given a free latitude. A man who draws his pension in India and a man who draws his pension in England should not be treated on different footings.

In conclusion I should like to say that in this matter the Government of India functions as the post office. We do not ask them to pass the legislation necessary. It is for the British Government to pass the legislation and therefore I hope that statesmanship is not altogether lost in the Government of India and they will rise to the occasion and accept this Resolution.

THE HONOURABLE RAI BAHADUR LALA RAM SARAN DAS (Punjab: Non-Muhammadan): Sir, I rise to support the Resolution. The other speakers who have preceded me have not left much for me to say. But as regards the agreement with the British personnel and as regards the payment of their pensions or interest or any other charges in England, I would support what the Honourable Mr. Hossain Imam has said and add that the Act should be so revised as to allow the Indian Government to realise their income-tax from such incomes; but in the meantime I would like to suggest that the British Government be asked to credit to the Government of India the income-tax that is due to them from the collections of income-tax that did accrue in India. That is our due, because after all whether payments are made in England or in India, they accrue in India. Therefore I would like my suggestion to be considered and the British Government should be asked to remit to us by transfer the amount due on income-tax on the sums which accrue in India but are paid outside British India and on which Indian income-tax is due.

THE HONOURABLE MR. RAMADAS PANTULU (Madras: Non-Muhammadan): Sir, I rise to support the Resolution. It seems to me that the real issue is between the British Treasury and the Government of India. The person who receives the interest on securities or pension does not suffer. Whatever may have been the case before the provision for relief against double taxation had been introduced, the present position is that the assessee pays a certain amount of tax and he is not required by the Resolution moved by my friend to pay anything more than what he pays now; perhaps he pays less if he pays Indian income-tax and not the British tax. Therefore I think that the issue is side-tracked by bringing in the question of contract with the assessee or the interests of the assessee. Indeed, that is a matter which does not arise in my opinion. There is only one other matter to which I should like to refer. In the Government India Act, with regard to the interest on sterling loans, the provisions are contained in section 315 (4) and section 178. By the former on the loans borrowed by the Secretary of State in the transitory period on behalf of the Governor General no deduction of tax can be made on the interest paid. In the interim period between now and the introduction of Federation the Government of India is not allowed to borrow but only the Secretary of State is allowed to borrow with the previous concurrence of his advisers. On such loans tax cannot be deducted by the Indian Government. By section 178 further provision is made for the interest being paid without deducting the tax by the Government of India on all loans incurred up to date. The Government

[Mr. Ramadas Pantulu.]

of India Act leaves it open to the Indian Legislature to tax interest paid on securities held in England after the Federation is set up. In this interim period it is not permissible to do so. The reason is not very apparent. Of course we want to draw public attention to the injustice done to the Indian Treasury in the interim period, the transitional period between the introduction of Federation and now. Therefore this Resolution raises a very important point and a direct protest against the sections of the Government of India Act which deprive the Indian Treasury of its legitimate dues on interest paid on sterling securities out of the revenues of the Government of India or of the provinces to people residing outside India. That is a direct question on which we want an answer as to why it is done. We know it is in the Act, but how it is to be justified is the question that we are anxious to hear the reply on. I hope the Honourable Mr. Nixon will enlighten us as to what the reasons were which led the framers of the Act to deprive the Government of India of a legitimate source of tax to which they are entitled.

Sir, the second point is that with regard to pensions the position is much worse. As regards the interest on sterling loans, while Federation when it is set up may tax and collect, with regard to pensions it is curious that section 272 not only prevents the Government of India from taxing pensions paid outside India in regard to persons who have been employed before the commencement of the Act but it makes it incumbent on the Government of India not to tax pensions even of future entrants, persons appointed after the commencement of Part III. If it is based on the theory of contract I can understand—contract with persons who were appointed hitherto. With regard to future entrants there is no contract not to tax their pensions and a contract can be validly entered into by stipulating that their pensions will be subject to Indian income-tax. I really see no obstacle to such a contract being entered into. So, the provisions with regard to pensions are more drastic, more unjustifiable and more indefensible from the Indian standpoint than even the provision with regard to interest on sterling loans. It is hardly necessary for Mr. Nixon when he replies to say that so long as the Government of India Act stands as it is we cannot do anything in these matters. That we all know. We do not want to be told that. We can read the Act; it is well drafted that way. What we cannot do, what we cannot get, are very clearly set forth there; the Act is full of negations. To define what India cannot get, what India cannot claim, is more the object of this Act than what India gets. Therefore, Sir, I want to know why this distinction is made in the case of pensions and is there any logical basis with regard to this?

There is only one word more. With regard to the contract with investors, I do not think it arises at all. There is no such contract so far as I know. As I already said, it is a fight between the British Treasury and the Indian Treasury. Sir, there are other classes of interests paid, namely, by commercial bodies. Now they are not taxed. Supposing merchants in India borrow in England and have got to pay interest in England, I do not see why they should not be taxed. They enjoy exemption only under a notification issued by virtue of the powers vested in the Governor General by section 60 of the Income-tax Act. So also salaries and leave allowances; they do not enjoy any exemption under the Government of India Act, but they enjoy exemption by virtue of a notification issued by the Governor General. So far as the interest and pensions paid by commercial bodies are concerned and also salaries and leave allowances paid to officers of the Government of India in England, they can all be taxed and I hope they will be taxed.

THE HONOURABLE MR. J. C. NIXON (Finance Secretary): Sir, I know my friend the Honourable Mr. Motilal does not always come to this House dressed in the very fine raiment that he has on today! I know he does not sometimes squander very large sums on his headdress. But I still fail to recognise in him the ewe-lamb to which my Honourable friend Sir David Devadoss must have been referring. We all know our friend Mr. Motilal. We know he is not one of the silent toiling millions of India. We know that he belongs distinctly to the better class and therefore we quite understand why he has brought forward a Resolution of this sort. He has a quality common to those of the better class of knowing that the Government require taxes but wishing that anybody but themselves shall pay those taxes. Therefore, I rather look on this Resolution, if I may say so, as in the nature of a red herring brought forward, I take it, because the Finance Member has chosen today for introducing an income-tax Bill in the other House. I suppose by now he is fairly well satisfied that when he mentioned the word "salaries" in his Resolution he was making an error, that there is no need to make any representation at all to His Majesty's Government in order that Indian income-tax should be recovered on salaries paid from Government revenues in England. His grievances, legitimate or what may be called legally legitimate, centre round two or three sections of the Government of India Act. Section 272 definitely exempts a certain quite limited class of pension from the imposition of Indian income-tax. For myself, I have never heard the argument advanced, as Mr. Hossain Imam said he had, that pensions paid from Indian revenues accrue outside India. The argument may have been used; I have never heard it. Possibly he has to some extent thrown light on why this section appears in the Government of India Act when he made the suggestion that there should be some limitation on the right of the Legislature to impose income-tax on this particular class of pension. I do not propose at the moment to deal any further with the merits of pensions.

My Honourable friend Mr. Motilal, as was natural, spent more of his time on the subject of securities. He had some very curious arguments. One I failed entirely to follow. It seemed to be to this effect; that the Government of India had managed to borrow money in London, that the money in India had been used productively, that is, it was earning more than its debt charges, and for that reason and for no other, we were justified in taking something more from the lender. I do not know if I have got the argument right.

It is one thing to place on the Statute-book the power to impose income-tax on non-residents, it is another thing to devise a procedure to collect those taxes. To give you an example—if, say, the Italian Government set up an Italian Income-tax Collector in India to collect Italian income-tax on certain portions of the incomes of Italians residing in India, I fancy the Italian residents could resist the levy in the Indian courts. It is not a matter of whether the income is subject to Italian income-tax. It is the devising of a legal machinery to collect it.

As I have no doubt the Honourable Mr. Motilal has discovered, there is a very distinct difference in wording between section 273 of the Government of India Act, which deals with pensions and the two sections of the Act, 178 and 315, which deal with sterling loans. Pensions are exempt from Indian taxes. In regard to sterling loans the phrase is "no deduction", which clearly means no deduction at source. I do not know whether there was a slight twinge of conscience on the part of my Honourable friend Mr. Motilal; that, if he does perchance own some Indian sterling securities he feels he ought to pay Indian

[Mr. J. C. Nixon.]

income-tax on them; because if that is really his apprehension I can give him an assurance that no change in the Government of India Act is required in order to permit us to relieve his conscience on that point.

I have little doubt that if income-tax were imposed on the sterling securities of the Government of India, the credit of India in the London market and in other foreign markets would suffer. I would go further than that. I would say the loss of credit to India would be reflected not only in reduced quotations for Indian sterling loans but also in the treatment accorded to credit instruments in foreign markets connected with Indian trade.

THE HONOURABLE MR. HOSSAIN IMAM: Is not the 3½ per cent. sterling loan five points below the rupee loan at the moment?

THE HONOURABLE MR. J. C. NIXON: However, I do not intend to go any further into the merits of these particular sections. These sections of the Government of India Act must be presumed to embody the considered decisions of His Majesty's Government arrived at less than three years ago. The Government of India consider that it would be out of the question for them to approach His Majesty's Government at the moment with proposals for their amendment and in the circumstances I consider that no useful purpose would be served by my further entering into the merits of the case.

There is only one further thing I should like to say. The party to which the Honourable Mover of this Resolution owes allegiance I understand assumes a certain attitude towards amendments of the Act—I think the phrase is that they will have nothing to do with tinkering with the Government of India Act. And therefore, I presume, that, good Congressman as he is, and I also say this about my Honourable friend Mr. Ramadas Pantulu, he will vote with me in regard to the Resolution.

THE HONOURABLE MR. RAMADAS PANTULU: The Resolution, Sir, is a protest against the provisions of the Act.

THE HONOURABLE MR. J. C. NIXON: I will read the Resolution to my Honourable friend:

"This Council recommends to the Governor General in Council to make representations to His Majesty's Government for undertaking suitable legislation in Parliament so as to make it competent for the Indian Legislature to subject to income-tax the interest on sterling loans and salaries and pensions paid out of the revenues of the Central and Provincial Governments in India."

THE HONOURABLE MR. RAMADAS PANTULU: The idea is to raise a protest.

THE HONOURABLE PANDIT HIRDAY NATH KUNZRU (United Provinces Northern: Non-Muhammadan): Sir, my Honourable friend Mr. Nixon will, I am sure, not be surprised when we tell him that his reply was utterly disappointing. We all know the relevant sections of the Government of India Act. My Honourable friend Mr. Ramadas Pantulu had drawn attention to them and pointedly asked Mr. Nixon not to content himself with referring to these sections but to explain to us the grounds on which they are based. We expected him not merely to repeat what there was in the Government of India Act, but since the Resolution asked for an amendment of the Act, to explain the reasons justifying the retention of the present

provisions. He has done nothing of the kind. He has merely indulged in swordy pyrotechnics. He has gone round the subject, but he has been careful not to touch any of the questions raised by my Honourable friend the Mover of the Resolution, or those who spoke after him.

The main questions we have to consider are whether it will be unfair to the investors to impose a tax on the interest on sterling loans and whether the credit of India in foreign markets will suffer if we follow such a course. My Honourable friend Mr. Nixon made out no case against the Resolution on the score that the investor would in any way suffer if he were asked to pay income-tax on the interest on the loan advanced by him to this country. He has to pay that income-tax somewhere. It does not matter to him where he pays it. It is all the same to him whether he pays it in England or in India or the two countries jointly so long as the total that he will have to pay does not exceed the total that he has to pay now. That is all that the investor is interested in. We are not suggesting that the British investor should in any way be penalised. If our proposal is accepted, it will only mean that the British Exchequer will be entitled to take less from him than it does at the present time.

THE HONOURABLE SIR DAVID DEVADOSS: It gives credit for the amount paid here.

THE HONOURABLE PANDIT HIRDAY NATH KUNZRU: Certainly. Since the principle of preventing the payment of double income-tax has been accepted, I take it that if the British Government agree to the imposition of income-tax on the interest on the sterling loans in India, they will in conformity with this principle take steps to reduce the tax leviable in England on incomes that have already had to pay a tax in India.

As regards the second point, namely, the credit of India in the foreign market, my Honourable friend roundly asserted that the credit of India would suffer. But he was not good enough to advance even the weakest argument in support of this thesis. Why should the credit of India suffer? Does he mean to say that India is at present getting loans on cheaper terms than, say, England? Nobody has ever said that. The rates of interest prevalent give a sufficiently cogent reply in the negative on that point. The reason for it is plain. The British investor knows that India can be made to pay the same rate of interest which is prevalent in England. The money market in India has not been fully developed. In consequence of this, we have to resort to borrowing outside this country. The British investor can, therefore, within limits, impose his own terms. If our own money market were fully developed, or if we could go to countries other than the United Kingdom for borrowing money for our needs, then it is possible that the British investor may in competition with investors from other countries reduce the rate of interest which he charges in consideration of the fact that India does not levy any tax on the interest payable on his loan. But even this will be possible only on condition that the money invested in India is liable to a lower income-tax in England than that invested in England. So long as income-tax is leviable in England, that is, so long as the investor knows that he has to pay a certain amount of tax, whether in England singly or in England and India jointly, he cannot obviously reduce the rate of interest he charges to this country. There is nothing, therefore, in the assertion of my Honourable friend Mr. Nixon that the credit of India in foreign markets would suffer if the interest on foreign loans were made chargeable to income-tax in this country.

[Pandit Hirday Nath Kunzru.]

I come now to salaries. I must confess that my Honourable friend the Mover has worded his Resolution rather broadly in respect of salaries. His demand really applies only to leave salaries of persons residing permanently outside India and not to salaries payable to persons on active duty in this country. My Honourable friend Mr. Nixon taking advantage of this said that he did not propose to say anything with regard to salaries, because salaries could be taxed. But what he said was only partly true and he knew that. But it was convenient for him to take advantage of the slip made by the Honourable Mover of the Resolution and to get over a difficult subject in that way. But he is mistaken if he thinks that the reply given by him will pass muster in this House. He has to tell us why leave salaries should be treated separately from other salaries. My Honourable friend Mr. Parker pointed out that in the Income-tax (Amendment) Bill introduced in the other House, a provision had been inserted subjecting leave salaries to income-tax. If that is so, that would have been a better argument for my Honourable friend Mr. Nixon than the one which he contented himself with. I do not propose to say more with regard to pensions, but here again I must point out the utterly inadequate and unsatisfactory nature of the reply given by my Honourable friend Mr. Nixon. We know that pensions cannot be subjected to income-tax in this country either now or in the future, but why it is so, we cannot understand. The receiver of pensions from the Indian Exchequer will be in the same position as the British investor in regard to the payment of income-tax. It does not matter to him where he pays his income-tax so long as the total that he is made to pay is not higher than what he pays now. That is all that he is interested in.

Sir, if I may revert to the question of securities, I will offer one additional observation. It has been pointed out that interest on loans in existence at

the time of the passing of the Government of India Act is exempt from the Indian income-tax. It has also been pointed out that the interest on loans raised during the transitory period will also be exempt from Indian income-tax. But if I have read the Government of India Act correctly, interest on loans raised after the establishment of a Federal Government at the Centre will not enjoy this exemption. Now, what is the ground for this kind of differentiation? If there was any value in the argument that a change in the old practice would be unfair to the existing British investors, then the old practice could be retained in regard to loans contracted up to the passing of the Government of India Act. One could understand the exemption made up to 1935, but why should the exemption have been extended to loans raised during the transitory period. There was no need whatsoever for treating loans raised after the passing of the Act of 1935 in the same way as the previous loans. Sir, there is no rhyme or reason I am afraid in the affair. The fact is, there is no conflict of interests between the British investor and receiver of pensions from the Indian Exchequer and the Indian Government. The conflict lies only between the Government of the United Kingdom and the Government of India. The Government of England are not prepared to deal justly by this country because it is politically weak. If it were however in the same position as the Dominions I am quite certain that better treatment would be accorded to it and its Exchequer would be allowed to retain the large sums that are allowed to go out of this country for the benefit of the British Exchequer.

My Honourable friend Mr. Nixon had a fling at the Honourable Mover's Resolution. He thought that the Resolution was a clever dodge for

opposing the Income-tax (Amendment) Bill. The object of the Income-tax (Amendment) Bill is only to raise more money.

THE HONOURABLE MR. R. H. PARKER : No, no.

THE HONOURABLE PANDIT HIRDAY NATH KUNZRU : What else is it?

THE HONOURABLE MR. R. H. PARKER : To raise the same amount in a more equitable manner.

THE HONOURABLE THE PRESIDENT : No Member has seen that Bill as yet and I do not think it is fair to refer to it.

THE HONOURABLE PANDIT HIRDAY NATH KUNZRU : I think, Sir, it has been freely said on behalf of Government that if the Legislature accepts the new Bill the Government of India would be in a position to give more money to the Provincial Governments. How they will be able to give more money to the Provincial Governments unless their income increases, I cannot see.

Well, then, before we raise the rates on our income-tax or before we get more out of the Indian income-tax payers we ought to see that the loopholes in the Government of India Act are stopped and that all the politically unjust evasion of income-tax which goes on at the present time is discontinued. When that is done, when those who should justly pay income-tax to us have paid their share, then alone will there be time for us to consider whether further demands should be made upon the pockets of the Indian taxpayer. Till then I think we shall be justified in view of the considerations pointed out in the course of the debate if we resist the Bill introduced today in the other House.

THE HONOURABLE MR. G. S. MOTILAL : Sir, I had expected that the Government of India and their spokesman in this House would accord a sympathetic reception to this Resolution and would make the representations which would on the one hand secure justice for them and for this country and at the same time bring in more revenue—

THE HONOURABLE SIR A. P. PATRO : During the interim period only before the introduction of Federation.

THE HONOURABLE MR. RAMADAS PANTULU : It will never be introduced.

THE HONOURABLE SIR A. P. PATRO : Do not think so. It is bound to come.

THE HONOURABLE THE PRESIDENT : Order, order.

THE HONOURABLE MR. G. S. MOTILAL : I do not understand the implications of this interruption. Anyway, I am really very much surprised that the only answer which the Honourable Mr. Nixon has given is that the Parliament itself had but three years ago introduced these provisions in the Government of India Act and therefore it will not serve any useful purpose to make representations about it. No representation had been made by the Government of India in this respect so far. Had representation been made in the past or is made now, I do not see why, if the justice of our claim is pressed,

[Mr. G. S. Motilal.]

on the authorities in England, it should be assumed that they would be altogether deaf in the matter of such a financial adjustment. So far as political issues are concerned, it would be difficult for us to expect that they would be equally responsive. But on this financial issue where the Government of this country can make out an irresistible case, why cannot we ask this Government to take up the matter with His Majesty's Government and get a satisfactory answer from them?

Sir, another argument which my Honourable friend advanced was that if there are Italians living in this country and having an income, is it proposed that they should set up some Government machinery in this country to collect taxes from them and he says that if we want taxes to be collected on these securities it will be tantamount to that. The argument is really specious. If there are Italians in this country, who possess Italian Government loans, I am sure that that Government should be deducting the income-tax on those loans and be getting that tax without setting up any machinery in this country for collection. I hope that this will not be denied by the Honourable Member who spoke for Government.

Another argument that was put forward with great force by my Honourable friend Pandit Kunzru should have convinced the Finance Secretary that if in future we raise loans after the Federation comes in there will be no restriction on income-tax being imposed on the interest on these loans. The payment will be made by this country and just as the Government now deduct income-tax on Indian loans, so will they deduct it at source on future sterling loans. It is after deduction that the double income-tax relief will be applied for, say, a man is not liable to pay income-tax if his income is below Rs. 1,000 or Rs. 2,000 whichever be the exemption limit, tax on his securities is deducted before payment of interest and refund is paid to him when he subsequently applies for it. Similarly, tax on sterling securities should be deducted and refund paid in respect of double income-tax paid.

Sir, I am certainly opposed to the Act as it is. I want the whole Act to go and I want that we should have the same status as other free countries have and be free in our country to frame our own constitution. I want this and nothing short of this, until that comes we shall not relax our efforts for framing our own constitution; but this Resolution aims at removal of the financial injustice done to India by the Act. It is for the Government of India to urge that in the interests of the two countries and in the interest of justice and equity, the British Parliament must not deny this modicum of justice to this country any longer. Sir, I request the Members of this House and the Government also, in spite of the answer they have given, to accept the Resolution.

THE HONOURABLE MR. J. C. NIXON: Sir, there are two matters to which I should like to refer. I do not propose to advance arguments. I shall make what my Honourable friend Mr. Kunzru will certainly call mere assertions. He seems to have a very happy mind in regard to the matter of double income-tax relief. I do not know whether he himself has ever been in the position of having to apply for double income-tax relief; I thought he had not. He would come to two conclusions if he ever had been in that position. One is, it is very difficult to get it at all, and secondly, that it does not necessarily lead to the assessee's paying only the bigger of the two income-taxes. Further, when I state that the credit of India in foreign markets will suffer I do not produce an argument any more than I produce

an argument when I make the assertion that twice two are four. There is only one other thing I would like to say, because he raised the question, and that is that, so far as I know, there is not the slightest indication, nor has there ever been the slightest indication, that India could have borrowed money in any other market in the world outside India cheaper than she has borrowed money in London.

THE HONOURABLE THE PRESIDENT: Resolution moved:

"That this Council recommends to the Governor General in Council to make representations to His Majesty's Government for undertaking suitable legislation in Parliament so as to make it competent for the Indian Legislature to subject to income-tax the interest on sterling loans and salaries and pensions paid out of the revenues of the Central and Provincial Governments in India."

Question put: the Council divided:

AYES—18.

Askuran, Hon. Mr. Shantidas.
Biyani, Hon. Mr. B. N.
Buta Singh, Hon. Sardar.
Hossain Imam, Hon. Mr.
Kalikar, Hon. Mr. V. V.
Kunzru, Hon. Pandit Hirday Nath.
Mahtha, Hon. Rai Bahadur Sri Narain.
Mitha, Hon. Sir Suleman Cassum Haji.
Motilal, Hon. Mr. G. S.

Muhammad Husain, Hon. Haji Syed.
Niamatullah, Hon. Chaudhri.
Pantulu, Hon. Mr. Ramadas.
Ram Saran Das, Hon. Rai Bahadur Lala.
Ray Chaudhury, Hon. Mr. Kumarsankar.
Roy Chowdhury, Hon. Mr. Susil Kumar.
Sapru, Hon. Mr. P. N.
Sethna, Hon. Sir Phiroze.
Sinha, Hon. Kumar Nripendra Narayan.

NOES—21.

Akram Husain Bahadur, Hon. Prince
Afsar-ul-Mulk Mirza Muhammad.
Charanjit Singh, Hon. Raja.
Clow, Hon. Mr. A. G.
Das, Hon. Rai Bahadur Satyendra Kumar.
Dow, Hon. Mr. H.
Ghosal, Hon. Sir Josna.
Haidar, Hon. Khan Bahadur Shams-ud-Din.
Ismail Ali Khan, Hon. Kunwar Haji
Jagdish Prasad, Hon. Kunwar Sir.
Khurshid Ali Khan, Hon. Nawabzada.

Menon, Hon. Diwan Bahadur Sir Ramunni.
Muhammad Yakub, Hon. Sir.
Nihal Singh, Hon. Sirdar.
Nixon, Hon. Mr. J. C.
Parker, Hon. Mr. R. H.
Patro, Hon. Sir A. P.
Puckle, Hon. Mr. F. H.
Roy, Hon. Mr. S. N.
Russell, Hon. Sir Guthrie.
Singh, Hon. Raja Devaki Nandan Prasad.
Williams, Hon. Mr. A. deC.

The Motion was negatived.

The Council then adjourned for Lunch till a Quarter to Three of the Clock.

The Council re-assembled after Lunch at a Quarter to Three of the Clock, the Honourable the President in the Chair.

RESOLUTION *RE* DISCRIMINATION AGAINST INDIANS SETTLING IN THE HIGHLANDS OF KENYA.

THE HONOURABLE MR. RAMADAS PANTULU (Madras: Non-Muhammadan): Sir, I wish to make a request to you, namely, to permit me to move my Resolution in a somewhat altered form. I wish to omit a few words and substitute a few, leaving the Resolution practically intact and making no material alteration in its substance. If you will permit me, Sir, I would like to do so.

THE HONOURABLE THE PRESIDENT : I have seen the copy that you have supplied to me just now. I do not think there is any material change. It is substantially the same, and unless the Honourable the Leader of the House objects—

THE HONOURABLE KUNWAR SIR JAGDISH PRASAD : I have no objection, Sir.

THE HONOURABLE THE PRESIDENT : Then it is all right.

THE HONOURABLE MR. RAMADAS PANTULU : Sir, I beg to move :

“ That this Council recommends to the Governor General in Council to take prompt and effective action to prevent the issue of the proposed Order in Council by His Majesty's Government implementing the recommendations of the Kenya Land Commission which in effect shut out the Indian settlers from the European Highlands and discriminate against them in favour of even non-British settlers.”

Sir, it will be somewhat difficult for an Indian to speak on this Resolution with moderation. But fortunately it will not be necessary for me to put any passion or sentiment into my speech, for I am convinced that a bare narration of facts will be enough to convince the Members of this House of the justice of the Resolution.

THE HONOURABLE THE PRESIDENT : Moreover, you are always moderate.

THE HONOURABLE MR. RAMADAS PANTULU : Sir, the injustice perpetrated is so gross and the discrimination against the Indian subjects of His Majesty is so barefaced that really no arguments are necessary after the facts are set out to commend this Resolution to the acceptance of the House.

Before I state the position with regard to the recommendations of the Kenya Land Commission and the proposed Order in Council, I will say a few words regarding the background of the proposed legislation. Sir, the Indian community in East Africa is a very important community. It had settled there for many years and it differs in many ways from the Indian settlers in South Africa and other Colonies. The East African Indians are men of independent status and position, who have an assured place in the services, in the trade and commerce of the country, and have gone there either voluntarily for settlement or at the invitation of the Government of the Colonies. East Africa, as is well known, consists of four large territories, Tanganyika, Zanzibar, Uganda and Kenya. In these four colonies there are about 92,000 Indians, 11 million Africans, and 28,000 European settlers. But the European settlers in all these four colonies have been pursuing for some years past a policy of eliminating Indians from these territories, inspired by the success of the South African Government in imposing disabilities on Indians in South Africa. In fact, there is a concerted action on the part of the European settlers and the Governments of these four colonies in regard to elimination of Indians and imposing such disabilities on them as will ultimately induce the Indians to leave the Colonies. The avenues for employment are being curtailed and there is also an attempt to restrict their numbers and also to subject them to racial segregation in the spheres of business, residence and agricultural occupation. Fortunately, so far, there have not been very serious disabilities imposed in regard to business and residence. But the disabilities that are being imposed are in regard to agricultural land and its occupation.

Sir, I shall briefly trace in a few minutes the history of the proposed Order in Council. Sir, when the Indians settled in Kenya some years ago,

they were given very specific assurances that the Kenya Government did not intend to make any distinction between Indian and European settlers in the matter of grant or occupation of lands. In 1902, on the 23rd February, the Deputy Commissioner of the East Africa Protectorate sent a letter to the Indian Association at Nairobi, who petitioned him regarding the impending discrimination. There was a fear of certain discriminatory measures being passed. They then petitioned the Deputy Commissioner of the Protectorate who sent a letter saying :

“ You are in error in supposing that the Government has any intention of drawing a distinction between Europeans and Indians so far as the rights of mining, settling and acquiring land are concerned ”.

This letter of 1902 contained a very specific assurance by the Deputy Commissioner of the Protectorate that no discriminatory measures will be passed and that Indian and European settlers will be treated on an equal footing. But that assurance was soon revoked, practically four years later. In 1906, a Commission was appointed with reference to the rights of the Indians and Europeans. Lord Delamere was the Chairman of that Commission. In the Report of that Commission it was stated that it was desirable that land within certain areas should be reserved for and maintenance of a white population. That is the beginning of the trouble. That Commission definitely said that it was desirable that land should be reserved for and maintenance of a white population. This recommendation of the Commission of 1906 was accepted by the Colonial Office. I believe Lord Elgin was the Secretary of State for the Colonies in 1908, and in a Despatch by Lord Elgin, he said :

“ With regard to the grant of land to Indians it is not consistent with the view of His Majesty's Government to impose legal restrictions on any particular section of the community, but as a matter of administrative convenience grants should not be made to Indians in the Highland areas ”.

Sir, for the first time, while recognising that there was no legal restriction and admitting that it will be inconsistent with the views of His Majesty's Government to impose any legal disabilities in future, a recommendation was made that as a matter of administrative convenience, grant of land should not be made to Indians. This expression “ administrative convenience ” has between 1908 and 1938 assumed very serious proportions indeed and its implications have been developed very, very largely. That administrative convenience, I shall show very soon, is a very thin cloak for racial discrimination against Indians in favour of not only British settlers but also European settlers of other nationalities. An Italian or a German can acquire land in the Highlands but not an Indian. As Seth Govind Das said, the lift boy who refused to carry him up the lift in South Africa could acquire land in East Africa but not he or even an Indian Member of the Government of India. This administrative practice originally, as is clear from Lord Elgin's despatch, was intended to apply only to initial grants of land. There was no reference in that despatch to transfer of land from European settlers who wanted to leave the Colony to an Indian settler who was willing to purchase the land. Some of the European settlers who spent some money on their farms but found it either unprofitable or inconvenient to continue and wanted to leave the Colony were willing to part with their farms to Indians who paid a reasonable price for them, and administrative convenience did not stand in the way of European settlers being permitted to sell their farms to Indians provided the Governor gave his consent. That was the administrative practice. But later on this administrative practice has been developed into a practice not only against the initial grant of land but also against transfers, so that no European settler

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could transfer his land to an Indian even though he was leaving the Colony and an Indian was prepared to buy it. This is the effect of a White Paper issued in 1923. That White Paper said :

"The practice must be maintained both as regards initial grants as well as transfers."

This is a distinct addition to the Despatch of Lord Elgin. Lord Winterton who made a report on the subject at that time said that the

"Colonial Office cannot contemplate any change in the existing law or practice, having regard to past policy and commitments".

So administrative convenience had developed into administrative practice in the White Paper of 1923 and administrative practice of 1923 had developed into administrative policy under Lord Winterton's report. Therefore, starting with convenience we progressed towards practice, and from practice we proceeded to policy.

This did not satisfy the European settlers. There was organised agitation for putting this on a legal basis. They were not satisfied with assurances given by the Colonial Office or the assurances given by His Majesty's Government that both in regard to initial grants as well as transfers discrimination would be made against Indian settlers and that Europeans would be protected fully. They agitated once and for all to put the rights of European settlers on a legal basis. That was the origin of the appointment of the famous Kenya Land Commission of 1932. That Commission produced a very bulky Report through which I have gone with some care. We are only concerned with one of their terms of reference. The Commission was asked to define the area generally known as the Highlands in which persons of European descent are to have a privileged position. That is the term of reference. Naturally the Chairman of the Commission wanted to know what these words "privileged position" meant. He asked the Governor to enlighten him as to the exact import of the words. The Governor of Kenya referred the matter to the Secretary of State for the Colonies and the then Secretary, Sir B. Cunliffe Lister, authorised the Governor to inform the Chairman of the exact implication of those words. The definition of the Secretary of State for the Colonies was in two parts, one positive and the other negative. He said, "Privileged position" consisted of two parts, first the right of Europeans to acquire by grant or transfer agricultural land in such area or to occupy land therein; secondly, that no person other than an European should be entitled to acquire by grant or transfer agricultural land in such area or to occupy land therein. Therefore by positive and negative definition it is reserved for Europeans only and no one who is not an European can have any land granted or transferred to him in that area. That was the explanation of the words "privileged position". It will be seen that the definition goes far beyond the despatches and pronouncements with regard to administrative convenience, practice and policy which I have cited. Also there are certain pieces of legislation in force in Kenya, such as the Crown Lands Ordinance, 1915, and some of the sections do permit some kinds of transfers and grants to Indians with the consent of the Governor. The present legislation seeks to repeal those provisions of the Land Ordinances of 1915 and also to legalise what is called the administrative practice in very wide terms.

This Commission were asked to define the boundaries of the Highlands. Practically the only thing that is sought to be enacted by the Order in Council

is to define the boundaries and to set up a Board to advise the Government of Kenya in regard to disposal of the lands in the reserved area. These are the two main purposes of the Order in Council. But, Sir, the Kenya Land Commission has gone far beyond any of the despatches and pronouncements which I have already quoted. They not only reserved what were hitherto known as the Highlands for the European settlers, but they also wanted to include in future, lands at present owned and in the occupation of Indians in Maharoni area which was formerly called the Lowlands, in which Indians have settled by special invitation in 1906, and these are to become part of the White Highlands once they are transferred to Europeans and cannot thereafter be transferred to Indians under any circumstances. So if any Indian allows lands in his occupation in the Maharoni area to get into the hands of an European it cannot be transferred to an Indian in the future. So they have so extended the definition of the Highlands as to include in future areas in the Maharoni area which pass into European hands.

Then, Sir, the Kenya Land Commission not content with defining the boundaries of the Highlands, which was the only business for which it was appointed they asked those who appointed the Commission that their recommendations should be implemented by an Order in Council, and that the practice should be legalised. That was not a part of their terms of reference, but they went out of their way and said that an Order in Council should be passed defining the boundaries of the Highlands.

As soon as the Commission sent in its Report in July, 1933 the Colonial Office without any hesitation accepted the Report. We were told by the representatives of the East African delegation who came here that there was no debate at that stage in the Kenya Legislative Council nor was there any debate in the House of Commons. Of course we do not know whether the Government of India was consulted on that Report before it was accepted by the Colonial Secretary. That is a matter which only the Government can tell us. Without any publicity to it and without the Indians in Kenya having any opportunity to express an opinion, the Colonial Secretary announced that he

accepted the recommendations of the Kenya Commission. Later in 1934, however, the Indian members of the Kenya Legislative Council brought the matter up before the Legislative Council and they had a debate at that time. All the five Indian members of the Kenya Legislative Council entered their emphatic protest and exposed the injustice of the Commission's recommendations, but nothing was heard of it for some time. In February, 1935, Lord Milner put a question to the then Colonial Secretary as to whether the Government of India would be consulted in regard to the recommendations of the Commission and whether the Government of India will be given an opportunity to put up the case of the Indians before the Colonial Office. The then Secretary of State said that he would certainly consult the Government of India and that any representations received from them would be considered but he added this :

"I think it is well to point out that the effects of the proposed Order in Council so far as the White Highlands are concerned will be merely to confirm what has been an administrative practice for the past quarter of a century".

I say that this statement is absolutely incorrect. I have traced from 1902 the history of this administrative practice. In 1902 there was a definite declaration that there should be no discrimination. In 1906 it was slightly modified; in 1908 it was further modified; in 1923 it was further modified; later on it was still further modified. Therefore the Secretary of State's statement that the proposed Order in Council merely aims at confirming an administrative

[Mr. Ramadas Pantulu.]

practice in force for 25 years is far from being a correct description of the facts. Sir, this proposed Order in Council is nothing but perpetration of the racial discrimination of the worst kind. Sir, the position is this with regard to the reservation. The area that is now marked out as Highlands is about 16,700 square miles for a population of about the same number; roughly it gives one square mile for every European settler and only 50 per cent. of the lands have been alienated or settled on Europeans; only 10 per cent. of the lands so alienated or settled have been brought under cultivation. Therefore 1/20ths of the reserved Highlands are under cultivation and 19/20ths of them are still unoccupied. That is the position; for future development they wanted to safeguard future settlers and have demarcated for their use a very large extent of land of 16,700 square miles. Three million Africans who live in Kenya as against 16,000 Europeans, are given 48,000 square miles for their agricultural and other needs and Indians there say it is wholly inadequate to meet the needs of the African population. Sir, leaving the native reserve of 48,000 square miles and the European Highlands of 16,700 square miles, we have certain land left, which is either barren or rocky or waterless and it is here that 41,000 Indians can settle in future. I need hardly say that no Indian can settle in the rest of the land. Therefore to say that this Order in Council does nothing but legalise a practice in existence for 25 years is anything but correct. Sir, I do not think on these facts anybody can hold the view that there is no racial discrimination. I hope that every Member of this House will see that from the facts set out by me that it is a case of gross injustice and barefaced racial discrimination. I have no doubt that even my esteemed friend Sir A. P. Patro will be able to see that this amounts to discrimination. I want him to judge independently and his judgment will be valuable, because he is not guilty of any partiality to Indians and Indian sentiment or any bias against Europeans. Therefore I value his judgment; if he can support me I shall value it very much coming from him. Sir, the thing did not end in 1934. After that protest from the Indians in the debate of the Legislative Council in 1934 and Lord Milner's question and the reply of the Colonial Secretary of State, we thought that the matter would not be proceeded with further. In 1936 there was another question and Sir Ormsby Gore, the then Secretary of State denied "that there would be any legal colour bar against Indians in Kenya". This again raised hopes in the minds of Kenya Indians that the proposed Ordinance would not be issued. But the European settlers of Kenya immediately started an agitation, an agitation of a very powerful kind, and then in 1937 they tabled a Resolution in the Kenya Legislative Council asking the Kenya Government immediately to address the Home Government to issue the Order in Council as quickly as possible. It is a very long Resolution and I therefore do not like to read it, but the purport of it was that the recommendations of the Kenya Commission should be implemented by an Order in Council and that in the absence of the Order in Council their development is being hindered and the assertion of the claims of Indians is getting more and more vociferous from time to time. Therefore they said that immediate action should be taken on the recommendations of the Commission and the Order in Council should be issued. This aroused the apprehensions of the Indian settlers and the Indian settlers had a big conference at which they protested against the proposed Order in Council, made representations to both the Home Government and the Government of India and they came here and they interviewed the Member of the Government of India in charge of this subject and also cultivated public opinion in this country. Sir, so far as the Government of India is concerned, I at any rate feel no doubt that they would

have addressed His Majesty's Government protesting against the proposed Order in Council. At any rate there is no reason to think that they did not or would not do so; and Indians in Kenya must congratulate themselves that they have at the head of affairs in the Department of Indians Overseas so sympathetic an administrator as the Leader of this House, Sir Jagdish Prasad, and with him at the helm of affairs I have no doubt that the Government of India would do what they can. Of course I know that the Government of India are as helpless as the people of India in this matter. People who have no status in their own country cannot expect to have any legal status in another country. Sir, in this connection I think Kenya Indians, while they did all they could to protect their rights, made one mistake in my opinion, a tactical blunder. Recently the Congress of Kenya Indians held in Kenya objected to the appointment of an Agent of the Government of India in Kenya. They thought that if the Government of India appointed an agent their rights of franchise or representation would be curtailed and that they will suffer in political status. It is to my mind an entire misnomer and they should have asked for the appointment of an Indian Agent. It would certainly facilitate the Government of India keeping themselves in touch with the actual condition of Indians in the Colony and an Indian Agent would have been of great help to them. Therefore for my part I deplore that Indians in Kenya should have objected to the appointment of an Agent.

THE HONOURABLE THE PRESIDENT: Your time is up now.

THE HONOURABLE MR. RAMADAS PANTULU: I hope, Sir, they will reconsider their position. In conclusion I say that the people of India have taken this subject up in all seriousness and the Congress which was held at Haripura have passed a very strong Resolution protesting against the action of the Kenya Government and the proposed Order in Council. So the problem of Indians in the Colonies and abroad is a part of the fight for the freedom of India and India will leave nothing undone to protect the interests of Indians abroad. I hope the Government of India will take a sympathetic attitude in this matter and also protect the honour and dignity of the nationals of this country. I most earnestly request the Leader of this House who is in charge of the Department to show his sympathy and the sympathy of Government towards this Resolution by accepting it if he possibly can.

THE HONOURABLE MR. P. N. SAPRU (United Provinces Southern: Non-Muhammadan): Mr. President, I desire to support the Resolution which has been moved by my friend the Honourable Mr. Ramadas Pantulu. When the Carter Commission's Report was published, I had the honour of moving a Resolution in this Council about the reservation of the Highlands in Kenya for Europeans. The protest that we made in this Council has apparently had no effect upon His Majesty's Government. I do not, Sir, wish to go at length into the history of the Kenya question. That history has been traced by the Honourable Mr. Pantulu but I would like to say this that the Kenya issue is really a test issue. The Right Honourable Srinivasa Sastri has emphasised the Kenya issue on several occasions and the question is this. Is there going to be racial equality in the directly administered territories of the British Colonies? Kenya is not a dominion, it is a colony. It is administered by the Colonial Office and the arguments that are available to the Dominions Office are not available to the Colonial Office. And really the question is this. Is there going to be for the Indian racial equality in territories which the Colonial Office administers directly? Well, if there is going

[Mr. P. N. Sapru.]

to be no racial equality, then why bother about this Commonwealth at all? If you want us to be loyal to the British Commonwealth, then you must treat us in these directly administered territories on a footing of equality. If there is to be inequality between European and Indian, then the British Commonwealth will mean nothing for the Indian and the Indian is not prepared to tolerate this inequality in directly administered territories of the Crown. I think, Sir, the Government of India owe it to the people of this country that they should make the implications of this Kenya issue quite clear to the British Government. They must make it clear that there is a very very strong feeling on this Kenya issue among the Indians, that it is regarded as a question of paramount importance, as a question of great racial importance. It is a question upon which the allegiance of the Indians to the British Commonwealth depends in a sense. I hope, Sir, that they will emphasise the strength of the feeling in regard to this Kenya issue.

The Honourable Mr. Pantulu has dealt with the other aspects of the question very thoroughly and very ably. He has pointed out that there is no force in the argument that the Order in Council does not mean any change in the present position. He has traced the entire history of Kenya from 1902 onwards. I do not wish to dilate on that history. All that I would like to say, Sir, is that we look upon it as a very very vital question and I hope, Sir, that the Government of India will take a very strong line in regard to this question.

THE HONOURABLE PANDIT HIRDAY NATH KUNZRU (United Provinces Northern: Non-Muhammadan): Sir, although the House is anxious to begin the discussion of the next Resolution, I cannot allow this occasion to pass without according my strong support to the demands put forward by my Honourable friend Mr. Ramadas Pantulu. His Resolution refers to two things—the general disabilities of Indians and their grievances regarding the issue of the Order in Council which is now proposed to be promulgated by the British Government. Sir, as regards the Order in Council I may briefly point out that the Carter Commission, to which my Honourable friend the Mover of the Resolution referred a little while ago, made two important recommendations. One was that it should be declared by an Order in Council that the Highlands would be open only to European settlement, and the other was that the Highlands should be demarcated and extended so as to cover the area near Lake Victoria Nyanza where valuable mineral deposits have been discovered. Now, His Majesty's Government have made it clear that they have no intention of laying down any terms that Indians shall be debarred from purchasing land in the Highlands. But if the Highlands are demarcated and extended, this will be, not directly, I admit, but indirectly, a recognition of the principle to which the Carter Commission gave its approval. Now, this is a matter of great importance and that is why the Order in Council which is seemingly so harmless has aroused a serious apprehension in the minds of the Indian community. They are so perturbed that they have sent a deputation to represent the Indian case to the Government of India and to ask them for their full support.

As regards the general disabilities, I should like to say just one thing. Contiguous to Kenya which is directly administered by the British Government, is the territory of Tanganyika, which is held under a mandate but while there are discriminations of various kinds against Indians in Kenya, they are practically non-existent in Tanganyika. Now, is this a wholesome state of

things, is this contrast favourable to British interests? Would the British Government like it to be said that the Indians enjoyed greater rights in territories which were not under the direct control of the British Government? In Tanganyika there is no area, not even the valuable coastal area, in which Indians cannot purchase land. The galling social discriminations that are practised against Indians in Kenya with regard to their residence in hotels and the use of public amenities do not exist in Tanganyika. Is it impossible that if His Majesty's Government use their power and influence in favour of Indians the distinction that now exists may soon be a thing of the past. In some respects, Sir, the position of Indians in Kenya is the same as in South Africa. Yet the Indian in East Africa comes from a far better class and is much better educated than the Indian in South Africa. We are generally told that the Indians in South Africa are discriminated against because of their low standard of living and the want of education. This complaint certainly is not true at any rate of the better class of Indians in East Africa. When I say this, I speak from personal experience, because I have had the good fortune of visiting all the British territories in East Africa. Yet, in many vital respects, I see no difference between the position of Indians in Kenya and the position of Indians in South Africa.

With these words, Sir, I accord my hearty support to the Honourable Mr. Ramadas Pantulu's Resolution.

THE HONOURABLE KUNWAR SIR JAGDISH PRASAD (Education, Health and Lands Member): Sir, my Honourable friend the Leader of the Congress Party in this House, has put forward his case with his usual ability and thoroughness. He has traced the history of the problem right up to the year 1937. I do not think that the House would like me to cover this ground again. In closing his speech he appealed to me to show the sympathy of the Government of India to his Resolution by accepting it. He asked the Government of India to be the guardians of the honour of their nationals abroad. Sir, I need hardly assure him that it has always been the policy of the Government of India, that it is the policy of the Government of India at present and I hope that it will always remain the policy of the Government of India to safeguard the honour and the legitimate interests of their nationals abroad. Government accept this Resolution. (Applause.) I take it that what my Honourable friend means—and this is a point which has been emphasised by the Honourable Pandit Kunzru—is that the objection to the Order in Council, even if it is confined to demarcating areas only is that it will give moral reinforcement to what is referred to as administrative practice, to which Indians both here and in East Africa take the strongest objection. I take it that that is in essence the purport of the Resolution. I need not say any more except to add that we have for a long time represented the views of Indians faithfully to the British Government and that we shall continue to do our best, situated as we are, to help them in their legitimate demands.

THE HONOURABLE THE PRESIDENT: Resolution moved:

"That this Council recommends to the Governor General in Council to take prompt and effective action to prevent the issue of the proposed Order in Council by His Majesty's Government implementing the recommendations of the Kenya Land Commission which in effect shut out the Indian settlers from the European Highlands and discriminate against them in favour of even non-British settlers."

Question put and Resolution adopted.

RESOLUTION RE FORMATION OF A NATIONAL ARMY RECRUITED FROM ALL CLASSES AND PROVINCES.

THE HONOURABLE MR. V. V. KALIKAR (Central Provinces : General) :
Sir, the Resolution that stands in my name runs thus :

" That this Council recommends to the Governor General in Council to take steps to appoint a committee of officials and non-official military experts to examine the military organisation of India from a national point of view and to recommend ways and means to form a national army recruited from all classes and provinces in India ".

Sir, this question was once discussed in this House in a different form in 1935 on a Resolution of my Honourable friend Mr. Sapru. At that time, the then Commander-in-Chief, Sir Philip Chetwode, made certain remarks with which I find that His Excellency the present Commander-in-Chief is in full agreement. While opposing the Resolution, his remarks were to the effect that they are recruiting the best possible material from provinces wherever they be. I shall show later on how all the provinces in India have got glorious past traditions in military matters. Therefore, Sir, the remarks of Sir Philip Chetwode that in certain provinces they do not get fine material for military requirement is not correct. Sir, the declared policy of the British Government is to establish Dominion Status, or in the words of Mahatma Gandhi, the essence of independence, in India. It is an admitted fact that no country can be fully self-governing unless she is in a position to defend herself from external aggression and maintain internal peace. Sir, in this House, on many occasions we have pressed on the Government that the officer ranks of the Indian Army should be Indianised. We, on this side of the House, think that matters cannot stop there. We wish that an attempt should be made to have a national army in India, recruited from all provinces and classes, which will in times of need be of great use in defending India from foreign aggression and if the relations between England and India are maintained on the basis of equal partners in the British Commonwealth, the army should also be of use to the Empire in times of crises.

Sir, we see that after the introduction of the Government of India Act, 1935, provincial autonomy is working very smoothly in the provinces. Then whatever may be the differences about the introduction of Federation, the principle is admitted by all parties in India, even by the Congress. The difference is only about the federal part of the Government of India Act. So I submit the position is we shall have in the near future, or it may be the distant future, a Federated India, when we shall really feel the necessity of a national army recruited from all the federal units. This idea of a national army is not propounded by Indian politicians only, but it has found support in the remarks made by an expert Committee, I mean the Shea Committee. Of course that Committee of 1925 dealt with the formation of non-regular military forces in India, the Auxiliary and Territorial Forces, but they also envisaged the idea of having a national army for the defence of India. Sir, with your permission I will read a few extracts from their Report. While referring to Sir Charles Monro's speech in the old Legislative Council in September, 1920, they say :

" From these extracts we are led to assume that the policy of Government in introducing the Bill and of the Imperial Legislative Council in passing it into law was directed towards the attainment by the formation of the Indian Territorial Force of two distinct

objects, the first an educational one, to create a national desire for patriotic military service and to afford opportunities for military training to a wide range of the manhood of India and so to lay surely the foundations of a national army such as will be essential to India when in course of time she attains to full responsible government and takes upon her own shoulders the whole burden of her defence ".

Now, Sir, this Committee was presided over by a military expert and not a propagandist or an Indian politician. An argument is trotted out every now and then that the Government carries out the policy of recruitment after taking into consideration the question of efficiency. I submit that I am one with the Government and I do not want that the efficiency of the army should be impaired by recruiting all sorts of people who have no inclination or natural aptitude for entering on a military life and undergoing the hardships of soldiering. But the question is whether the present policy of recruiting soldiers from particular parts of the country is a right policy in the interests of India as a whole and whether the remarks made by the Military authorities that in other areas where recruitment has been stopped there has been a deterioration of the martial spirit or quality are correct. This is a very important question and I shall have to show by passing reference that the remarks are not correct.

First, Sir, I apprehend two dangers from the present policy that has been followed since the Mutiny of 1857. Before 1857 I understand there were armies in the three Presidencies, Madras, Bengal and Bombay, and with those three armies the Britishers conquered various provinces, and after that those three armies were disbanded. Now, Sir, in this connection I shall have to refer to the figures of recruitment as stated by the Simon Commission. The Simon Commission have given the figures of the army organisation in India per province and those figures will be found at page 96 of the Report of the Simon Commission. Sir, we find that the total strength of the Army which they have mentioned in the Report is 158,200 and they state here that from the North-West Frontier Province 5,600 soldiers are recruited, from Kashmir 6,500, from the Punjab 86,000, from Baluchistan 300, from Nepal 10,000, from the United Provinces 16,500, from Rajputana 7,000, from Central India 200, from Bombay 7,000, from the Central Provinces 100, from Bihar and Orissa 300, from Bengal nil, from Assam nil, from Burma 3,000, from Hyderabad 700, from Mysore 100, from Madras 4,000 and Miscellaneous 1,900. The Simon Commission stated in their Report that as the Army in India is composed of enlisted classes it is difficult for them to recommend the replacement of the British Command by Indian Command on the ground that a particular class or a particular area will predominate over other classes and other areas. Sir, they found it risky and, Sir, we on this side of the House think that it may or may not be, but to an ordinary layman like me it seems that if you recruit the army from a particular area—as we see from the figures that about 55 per cent. of the Army is recruited from the Punjab and the North-West Frontier Province—other provinces will be practically under the control of these two provinces. Sir, it is not in the interest of real democracy or in the interest of the civil power that it should be dominated by a soldiery recruited from a particular part. Then, Sir, I am afraid of another danger and that is, that these units of the Federation to whom the doors of recruitment have been closed may not even like to contribute their mite so far as the burden of expenditure of the army is concerned, because they are not represented in the army. So, Sir, the position is this. According to the Simon Commission you cannot, if I may say so frankly, have full responsible government because you have not got an army and you cannot have your army because of the

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past policy of the Government of India followed since 1857 and the unwillingness on the part of the authorities even now to change that policy. That means that we will have to be dependent according to the Simon Commission on the help which England gives us in the matter of defence and also we will have to depend upon the Northern Provinces for the defence of our country. Sir, old ideas of professional armies have undergone a great change in modern times and new ideas about a national army have come to be recognised. You cannot have a national army unless its doors are thrown open to all areas and all classes. Now they say that a martial spirit is wanting in many provinces and therefore they are recruiting the material from those provinces where they find that they have got a good supply or they can depend upon a good supply of fine material. Sir, my Honourable friends Sir A. P. Patro and Sir David Devadoss would agree with me that they had a very good army in Madras. In Bombay, Sir, we had a very good army and about these armies

THE HONOURABLE MR. HOSSAIN IMAM: Do not forget Bengal.

THE HONOURABLE MR. V. V. KALIKAR: I am not forgetting Bengal, I am coming to that. About these armies, military experts have spoken about their capacity in very good terms. I should like to quote the views of the military experts—

THE HONOURABLE THE PRESIDENT: I may just remind you that you have got five minutes more only.

THE HONOURABLE MR. V. V. KALIKAR: I seek your indulgence to allow me some more time. The question is very important and I have to deal with it.

THE HONOURABLE THE PRESIDENT: You will have to take the risk if the Resolution is not finished by 5 P.M.

THE HONOURABLE MR. V. V. KALIKAR: I will try to finish as early as possible, but I have to state much. About the Madras Army Sir Frederick Haines, then Commander-in-Chief of the Madras Army, said:

"I cannot admit for one moment that anything has occurred to disclose the fact that the Madras sepoy is inferior as a fighting man. The facts of history warrant us in assuming the contrary. In drill, training and discipline the Madras sepoy is inferior to none, while in point of health, as exhibited by returns, he compares favourably with his neighbours".

Then about the Bombay Army, General Warre made these remarks 25 years after the Mutiny of 1857. He said:

"History has proved that the whole of the Western Coast is a military country producing a warlike population. The Southern Mahrattas have proved themselves in former days and are still equal to any other race in India as a fighting people. Their power has been broken and their military ardour quenched by almost total disarmament, but they are still a hardy people, in a mountainous district, inured to toil, and especially good in tracing their steps over the rough and impracticable Ghats. What more can you require to make soldiers?"

Sir, as my time is very short and as I am to complete my speech soon, I shall try to be as brief as possible. Unfortunate as has been the past policy of the Government in its effects upon a particular class of people, the present policy of Government is calculated to perpetuate those differences. So, I submit what is needed now is an open door policy where all areas and all classes who have got military aptitude should be recruited in the Army of India so

that they may also share the responsibility of defending their country against foreign aggression. Sir, this question has not been up till now dealt with by any committee except the Committee which I referred to just now, the Shea Committee, but they dealt with the question in connection with a different point. So, under the present circumstances, I submit, Sir, that there ought to be a new orientation in the policy of the Army and the military organisation in India. Sir, I submit that the appointment of a committee to examine the military organisation of India from a national point of view is one of the most urgent measures that ought to be undertaken by any Government whether it is a responsible government or a semi-responsible government or even an irresponsible government.

Well, Sir, such a committee must be charged with the duty of devising means for uplifting the martial capacity in the provinces, creating a national army imbued with a sense of patriotism and responsible for the defence of the motherland. So, Sir, in the end, I submit that the demand of Indians for a national army is not an extravagant one but is quite natural owing to changed circumstances. The international situation is causing great anxiety to all the nations of the world. India cannot be free from that anxiety; so, Sir, in the interests of India, I submit an attempt should be made to find out and create a really martial spirit, and for that purpose recruitment on a large and a wide basis should be undertaken. They say they have got their administrative difficulties. Sir, those administrative difficulties should not come in our way but I submit, Sir, that the administrative difficulties, if there are any, shall be examined by this committee, and the committee can find out ways and means how to give shape to the idea embodied in the Resolution. Only, Sir, for the information of the House, I will mention one fact, and that is a reply to the question of my Honourable friend Mr. Biyani, today about the recruitment of soldiers from my province. Sir, my province supplied during the war 5,376 soldiers, and from 1930 to 1937 I find from the reply that His Excellency gave today that 152,581 soldiers were recruited, out of which six came from my province. So I am only citing an example of one province. I therefore submit, Sir, that the Government should accept my Resolution and find out ways with the help of the committee to change their policy.

With these words, Sir, I submit my Resolution for the acceptance of the House.

THE HONOURABLE THE PRESIDENT: I may mention to Honourable Members that under Standing Order 5, the hours of Council work are from 11 to 4 only, but I propose to sit till 5 P.M. and I hope by that time we will finish this Resolution. I will adjourn the House at that time whether the Resolution is finished or not.

THE HONOURABLE PANDIT HIRDAY NATH KUNZRU (United Provinces Northern: Non-Muhammadan): Sir, the Resolution which my Honourable friend Mr. Kalikar has put forward is of fundamental importance. We are told daily that wars now are not struggles between professional armies but a contest between nations. If that is so, if success in a future war depends on the mobilisation of the resources of the whole nation, it is necessary that India too should wake up as other countries have done and adjust her military organisation to present-day needs. This requires that we should have a comprehensive military organisation which would be able to make use of the large man power of India and assure its defence in all possible circumstances. Now, what is it that the establishment of a national defence organisation implies? It requires, first, I suppose, that

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there should be a strong and efficient professional army recruited from the children of the soil and resting upon an adequate reserve system. Another thing which it involves is that it should be supported by a citizen territorial army. And, lastly, the organisation of a nation-wide system of defence implies that proper physical training should be given in the schools and colleges and that Cadet Corps and Officers' Training Corps should be established in these institutions in order to give our young men a preparatory military training. In making these observations, Sir, I have not been guided by the example of countries that may popularly be supposed to be militaristic. I am not relying on the example of Germany or Italy or France. I am depending primarily on the example of Great Britain itself.

What is the situation in this respect in India? We have certainly an efficient professional army. But is it recruited entirely from Indians and the reserve system in force in India adequate to the needs of the country? Sir, I have looked up the figures relating to the strength of British troops, whether employed in India or elsewhere and the strength of the Army Reserve, in 1937-38. I gather from the Armaments Year Book of the League of Nations for the year 1937 that the total British troops of the line are about 210,000, and that the strength of the Army Reserve amounts to a little over 130,000. Keeping these figures in mind, let Honourable Members consider the corresponding figures for India. The strength of the Indian Army amounts to about 155,000, but the strength of the Reserve is about 35,000 only. It has been recognised in all countries and in England too that in order to have a proper system of defence, it is desirable that compatibly with efficient training men should be passed through the Regular Army in a short time and then made part of the reserve in order to be available in an emergency. This enables the Military authorities to provide military training for a large number of young men and at the same time keep the professional army thoroughly efficient and up to the sanctioned strength. In India—I have no doubt that various reasons will be advanced for it by the Military authorities—but any one who looks at the situation here will bear me out when I say that in India political considerations have stood in the way of this desirable development. The strength of the Reserve here is kept as low as possible, and reliance is chiefly placed on the professional army. As regards the citizen territorial army, that hardly exists in this country. Our territorial army can in the present circumstances be scarcely taken seriously. It is in a rudimentary stage. And as regards the inculcation of those ideas in schools and colleges which would develop patriotism and create a body of educated men throughout the country who would be prepared to lay down their lives for their country, even the beginnings of such a system do not exist. I moved a Resolution on this subject last September, but His Excellency the Commander-in-Chief declined to accept it. My Honourable friend Mr. Kalikar, I am sure wants as I do that we should, in accordance with the recommendations of the Shea Committee to which he drew attention lay the foundations of defence by providing the education recommended by it in schools and colleges but the Military authorities have no mind to do so. Sir, when we ask for an army representative of the whole nation, we are generally met with two objections. One is that the Indian Army is very small and that consequently it is impossible to recruit soldiers in adequate numbers from all provinces. The second objection is that as the people of the different provinces are not of the same military value, it stands to reason that the Military authorities should recruit the army from among people who have shown a special aptitude for it. Let us take the first objection now. The Army is certainly a small

one, but it is forgotten that a very substantial part of it consists of British troops. I cannot admit that there is any military necessity for the retention of nearly 60,000 British soldiers in this country. If they are replaced by Indian soldiers, I have no doubt that many provinces and classes that do not get a chance of admission into the army will get it in future. Then again, Sir, although all the sources of recruitment that are now available were available to the British Government years ago, the change in the composition of the Indian Army has not taken place suddenly. It did not take place as soon, for instance, as the British conquered the Punjab. A series of articles appeared in the *Modern Review* in 1930 and 1931 from the pen of Mr. N. C. Choudhury and were referred to with approval by Sir Sivaswamy Aiyar and Major-General Rao Raja Rajwade in their Minute of Dissent to the Report of the Indian Sandhurst Committee. I gather from one of these articles that, soon after the Mutiny, in the Bengal Army—and I refer to the Bengal Army because in those days, as Mr. Kalikar has pointed out, there were three Presidential armies—soldiers were furnished in equal proportions by the Punjab and North-West Frontier and the rest of Northern India. Twenty-five years after the Mutiny, that is, in 1883, although the policy of the authorities had changed in the meanwhile Northern India, excluding the Punjab and North-West Frontier and Kashmir, etc., still supplied about 33 per cent. of the army. Later on the proportion was reduced but it was still in the neighbourhood of 25 per cent. about the year 1914. But today, according to the figures given by the Simon Commission it amounts only to about 15 per cent. Now surely this contraction, this rapid contraction of the field of recruitment, cannot be due to any diminution in the fighting qualities of the people of Northern India, apart from the Punjab and the North-West Frontier Province. It appears to be deliberate and based on political grounds. The situation has changed so radically today that the Punjab, North-West Frontier Province, Garhwal and Kashmir furnish nearly 75 per cent. of our army. Our military organisation might be likened today to a pyramid resting on its apex. Surely, Sir, this is a most undesirable state of things for a country moving towards democracy. Sir, I shall consider the argument about the military value of the people of different provinces from another point of view also. There are provinces like Madras which have, so to say, been kept in a depressed condition from the military point of view and been denied all opportunities of taking an honourable share in the defence of their country. Now this policy which has been followed for nearly 75 years may well have produced its natural effect in debilitating the people concerned. But as regards the future we have in this connection a certain amount of experience to go upon. It used to be said till recently that educated young men from different provinces could not furnish officers for the army and that if officers were chosen from among Indians they would have to be selected mainly from those classes that provide the army with soldiers. But experience of the Prince of Wales Military College, the Indian Military Academy and the Cadet Ship "Dufferin" has I think conclusively shown that given proper training and a proper atmosphere young men from different provinces may be unified and may be converted into highly efficient material for defence purposes. Now what has happened in the case of the educated young men from whom officers are drawn may well prove to be true also in the case of the soldiers who constitute the rank and file of the army. The British Government have only to take their courage in both hands in a political sense and go forward. I have no doubt that if they do so they will have not cause to regret the change in their policy.

I have exhausted my time, Sir, but perhaps you will allow me to state one more fact which bears on this point. We are constantly reminded of

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the better fighting qualities of the soldiers drawn from the Punjab and the territories still further north. But the British Government did not always possess the Punjab. Before the Punjab was conquered the army of Hindustan was required not merely for the defence of India but also for carrying on operations across the border. The army that crossed the border about 1840, the army which took part in the first Afghan War was the army of Hindustan proper. Now we have never heard, Sir, that that army proved inefficient in any way. Take again the army which fought against the Punjab in the fifties. That was again the army of Hindustan proper. The verdict of history is thus before us in regard to the important matter which I am now discussing. Need we take seriously the argument that if recruits for the army were drawn from all classes the army will lose in military value? The value of military discipline and training has been impressed on us times out of number by the Military authorities. Let them have faith in what they themselves have said to us repeatedly and let them in addition to that remember that military discipline and training alone do not count for much. General Sir Ian Hamilton in his book *The Soul and Body of an Army* makes an observation in his chapter on patriotism which is well worth remembering :

"The Japanese officers", he said, "used to boast—no, used to declare with reason—that after two or three weeks' drill" any one of their common rickshaw men would be ready to run a neck to neck race with the veteran of the Yalu straight for the enemy's guns. This was not, could not have been, in virtue of his military discipline or training."

What is needed, Sir, is that the Government of India should adopt the national point of view and placing themselves at the head of the nation rouse those feelings on which alone a proper system of defence such as is asked for in the important proposition brought forward by my Honourable friend Mr. Kalikar can be based. If they do so, if they make themselves the spokesmen of national aspirations and sentiments, I am certain that we shall soon be able to provide a national army in the same way as other countries have been able to.

THE HONOURABLE SIR A. P. PATRO (Madras : Nominated Non-Official) : Sir, I believe the main object of the Resolution as placed before the House is to increase the pace of recruitment of Indians into all branches of the defence forces from all classes and provinces of India. Evidently the Honourable Mover has before him the recent formation of the Hindu Military Training School at Nasik and with the object of inculcating a military spirit among all classes of Indians he seems to have conceived this Resolution. There are certain facts which must be admitted in regard to the defence of India. We are quite unprepared for India's defence and that was very clearly proved. As it is, we are dependent upon the British to protect our hearth and our home. We have not been prepared to defend ourselves. There is a very inadequate force to defend us on land, much less in the air force or in regard to the sea. In all the three branches of defence is the Indian defence force sufficient? If tomorrow, which God forbid, any powerful enemy comes to our shores, are we prepared to defend ourselves, either in the coast, or inland or by air. That is the problem today which engages the minds of every Indian and every British administrator who is interested in the welfare of India. How are we to defend ourselves if an occasion arises? Are we prepared for such defence? It is true that the Resolution says appoint a committee of experts and they will devise ways and means by which this defence could be organised and strengthened. I have no belief in these committees. The Skeen Committee made its own recommendations; the Shea Committee made

its own recommendations. Many of these recommendations have not been brought into force nor found to be practicable. The aim of recruitment is that recruitment should be based on a wider basis, that all provinces should be given equal opportunities of being trained in military service. It may be argued that the material is not equal or the material is not sound and therefore inefficiency may result from indiscriminate recruitment. We do not want inefficiency in the army, but we want recruitment to be extended to all provinces equally, perhaps to a much greater proportion in some provinces than in others. So far as South India is concerned, who is it that has won South India for the British Company's Government. Take the evidence of history and the facts. Take those persons who have fought and won the Arcot wars. Take those persons who have fought and won the Mysore wars. Take those persons who have fought and got the whole of Southern India under British control. It is South Indian troops. Are the descendants of these peoples to be denied the right of defending themselves? Is it fair and is it right and is it just? Sir, again, I belong to a class of devoted soldiers and subedars and havildars and so on. Now, this class is altogether eliminated from military recruitment. A close examination of the present condition is absolutely necessary before you can deny the right of military service to all classes and provinces. I do admit there are certain difficulties in the way of indiscriminate recruitment, but these difficulties if properly viewed are not such as to be an obstacle in the way of recruitment. It was said that we do not have control over the defence policy and therefore there is no use of our arguing that a national army should be formed. It is true that under the constitution we have no control over defence policy and programme. India is not able to lay down a policy of its own defence or a programme of defence. What is the use therefore of dealing piecemeal with the problem of defence? That is not the case today. The case is that the policy of defence has been laid down both in the White Paper as well as by the Government of India and His Majesty's Government. Defence will be the increasing concern of Indians themselves. If that is the policy that was laid down, then what steps have been taken in order to give effect to this policy? That is really the problem before us, namely, that in order that Indian defence should be the increasing concern of Indians themselves, what steps have been taken? There are practical difficulties in the way of this Resolution, because this Resolution wants officials and non-officials, military experts, to examine the organisation. Who are to be the non-military experts? What should be the qualifications for both officials and non-officials is a matter of very great concern and it is difficult to find such persons who would be acceptable to all parties. Then the next question is to have a military organisation from a national point of view and to recommend ways and means to form a national army. As regards the ways and means, that is the crux of the whole problem. We have been saying that the defence budget is too big and it is not possible to meet the expenditure from our revenues. It should be cut down. The other day I read the speech of the Defence Minister in Parliament, Sir Thomas Inskip. He said they have already spent £1,500 thousand millions on the defence forces. Consider that with regard to India which is a continent. How much are we to spend in order to train and equip the whole of India? I agree with the argument when it is said, look at the proof that is given by Indian educated youth in various forms, "Dufferin," Military Training School, and in all these they have given a very good account. Therefore give opportunities to our Indian people so that they may have a military career not only as officers but as soldiers. I was told yesterday that selection of candidates for the Military Academy is going on and out of a large number of candidates that presented

[Sir A. P. Patro.]

themselves only a small percentage was found to be competent for admission making liberal concessions. Nevertheless, the point is this. Give opportunities for training, and, as has been read out from Sir Ian Hamilton's book, you will find that in course of time they will prove themselves to be competent and good soldiers for action. This Resolution therefore does not take any account with regard to the expenditure that would be involved and difficulties of the composition of the Committee; it is a colossal task. It embraces the whole problem of our defence and as such is very wide, indefinite and difficult to carry out in practice, I am not able to agree with the Resolution. With the main object I agree, because recruitment should be on a wider basis and all Indians should be given opportunities more and more to defend themselves and to form a national army.

THE HONOURABLE MR. SHANTIDAS ASKURAN (Bombay: Non-Muhammadian): Sir, in giving my support to this Resolution, I want to congratulate my Honourable friend Mr. Kalikar on bringing up the necessity of an adequate national army before this House at an appropriate moment. I observe, Sir, from the proceedings of this House that earlier in the session we have had two Resolutions on the subject of defence. One was moved by my Honourable friend Pandit Kunzru and the other by my Honourable friend Mr. Hossain Imam. Pandit Kunzru was anxious for a redistribution of defence expenditure in order to provide for greater expenditure on our naval and air forces and less on the army. My Honourable friend Mr. Hossain Imam seemed to be concerned mainly with a reduction of defence expenditure through a committee of the Central Legislature. On the present occasion, Sir, Mr. Kalikar wants a mixed committee to examine India's military organisation from a national point of view.

All these Resolutions, Sir, each of which, in its own way, attempts to focus public opinion on different aspects of our defence policy have, in my opinion, a common objective. They all seek to prevent our financial resources from being wasted and to ensure that the best value is obtained for our money. Sir, I want to approach this Resolution not as a politician but as a businessman. But everyone, whether in politics or in business is, I am sure, anxious that India's defence organisation should be adequate to meet any danger, whether of a minor or a major character, whether it arises from within our borders or from outside.

Sir, preparations for war are being made actively and on a large scale almost everywhere in the world and rearmament is the motto of most Governments. It would not only be futile under these circumstances but foolish on our part not to take due note of the present temper of the Big Powers of the world. Speaking for myself, I may say at once that I have complete faith in the capacity of His Excellency the Commander-in-Chief to provide for India's adequate defence. As a great soldier who has spent many years of his career in India, I am sure, Sir, that he feels as sensitive about the national self-respect of India as any one of us on these Benches. In making a few observations in support of this Resolution, therefore, I am not to be understood to be speaking in any critical spirit, but entirely, Sir, from the standpoint of the businessman. I have steadily kept before my mind only one principle: rigorous economy without any loss of efficiency.

Sir, in applying this principle to the Indian Army today, I must admit that there seem to be a good many things in the organisation of the Army

in India which cannot meet with the approval of a businessman. The Defence Secretary, Sir, in replying to the debate on Mr. Hossain Imam's Resolution on 10th March this year, pointed out that after the retrenchment carried out on a large scale in recent years, it would be almost impossible to effect further economies. Sir, this is not the occasion for examining in detail the financial aspect of the Government of India's defence policy. But I may point out in passing that an expenditure of Rs. 39 lakhs on grass farms, for instance, does sound to me an extravagant figure. So, too, it seems to me is the item of Rs. 38½ lakhs for education of a comparatively small number of children of British and Indian troops. The number of British officers in the Indian Army has increased from 7,179 in 1937 to 7,240 this year. I wonder, Sir, how many provinces in India today can afford to spend Rs. 138 lakhs a year on their medical services as the Army in India does? Again, are we to assume that about 12,000 clerks and other civilians and over 34,500 followers are necessary for an army of less than 200,000? Sir, I will not pursue the point further with regard to economies. I must, however, express my conviction that a diligent search will yield an appreciably large sum of money, without touching a single soldier. But, Sir, for the purpose of my argument today, I shall assume that the Defence Secretary is right in maintaining that so far as retrenchment is concerned, we have reached the farthest limit. If that be so, I would respectfully ask His Excellency the Commander-in-Chief to tell the House whether for a large country like ours, with frontiers and an enormous seacoast to guard, he regards the present strength of the defence forces in India as adequate? There is to my mind no escape from the alternative provided in this Resolution, namely, a national army recruited from all classes and provinces in India. I would point out, Sir, that for the same amount as we are spending on the defence forces today, we can have an army of about 300,000 Indians in place of the much smaller mixed army of Indian and British troops we have at present.

Sir, it is appropriate that we should discuss this Resolution today in view of recent developments. As has already been made clear by the Secretary of State for War in a speech he made in the House of Commons about a month ago, the locking up of a large number of British troops in India produces an element of rigidity in the strategic distribution of units all over the Empire. If there is to be a thorough re-examination of the whole position, neither the War Office nor His Excellency the Commander-in-Chief can overlook, even in imperial interests, the demand that has been made from time to time by all parties for a policy of gradual withdrawal of British troops from this country. Sir, it will not be controverted that recruitment for the Indian Army is becoming increasingly difficult in Britain. Service in India has to be made more attractive if recruitment is to be kept up. But all this means extra expenditure from India's Exchequer which we can ill-afford at the present moment. On the other hand, there is the insistent demand for unrestricted recruitment from all classes of His Majesty's subjects in India, so that we may have an efficient national army fully equipped and capable of meeting all emergencies and repel any attack, whether by sea or land or from the air. I am willing to concede, Sir, that in view of the international situation, India may not be able to spend less than she does. But no party in this country will, I am sure, grudge expenditure, provided we are satisfied that the objective before the Government is the creation within the shortest possible time of a national defence force.

In this connection, Sir, I would refer to an observation of the Simon Commission with regard to India's defence expenditure. Not only is it heavy

[Mr. Shantidas Askuran.]

but as the Commission rightly pointed out, the fact that a considerable portion of that money goes out of India imposes a peculiarly heavy burden on our financial resources. A national army, on the other hand, will mean not only greater employment for the flower of India's manhood but stimulate industrial enterprise in numerous directions. Self-sufficiency, Sir, in the matter of defence must mean sooner or later the manufacture of all that the army requires, both in peace time and for field operations.

*Sir, I do not wish to be a prophet of gloom. But as the Honourable the Finance Member said in the other House at the time of the general discussion of the budget a couple of weeks ago, economic developments in America and in Europe must fill one's mind with a certain amount of uneasiness, not to say anxiety. Trade returns for February this year show a decline in our imports of private merchandise by Rs. 328 lakhs and in our exports by Rs. 151 lakhs as compared with the same month's returns last year. One thing is absolutely clear. Our economic condition is not such today that we can view the future with any sense of satisfaction. To take one instance alone, cotton growers will get during this year, according to my calculation, about Rs. 18 crores less than last year. The prices of wheat and of rice are lower today than they were a year ago. Raw commodities generally, with few exceptions, bring less money into the pockets of the producers than twelve months ago. Our prosperity, I need hardly say in this House, depends upon the condition of the agriculturists. Their aggregate earnings have dropped, I reckon, by over Rs. 150 crores. I refer to this matter, Sir, to point out that India cannot possibly bear in her present condition a heavier defence expenditure than she incurs at present. Therefore, apart from all question of sentiment, I feel strongly that those who are in charge of our defence policy must concentrate their energies on securing, as I said at the commencement of my speech, the best value for the money spent.

I would remind His Excellency, if I may, that at the commencement of the War in 1914 it became necessary to withdraw practically all the troops from this country. But, Sir, such risks cannot always be taken. It would be far safer, in my opinion, to make India self-reliant in the matter of defence. Such a step, Sir, would also satisfy the self-respect of India, and I would specially request His Excellency to bear in mind that sentiment should not be ignored at a time like this.

From every point of view, therefore, Sir, for the sake of economy, in national as well as in Imperial interests, in order to satisfy the demand which has been made by every party that India should be self-sufficient in the matter of defence, there is wisdom in accepting this Resolution. I have, therefore, no hesitation in giving it my warm support.

HIS EXCELLENCY THE COMMANDER-IN-CHIEF: Sir, I cannot help feeling that the Honourable Mover was absent from this House when I dealt very fully with a similar Resolution brought forward by the Honourable Mr. Susil Kumar Roy Chowdhury as short a time ago as 21st February last, but there is no need for me, therefore, to repeat all I said on that recent occasion. It should, I submit, be clear from what I said then that no unit in the army can be recruited from a multiplicity of classes. To be efficient, a unit must be fairly homogenous and obviously cannot be drawn from classes speaking different languages and of markedly different qualities and habits of life. It therefore naturally follows that a national army recruited from all classes and

provinces in India must be a vast army. I do not know how many classes there are in India, but the number must run into thousands, and not more than four different classes, and those of a fairly similar type, should normally be recruited in the same unit. The army, therefore, would necessarily be very much larger than the one which we now have, and consequently, very, very much more expensive. It is, I believe, admitted by every one in this House that the defence expenditure of India should not be multiplied, and I cannot increase the army without more money. It follows from what I have said that the Government cannot accept the reason for which the Honourable Member wishes to appoint a committee of officials and non-official military experts, and I therefore need say nothing about the first part of the Resolution which proposes the setting up of such a committee. Sir, I oppose the Resolution.

But, before I sit down, I should just like to draw attention to one or two points that were raised by Honourable Members, so far as I am able to in the short time at my disposal. The first point made by the Honourable Mover was to the effect that we had taken no steps at all to form a national army. I maintain that the foundation of a national army has already been laid, and time alone will show how it will develop. The second point he raised was that there is no opportunity for those who have not developed a martial spirit to show their ardour and so forth. I maintain there is. We have introduced Provincial and Territorial battalions, which are open to all classes—not limited to any class—and it is up to you to help me to fill these battalions. He made a special plea on behalf of Mahrattas and Madrasis. I maintain that some of the best soldiers of the Army in India now are of these classes, they are second to none. Another speaker indicated that we had no machinery, as it were, to meet an emergency. Now, all those who are old enough should remember the great effort India made during the last war. Our army was more or less of the same size, and within six months or a year, expansion schemes brought in men who met our demands throughout the war, which lasted, as you know, four years. Believe me, the fruits of the experience we gained then, helped by the mistakes that we made and from which we learnt have all been noted and can be brought into operation at very short notice. Another speaker also mentioned that we have no reserve. Well, before the war, there was no reserve; but since the war, the first thing that was done was to form a reserve, but the strength of the reserve is handicapped by finance. It was also stated that we have in being no second line of defence. Well, I repeat again that we have it in our Provincial and Territorial battalions and these are perfectly capable of expansion provided the men come forward. If there is a real demand for such expansion I am very ready to help. That is all I have to say, Sir.

THE HONOURABLE THE PRESIDENT (to the Honourable Mr. Kalikar): Do you wish to reply?

THE HONOURABLE MR. V. V. KALIKAR: Sir, as you have decided to adjourn the House at 5 P.M. and as there are many speakers, we do not want to speak on this Resolution, and I personally do not want to reply as I want the decision of the House.

THE HONOURABLE THE PRESIDENT: Resolution moved:

That this Council recommends to the Governor General in Council to take steps to appoint a committee of officials and non-official military experts to examine the military organisation of India from a national point of view and to recommend ways and means to form a national army recruited from all classes and provinces in India.

[Mr. President.]

Question put : the Council divided :

AYES—16.

Askuran, Hon. Mr. Shantidas.
Hossain Imam, Hon. Mr.
Kalikar, Hon. Mr. V. V.
Kunzru, Hon. Pandit Hirday Nath.
Mahtha, Hon. Rai Bahadur Sri Narain.
Mitha, Hon. Sir Suleman Cassum Haji.
Motilal, Hon. Mr. G. S.
Muhammad Husain, Hon. Haji Syed.

Niamatullah, Hon. Chaudhri.
Pantulu, Hon. Mr. Ramadas.
Ram Saran Das, Hon. Rai Bahadur Lala.
Ray Chaudhury, Hon. Mr. Kumarsankar.
Roy Chowdhury, Hon. Mr. Susil Kumar.
Sapru, Hon. Mr. P. N.
Sethna, Hon. Sir Phiroze.
Sinha, Hon. Kumar Nripendra Narayan.

NOES—26.

Akram Husain Bahadur, Hon. Prince
Afsar-ul-Mulk Mirza Muhammad.
Buta Singh, Hon. Sardar.
Charanjit Singh, Hon. Raja.
Chinoy, Hon. Sir Rahimtoola.
Clow, Hon. Mr. A. G.
Commander-in-Chief, His Excellency the.
Das, Hon. Rai Bahadur Satyendra Kumar
Devadoss, Hon. Sir David.
Dow, Hon. Mr. H.
Ghosal, Hon. Sir Josna.
Haidar, Hon. Khan Bahadur Shams-ud-
Din.
Hissamuddin Bahadur, Hon. Lt.-Col. Sir.

Ismail Ali Khan, Hon. Kunwar Haji.
Jagdish Prasad, Hon. Kunwar Sir.
Khurshid Ali Khan, Hon. Nawabzada.
Menon, Hon. Diwan Bahadur Sir Ramunni.
Muhammad Yakub, Hon. Sir.
Nihal Singh, Hon. Sirdar.
Nixon, Hon. Mr. J. C.
Parker, Hon. Mr. R. H.
Patro, Hon. Sir A. P.
Puckle, Hon. Mr. F. H.
Roy, Hon. Mr. S. N.
Russell, Hon. Sir Guthrie.
Singh, Hon. Raja Devaki Nandan Prasad.
Williams, Hon. Mr. A. deC.

The Motion was negatived.

INDIAN SUCCESSION ACT (AMENDMENT) BILL.

THE HONOURABLE SIR PHIROZE SETHNA (Bombay: Non-Muham-
madan): Sir, I beg to move :

"That the Bill to amend the Indian Succession Act, 1925, as respects intestate succession among Parsis be referred to a Select Committee consisting of the Honourable Sir David Devadoss, the Honourable Rai Bahadur Lala Ram Saran Das, the Honourable Mr. A. deC. Williams, the Honourable Sir Rahimtoola Chinoy, the Honourable Mr. Ramadas Pantulu, the Honourable Mr. G. S. Motilal, the Honourable Mr. Shantidas Askuran and myself, and that the number of members whose presence shall be necessary to constitute a meeting of the Committee shall be four."

The Motion was adopted.

STATEMENT OF BUSINESS.

THE HONOURABLE KUNWAR SIR JAGDISH PRASAD (Leader of the House): Sir, I suggest that the Motion for the consideration and passing of the three Government Bills laid on the table on the 1st April, namely, the Sugar Industry Protection (Temporary Extension) Bill; the Sind Salt Law Amendment Bill and the Indian Coffee Cess (Amendment) Bill be taken up on the 7th April. It may be possible to lay further Government Bills (of which there are two outstanding) on the table on the 7th. If so, I would request you to curtail the usual period of notice and to permit the further stages of these Bills to be set down for disposal on the 8th April. I understand that the Council would prefer to finish the business of the session this week; and, if the period of notice is not curtailed, it will be necessary to detain the Council here till Monday the 11th April to dispose of these Bills. I gather

that these two Bills are quite small Bills and are non-controversial. Government are also prepared to give time after the disposal of Government business for the final stages of the Child Marriage Restraint (Second Amendment) Bill. I gather that it is the general wish of the House that this Bill should be taken up on the 8th of April.

THE HONOURABLE THE PRESIDENT: As regards the suspension of the Standing Order, I would like to know whether the House would like to finish the work by the end of the week or to carry on the work till Monday next.

SEVERAL HONOURABLE MEMBERS: Finish it this week, Sir.

THE HONOURABLE THE PRESIDENT: Very well, I shall suspend the rules of business so far as those two Bills are concerned.

The Council then adjourned till Eleven of the Clock on Thursday, the 7th April, 1938.

COUNCIL OF STATE.

Thursday, 7th April 1938.

The Council met in the Council Chamber of the Council House at Eleven of the Clock, the Honourable the President in the Chair.

MEMBER SWORN :

The Honourable Mr. Maurice William Murray Yeatts (Government of India : Nominated Official).

QUESTIONS AND ANSWERS.

SAFEGUARDING OF INDIANS IN AUSTRIA.

295. THE HONOURABLE PANDIT HIRDAY NATH KUNZRU (on behalf of the Honourable Raja Yuveraj Datta Singh) : Will Government state whether there are British Indian subjects in Austria? If so, how many ; and what steps have been taken by Government to safeguard their lives and properties ?

THE HONOURABLE KUNWAR SIR JAGDISH PRASAD : A reference has been made to His Majesty's Government in the matter and such information as may be available will be communicated to the Honourable Member in due course.

REPRESENTATION OF INDIANS IN MALAYAN COUNCILS, ETC.

296. THE HONOURABLE PANDIT HIRDAY NATH KUNZRU (on behalf of the Honourable Raja Yuveraj Datta Singh) : Have the Indian settlers in Malaya no representation in the Legislative Council, and other public bodies, and is the number of Indian clerks, officials and school-masters steadily dwindling owing to a policy of discrimination? If so, what steps have been taken by Government to redress these disabilities and to safeguard the interests of the Indians ?

THE HONOURABLE KUNWAR SIR JAGDISH PRASAD : Indian members have been nominated to the Straits Settlement Legislative Council as well as to the Federated Malay States Federal Council. Government have no information about any decrease in the number of clerks, school-masters, etc., in public services in Malaya. As regards Indian representation on other public bodies in Malaya, the matter is under consideration.

LLOYD BARRAGE PROJECT.

297. THE HONOURABLE PANDIT HIRDAY NATH KUNZRU (on behalf of the Honourable Raja Yuveraj Datta Singh) : (a) Will Government state whether a loan was given to Sind for the Sukkur Barrage Project? If so, how much ?

(b) What amount has been paid by Sind on account of principal and interest of the loan : and what exactly is the financial position of the arrangements relating to this loan, between the Government of India and the Government of Sind ? What are the prospects of realisation and by what time ?

THE HONOURABLE MR. J. C. NIXON : (a) The Lloyd Barrage Project, which was at that time almost complete, was handed over to the Province of Sind when it came into existence on the 1st April, 1936 together with the Project debt which then stood at Rs. 25.33 lakhs.

(b) Since 1st April, 1936 Sind has paid Rs. 235.27 lakhs on account of interest and Rs. 44.08 lakhs on account of capital. The scheme of repayment of the Barrage debt provides for the funding of the debt outstanding on 31st March, 1942 over a period of about 40 years at 4½ per cent.

MISSION TRAINING COLLEGE FOR NON-EUROPEANS AT WORCESTER, SOUTH AFRICA.

298. THE HONOURABLE PANDIT HIRDAY NATH KUNZRU (on behalf of the Honourable Raja Yuveraj Datta Singh) : (a) In the Union of South Africa, following the appointment of an Indian Principal in the Mission Training College for the non-Europeans of Worcester, did the European staff resign on the ground that the European prestige would suffer if they were permitted to work under a coloured man ?

(b) Do Government propose to enquire into this matter and to state the facts of the case, together with the action taken on it ?

THE HONOURABLE KUNWAR SIR JAGDISH PRASAD : (a) and (b). Government have no information beyond what has appeared in the press but have made enquiries.

STATEMENT MADE BY LORD STANLEY IN THE HOUSE OF COMMONS ON THE ATTITUDE OF THE HINDU MAHASABHA TOWARDS FEDERATION.

299. THE HONOURABLE PANDIT HIRDAY NATH KUNZRU (on behalf of the Honourable Raja Yuveraj Datta Singh) : (a) With reference to the statement made by the Under Secretary of State for India recently in Parliament that the Hindu Mahasabha has adopted a resolution urging expedition in the introduction of Federation, has the attention of the Government been drawn to a contradiction by Mr. V. D. Saverkar, President of the Hindu Mahasabha, in course of which he says that the Federal constitution "is inadequate, halting and extremely disappointing", but the Hindu Mahasabha is "not going to boycott it in case it is speedily introduced" (*vide the Hindustan Times*, dated the 14th March, 1938) ?

(b) Was the information furnished by the Government of India on the basis of which the Under Secretary of State made the statement ? Do Government propose to lay on the table a copy of the information, if any, supplied by them ?

THE HONOURABLE KUNWAR SIR JAGDISH PRASAD : (a) Yes.

(b) The reply to the first part of the question is in the negative. The second part does not arise.

TEMPORARY TRADE AGREEMENT CONCLUDED BETWEEN INDIA AND THE UNION OF SOUTH AFRICA.

300. THE HONOURABLE PANDIT HIRDAY NATH KUNZRU (on behalf of the Honourable Raja Yuveraj Datta Singh) : (a) Will Government state when and where the trade negotiations between India and South Africa were conducted ; and who were the gentlemen who participated in them on both sides ?

(b) Were the commercial or other interests in India consulted ? If not, why not ?

(c) Will this agreement come up for ratification before the Central Legislature before it is put into force ?

THE HONOURABLE MR. H. DOW : (a) The discussions commenced on the passing of the new Tariff Act in the Union of South Africa in 1935 and were carried on by correspondence between the Governments of India and of the Union of South Africa.

(b) No, Sir. Commercial and other interests were not consulted as the *modus vivendi* merely restores the position that existed up to 1935.

(c) No, Sir. The Agreement came into force on the 29th March last.

AGREEMENT BETWEEN GOVERNMENT AND THE INDIAN TRANS-CONTINENTAL AIRWAYS CO.

301. THE HONOURABLE PANDIT HIRDAY NATH KUNZRU (on behalf of the Honourable Raja Yuveraj Datta Singh) : (a) Does the Agreement between the Government of India and the Trans-Continental Airways Co. expire in 1939 ? If so, is it the intention of Government to renew it ?

(b) Will Government state the number and value of shares held by Indians and by non-Indians, respectively ; the number of the directors who are Indians in proportion to the total number of directors of this Company ?

(c) How many Indians have been trained and given appointments as pilots or ground engineers in the Trans-Continental Airways Co. ?

(d) What opportunity has been given to Indian capital to be invested in this Company ?

THE HONOURABLE MR. S. N. ROY : (a) The arrangements under which Indian Trans-Continental Airways, Ltd., operated the air service between Karachi and Singapore were due to expire in 1939, but they have now been replaced by the arrangements for the operation of the Empire Air Mail Scheme. The Honourable Member's attention is invited in this connection to paragraph 4 of the Memorandum on the subject submitted to the Standing Finance Committee and included in the proceedings of that body (Volume XVI, No. 5), dated the 27th February, 1937.

(b) The present capital of Indian Trans-Continental Airways, Ltd., is composed of 100,000 shares of Rs. 10 each. 51 per cent. of the shares are owned by Imperial Airways, Ltd., a British Company ; 25 per cent. by Indian National Airways, Ltd., an Indian Company ; and 24 per cent. by the Government of India. Of a total of seven directors on the board of Indian Trans-Continental Airways, Ltd., four are Indians. The increase of capital and the

reconstitution of the board of directors consequent on the changes involved by the introduction of the Empire Air Mail Scheme are now under the consideration of the Government of India.

(c) A statement is laid on the table which shows the number of Indian pilots and ground engineers trained and employed by Indian Trans-Continental Airways, Ltd. I may add that, in addition, Imperial Airways have a certain number of Indians employed elsewhere than in India. According to the latest information available, 23 Indians were accepted under different engineering training schemes and of these, 12 remained with the Company.

(d) As explained in the reply to part (b), 25 per cent. of the share capital in Indian Trans-Continental Airways, Ltd., is held by Indian National Airways, Ltd., which is a public Company. Under the Empire Air Mail Scheme both the Government of India and Indian National Airways, Ltd., will have to increase their share in the capital and the Indian public will have an opportunity of subscribing to the latter.

THE HONOURABLE PANDIT HIRDAY NATH KUNZRU : May I know whether the present proportions of share capital will remain undisturbed ?

THE HONOURABLE MR. S. N. ROY : Yes.

Statement laid on the table, vide reply to part (c) of the question.

	Trained and under training with a view to employment by Imperial Airways, Ltd., or Indian Trans-Continental Airways, Ltd.	Employed by Imperial Airways, Ltd., or Indian Trans-Continental Airways, Ltd.
Pilots or first officers	3	1
Ground engineers (licensed)	3	3
Ground engineers (unlicensed)	30	30

N.B.—Government have assisted in the training of pilots and first officers.

CONFISCATION OF THE PROPERTY OF AMIR HAIDER KHAN.

302. THE HONOURABLE PANDIT HIRDAY NATH KUNZRU (on behalf of the Honourable Raja Yuveraj Datta Singh) : Was the property of one Amir Haider, an ex-State prisoner confiscated under the orders of the Government of India in 1930 ? If so, what was the charge against him and what property was confiscated ? Has the property been restored to him ? If so, when ?

THE HONOURABLE KUNWAR SIR JAGDISH PRASAD : No orders for the confiscation of Amir Haider's property were passed by the Government of India. I understand that he was proclaimed as an absconder by a Court in the United Provinces and that his property was attached by order of that Court : but the matter is not one with which the Central Government is concerned.

CONSULTATION BY HIS MAJESTY'S GOVERNMENT WITH THE GOVERNMENT OF INDIA ON THE PRESENT POLITICAL SITUATION IN EUROPE.

303. THE HONOURABLE PANDIT HIRDAY NATH KUNZRU (on behalf of the Honourable Raja Yuveraj Datta Singh) : Will Government

state whether they have been consulted by His Majesty's Government in the United Kingdom with regard to the prevailing situation, or new commitments in Europe ? If so, what views have been advanced by Government ?

THE HONOURABLE KUNWAR SIR JAGDISH PRASAD : The Government of India have not been consulted as India has no direct relations with foreign States.

RESTAURANT CARS RUN BY THE B. & N.-W. R. AND R. & K. R. ON LONG DISTANCE TRAINS.

304. THE HONOURABLE PANDIT HIRDAY NATH KUNZRU (on behalf of the Honourable Raja Yuveraj Datta Singh) : Will Government state whether the B. & N.-W. R. and the R. & K. R. run restaurant cars for European and Indian passengers on their sections on long distance trains ?

THE HONOURABLE SIR GUTHRIE RUSSELL : No restaurant cars are run on the B. & N.-W. R.

A restaurant car, catering in the European style, is run on the R. & K. R. by No. 1-Up Express from Bareilly to Lalkua, by No. 11-Up Passenger from Lalkua to Kathgodam and by No. 2-Down Express from Kathgodam to Bareilly.

IMPORTS OF COIR MATS AND MATTING INTO THE UNITED KINGDOM.

305. THE HONOURABLE PANDIT HIRDAY NATH KUNZRU (on behalf of the Honourable Raja Yuveraj Datta Singh) : Will Government state whether it is proposed to devise means in the present Anglo-Indian trade talks for restricting the import of Indian coir mats and matting into England ? If so, do Government propose to oppose such a proposal ?

THE HONOURABLE MR. H. DOW : The Government of India are aware of the value of retaining the existing preference on Indian coir mats and matting in the United Kingdom market and the matter is not being overlooked in connection with the Indo-British negotiations now in progress.

BILLS PASSED BY THE LEGISLATIVE ASSEMBLY LAID ON THE TABLE.

SECRETARY OF THE COUNCIL : Sir, in pursuance of rule 25 of the Indian Legislative Rules, I lay on the table copies of the following Bills which were passed by the Legislative Assembly at its meetings held on the 4th and 6th April, 1938, namely :

A Bill further to amend the Indian Tariff Act, 1934, for a certain purpose.

A Bill further to amend the Delhi Joint Water Board Act, 1926.

MESSAGE FROM THE LEGISLATIVE ASSEMBLY.

SECRETARY OF THE COUNCIL: Sir, a message has been received from the Secretary of the Legislative Assembly. The message runs as follows:

"In accordance with the provisions of rule 36 (3) of the Indian Legislative Rules, I am directed to inform you that the amendments made by the Council of State in the Bill further to amend the Trade Disputes Act, 1929, for certain purposes were taken into consideration and agreed to by the Legislative Assembly at its meeting held on Wednesday, the 6th April, 1938, subject to the following further amendment, namely:

"In clause 10 of the Bill, in sub-section (4) of the proposed section 18A, after the word 'requests' occurring in the third line the words 'in writing' were inserted".

2. A copy of the Bill as further amended by the Legislative Assembly is also enclosed herewith".

THE HONOURABLE MR. A. G. CLOW: Sir, with regard to the message which has just been read, I would suggest for your consideration that the Motion to take this minor amendment into consideration might be taken tomorrow. I understand that that is acceptable to Honourable Members.

THE HONOURABLE THE PRESIDENT: I have already ruled that it will be taken tomorrow and I have suspended the rules.

SUGAR INDUSTRY PROTECTION (TEMPORARY EXTENSION) BILL.

THE HONOURABLE MR. H. DOW (Commerce Secretary): Sir, I move:

"That the Bill to provide for the temporary continuance of the existing protection conferred on the sugar industry in British India, as passed by the Legislative Assembly, be taken into consideration".

A very few words, Sir, will suffice to explain the necessity for this Bill. When the Sugar Industry Act, 1932, was passed, protection was assured to the sugar industry up till 1946, but the quantum of protection was only fixed until the 31st of March, 1938, and in regard to the remaining period, an obligation was placed on Government to submit its proposals to the Legislature before March, 1938. In order to fulfil this obligation, the Government of India appointed a Tariff Board in April last, in the expectation that the Board would submit its recommendations somewhere about October and that Government would be in a position to decide what it would do in time to bring its recommendations before the Legislature this session. The Tariff Board, for reasons which are entirely connected with the intricacy of the enquiry and the volume of evidence which it had to consider, was unable to submit its report until late in December and it has been quite impossible for Government since that date, and during a legislative session, to deal with this very long and complicated report. It is therefore proposed to extend the existing protection for one year and to alter the Sugar Industry (Protection) Act, 1932, so as to make it possible for Government to submit its recommendation in respect of the remaining period at some time before next March. The Tariff Board Report is a document which Government are quite aware is being very anxiously awaited by the trade, but in accordance with Government's usual policy and

for very obvious reasons, it is impossible to publish that report until Government have made up their minds regarding what should be done. This Bill therefore simply extends the existing protection for another year, and extends the period within which Government is to submit its recommendations in respect of the period up to March, 1946 until this time next year.

With these words, Sir, I commend the Bill to the House.

The Motion was adopted.

Clauses 2 and 3 were added to the Bill.

Clause 1 was added to the Bill.

The Title and Preamble were added to the Bill.

THE HONOURABLE THE PRESIDENT: Honourable Members must have noticed that there is a declaration under Act XVI of 1931 attached to the Bill providing for its immediate application.

THE HONOURABLE MR. H. DOW: Sir, I move:

"That the Bill, as passed by the Legislative Assembly, be passed."

THE HONOURABLE PANDIT HIRDAY NATH KUNZRU (United Provinces Northern: Non-Muhammadan): Sir, before the Bill is passed I should like to know why there has been so much delay in the publication of the Government Resolution dealing with the Report of the Tariff Board. The Board has not dealt with a new subject. The principle involved in the protection of sugar is also not a new one. Government are committed to the protection of the sugar industry. Apart from that, I understand that the Report was submitted in December last. It has therefore been in the hands of Government for over three months and as it does not deal with an entirely new subject, I should like to know what has delayed the decision of the Government on the Report. This is a matter which, as the Honourable Mr. Dow himself has recognised, has caused considerable anxiety, and I hope he will be able to say something on the subject which will allay this anxiety.

THE HONOURABLE MR. H. DOW: Sir, I think it is a little unfortunate that the Honourable Member was not in his place when I made my speech, because a very considerable part of that brief speech was devoted to answering the questions he has now raised. The Report, as he rightly said, was submitted sometime in December. I may remind the Honourable Member that for the last two months there has been a legislative session in progress, and that there has been fairly heavy work for the Commerce Department as well as for other Departments who have to deal with this Report. He seems to think that, because there has been a sugar enquiry before, a mere revision of the present position is as easy as falling off a log. I can assure him that there is a great deal of difficulty. It is true that we appointed the Board in April, thinking that its Report would be ready in October. It actually was not ready until two months later. It may be said that Government ought to have made a better estimate of the time to be taken, and that they should have appointed the Board two months earlier. Well, it is very unsatisfactory, as I think all Honourable Members will recognise, to appoint a Board to go into statistics and to deal with industry too long in advance of the period for which one is going to legislate later. In this particular instance the same delay, I think, would still have occurred; and the reason is that, actually since the Board submitted its Report, there has been legislation in two major provinces (so far as sugar matters are concerned) which affects very materially the industry.

It would have been necessary for Government to spend some time in considering the result, or the probable result, of this legislation on the industry before they could have passed orders on the Tariff Board's Report. So, as a matter of fact, I do not think that Government's orders have been materially delayed merely by the late submission of the Report.

THE HONOURABLE THE PRESIDENT: Motion moved:

"That the Bill, as passed by the Legislative Assembly, be passed."

Question put and Motion adopted.

SIND SALT LAW AMENDMENT BILL.

THE HONOURABLE MR. J. C. NIXON (Finance Secretary): Sir, I move:

"That the Bill to amend the law relating to salt as at present in force in Sind, as passed by the Legislative Assembly, be taken into consideration."

Sir, this is by way of being a machinery Bill. It is for the purpose, so far as I understand it, of clearing up a legal muddle and I hope, after the very few words that I have to say on the subject, that it will not appear to the House to be a bigger muddle than it actually is. The salt law applicable to the Bombay Presidency and to Sind, when these were a single political unit, was governed by two Acts, the Transport of Salt Act, 1879 (XVI of 1879), and the Bombay Salt Act, 1890 (II of 1890). Those two Acts applied to both the Bombay Presidency proper and Sind. In the year 1925, the Indian Salt Law (Amendment) Act (XXII of 1925) was passed, and in that Act power was taken to remove from the provinces and to bring into the hands of the Centre the administration of salt in any particular area. And under the terms of the Act of 1925, the administration of salt in the Bombay Presidency proper, but not in Sind, was withdrawn to the Government of India and put into the hands of the Central Board of Revenue. Consequently, the law applicable to the Bombay Presidency proper consists of the two Acts of 1879 and 1890, as affected by the Amending Act of 1925. On the other hand, the salt law applicable to Sind are the Acts of 1879 and 1890, not modified by the Amending Act of 1925. As a matter of fact, a certain amount of adaptation of the salt law in its application to Sind took place with the Sind Law Regulation when Sind became a separate province, but that is irrelevant to the present issue. When the officers who were appointed to adapt the Indian Acts to the new constitution were looking in the direction of Bombay, they discovered the salt law applicable to Bombay to be as I have said—the Acts of 1879 and 1890 as affected by the Act of 1925—and they adapted that law to accord with the present Government of India Act. They happened, however, to overlook the fact that that was not the law applicable to Sind, and the law applicable to Sind has, in fact, not been adapted to accord with the 1935 Act. Certain of the adaptations made by the adaptors did in fact apply to Sind, but many of them, those at any rate which impinge on the 1925 Act, did not. And when one examines *in extenso* the present salt law which is applicable to Sind, one comes across a certain number of very obvious anomalies. For instance, in one of the Acts, there is still a reference to a section of the 1919 Government of India Act. According to the procedure at present applicable to Sind, appeals from the Salt Commissioner in Sind would lie direct to the Central Board of Revenue, which is wrong. Appeals from the Salt Commissioner in Sind ought to lie with the Sind Government. And, incidentally, I am not at all

sure that the salt law applicable to Sind at the moment is in accordance with the Government of India Act itself. This Bill is put exactly in the form which would have been adopted by the adaptors had they been conscious of the position, and merely carries out the adaptation of the salt law applicable to Sind which, had they known the circumstances, they would have done. I may add for the information of the House that although the control in regard to salt in Sind will, by this Bill, be put into the hands of the Central Government, it is the intention of the Central Government immediately to delegate their powers back to the Sind Government so that the *status quo* is preserved.

Sir, I move.

The Motion was adopted.

The Schedule was added to the Bill.

Clauses 2 and 3 were added to the Bill.

Clause 1 was added to the Bill.

The Title and Preamble were added to the Bill.

THE HONOURABLE MR. J. C. NIXON: Sir, I move:

"That the Bill, as passed by the Legislative Assembly, be passed."

The Motion was adopted.

INDIAN COFFEE CESS (AMENDMENT) BILL.

THE HONOURABLE MR. H. DOW (Commerce Secretary): Sir, I move:

"That the Bill to amend the Indian Coffee Cess Act, 1935, for a certain purpose, as passed by the Legislative Assembly, be taken into consideration."

Sir, under section 4 of the Indian Coffee Cess Act, 1935, a Committee of 20 members is set up, three of whom are to be nominated by a body known as the Coffee Growers' Association. The Coffee Growers' Association has ceased to exist and most of its members have joined other Associations. It is, therefore, proposed to allot the three members who represented the old Coffee Growers' Association to certain other Associations interested in the growing of coffee. The proposal which is embodied in this Bill had the approval of the old Association which has now gone into liquidation, and it is also recommended unanimously by the members of the Coffee Cess Committee themselves.

With these words, Sir, I hope the House will pass the Bill.

The Motion was adopted.

Clause 2 was added to the Bill.

Clause 1 was added to the Bill.

The Title and Preamble were added to the Bill.

THE HONOURABLE MR. H. DOW: Sir, I move:

"That the Bill, as passed by the Legislative Assembly, be passed."

The Motion was adopted.

COUNCIL OF STATE.

Friday, 8th April, 1938.

STANDING ADVISORY COMMITTEE FOR THE INDIAN POSTS AND TELEGRAPHS DEPARTMENT.

THE HONOURABLE THE PRESIDENT: The Council will now proceed to elect two Members to serve on the Standing Advisory Committee for the Indian Posts and Telegraphs Department for the financial year 1938-39. There are three candidates for two vacancies. Voting papers will be handed round and I ask the Honourable Members to vote by striking out the name of the member for whom they do not wish to vote.

(Voting papers were then distributed and the ballot taken.)

THE HONOURABLE THE PRESIDENT: The result of the election will be announced tomorrow.

The Council then adjourned till Eleven of the Clock on Friday, the 8th April, 1938.

The Council met in the Council Chamber of the Council House at Eleven of the Clock, the Honourable the President in the Chair.

QUESTIONS AND ANSWERS.

RETURN TO INDIA OF MR. M. A. NADEDKAR.

306. THE HONOURABLE MR. B. N. BIYANI: (a) Is Mr. M. A. Nadedkar, a resident of Indore (Central India) prohibited from entering India by the Government of India?

(b) If so, do Government propose to remove the ban on his entry?

THE HONOURABLE KUNWAR SIR JAGDISH PRASAD: (a) and (b). I would invite the attention of the Honourable Member to the reply given in the other House on the 27th August last to parts (a) and (b) of Mr. Mohan Lal Saksena's question No. 160.

PENETRATION OF JAPANESE GOODS INTO AFGHANISTAN.

307. THE HONOURABLE PANDIT HIRDAY NATH KUNZRU (on behalf of the Honourable Raja Yuveraj Datta Singh): (a) Are Government aware that Japanese goods are penetrating into Afghanistan, and gradually displacing Indian goods in that country?

(b) Is it proposed to bring in review the trade and commercial relations between India and Afghanistan through a conference or otherwise, so that Indian trade interests may not suffer in that country?

THE HONOURABLE MR. H. DOW: (a) Government are aware that certain classes of Indian goods have to meet competition from Japanese goods in the Afghan market.

(b) The Honourable Member's attention is invited to the reply given to question No. 109 on the 21st February, 1938.

INDIAN TRADERS IN AFGHANISTAN.

308. THE HONOURABLE KUMAR NRIPENDRA NARAYAN SINHA: (a) Is an Indian trader, before he can proceed to Afghanistan on his passport, required to furnish two sureties to stand as security for all his transactions in that country? If so, are such conditions demanded from nationals of other countries? Are the Afghans who come to India for trade required to comply with such conditions?

(b) Is an Indian trader when he reaches Kabul, or any other town in Afghanistan, required to report his arrival to the police station, with two Afghans as sureties, on failure of which is he sent to prison? If so, are such

conditions demanded from nationals of other countries? Are the Afghans who come to India required to comply with such conditions?

(c) Is every Indian trader required to take a licence to do business in Afghanistan by paying heavy licence fees? If so, are such conditions demanded from nationals of other countries? Are the Afghans who come to India required to comply with such conditions?

(d) Is an Indian, when he leaves Afghanistan, required to give two other sureties to the effect that they will be responsible for all his debts and other liabilities incurred by him in Afghanistan; and on failure of which is he put into prison for an indefinite period? Are such conditions demanded from nationals of other countries? Are the Afghans who come to India required to comply with such conditions?

(e) Is no lorry from India allowed to ply in Afghanistan, and is every lorry required to pay heavy taxes in Afghanistan for every trip that it does? Are such conditions demanded from nationals of other countries? Are Afghan lorries required to pay any taxes here to Government?

(f) Has the Afghan Government given monopolies for exports and imports to its own nationals, so far as trade with India is concerned? Is this the case with nationals of other countries who trade with Afghanistan? Have the Government of India given monopolies for exports and imports to the Indians, so far as trade with Afghanistan is concerned?

(g) Is it a fact that Indians can get only Afghan currency notes in exchange for their goods, but that the Afghan National Bank (India), Ltd., has refused to honour the currency notes for the last few months? Have Government made any enquiry into the above, or do they propose to make any enquiry into the Indo-Afghan trade relations?

THE HONOURABLE KUNWAR SIR JAGDISH PRASAD: (a) Indian traders in some cases are required to furnish security as a condition to their being granted a visa to enter Afghanistan. Under the Afghan Visa Code nationals of other countries are liable to a similar restriction. Afghans who come to India for trade do not have to comply with a similar condition.

(b) An Indian trader when he reaches Kabul has under the Afghan Visa Code to call at the Police Department and obtain a *permit de séjour*. He would presumably be liable to be sent to prison if he did not so report. Government are not aware that he has to furnish two Afghans as sureties. The Afghan Visa Code applies to all foreigners. Afghans who come to India are not required to comply with similar conditions.

(c) An Indian trader who wishes to set up business in Afghanistan has to obtain a licence. The fees payable are not known. So far as Government are aware nationals of other countries, including Afghans, have to comply with a similar condition. Afghans who come to India do not have to comply with a similar condition.

(d) An Indian who has been carrying on business in Afghanistan usually has to furnish security to cover any debts or liabilities he may have incurred before he is granted an exit visa. So far as Government are aware he is not liable to punishment unless he tries to leave Afghanistan without an exit visa. The same conditions apply to other foreigners. Afghans who come to India are not required to comply with similar conditions.

(e) Lorries from India are allowed to ply in Afghanistan. Certain tolls and fees are recovered from them. So far as Government are aware the same

conditions apply to lorries from other foreign countries. Afghan lorries are required to pay certain tolls and fees in India.

(f) The Afghan Government have given monopolies in exports and imports of certain articles to its own nationals for all foreign trade. The Government of India have given no monopolies of any kind to anybody.

(g) It is understood that the Afghan National Bank (India), Ltd., is not at present given Indian currency in exchange for Afghan currency notes. Government are enquiring into this matter, and they are also considering the general question of Indo-Afghan trade relations.

ENTRY OF PERSONS INTO BRITISH INDIA.

309. THE HONOURABLE PANDIT HIRDAY NATH KUNZRU (on behalf of the Honourable Raja Yuveraj Datta Singh): (a) Has the attention of Government been drawn to a statement made by the Honourable Sir Sikandar Hayat Khan, Premier, in the Punjab Legislative Assembly on the 24th March, 1938 that "the Punjab Government could not prevent people from across the Indian border to enter the Punjab without passports, as this subject was a Central subject" (vide the *Hindustan Times*, dated the 26th March, 1938)?

(b) Will Government state the rules and procedure regarding the entry of persons into British territory from across the Indian border, referred to above and the steps, if any, which have been taken in the matter?

THE HONOURABLE KUNWAR SIR JAGDISH PRASAD: (a) I have seen the Press report.

(b) Entry into British India is regulated by the Indian Passport Act and rules. A copy of the latter is laid on the table. No question of taking any additional powers to control the subject is at present under the consideration of the Central Government.

GOVERNMENT OF INDIA.

HOME DEPARTMENT.

INDIAN PASSPORT RULES, 1921.

[NOTIFICATION No. 1384-G., DATED SIMLA, THE 7TH SEPTEMBER, 1921, WITH AMENDMENTS ISSUED UP TO APRIL, 1937.]

In exercise of the powers conferred by section 3 of the Indian Passport Act, 1920 (XXXIV of 1920), the Governor General in Council is pleased to make the following rules:—

1. These rules may be called the Indian Passport Rules, 1921.

2. In these rules, unless there is anything repugnant in the subject or context,..... "competent Authority" means any person authorised by order in writing by the Governor General in Council or by the Local Government to exercise the powers of a competent Authority under these rules.

[8TH APRIL 1938.]

3. Subject to the provisions hereinafter contained no person proceeding from any place outside India shall enter British India by sea or by air or by land unless he is in possession of a passport.

Explanation I.—A person entering British India by sea or by air shall not be deemed to be proceeding from a place outside India by reason only of the fact that he has traversed extra-territorial waters in the course of his journey.

Explanation II.—A person shall be deemed to be proceeding from a place outside India who having entered India from such place subsequently enters British India.

4. Every such passport—

- (i) shall have been issued or renewed by or on behalf of the country of which the person to whom it relates is a subject and shall be within the period of its validity;
- (ii) shall, except in the case of passports issued to Pardanashin or Gosha women have affixed to it a photograph of the person to whom it relates, duly authenticated by the issuing authority;
- (iii) when issued by or on behalf of His Majesty's Government of any British possession shall be specifically valid for entry into any part of the British Empire or shall have been specifically endorsed by a competent British authority as valid for entry into British India;
- (iv) when issued by or on behalf of the Government of a foreign country shall have been endorsed by way of visa for British India by a proper British Diplomatic, Consular or Passport Authority. Such visas shall be of one of the following kinds, namely:—
 - (a) a single journey visa valid for one year or for such shorter period as may be specified therein for one journey only to British India for any legitimate purpose;
 - (b) a transit visa valid for one year, or for such shorter period as may be specified therein (provided that in no case shall it be valid for a period exceeding the period for which the visa for the country of ultimate destination is valid), for one or more direct journeys through British India undertaken for the sole purpose of reaching the territory of a foreign State or of another British possession and occupying in each case not more than 15 days in British India, unless an extension of the time for such journey be allowed by a competent authority; and
 - (c) an ordinary visa valid for one year or for such shorter period as may be specified therein for any number of journeys to British India for any legitimate purpose.

5. (1) The following persons and classes of persons shall be exempted from the provisions of rule 3:—

- (a) persons whose age is in the opinion of the competent authority less than 15 years,
- (b) members of His Majesty's Naval, Military or Air Forces or of the Indian Marine Service entering British India on duty, and members of the families of any such person when accompanying such person to British India on a Government transport,
- (c) person domiciled in India proceeding from any foreign possession in India, or from Ceylon, or the Federated Malay States or the Straits Settlements or Burma,
- (d) persons domiciled in Ceylon proceeding from Ceylon and British subjects domiciled in Burma proceeding from Burma,
- (e) persons domiciled in a foreign possession in India, proceeding from any foreign possession in India,
- (f) bona fide Mahomedan pilgrims returning from Jeddah or Basra,
- (g) Nepalese, Tibetans, and Bhutanese entering British India by land over the Nepal border,
- (h) Tibetans, Bhutanese, and Nepalese entering British India by land over the Tibetan border,
- (i) persons domiciled in India entering British India by land over the Nepalese, Tibetan and Indo-Burmese borders,

INFORMATION PROMISED IN REPLY TO QUESTIONS LAID ON THE TABLE. 623

(j) persons or classes of persons specified in this behalf by the Governor General in Council or by a Local Government.

(2) In specifying any person or class of persons in accordance with the provisions of clause (j) of sub-rule (1), the Governor General in Council, or the Local Government may prescribe any conditions to which the exemption of such person or class of persons from the provisions of rule 3 shall be subject.

6. Any person who—

- (a) enters British India in contravention of the provisions of rule 3, or
- (b) does any act in contravention of any condition prescribed under sub-rule (2) of rule 5,

shall be punishable with imprisonment for a term which may extend to three months or with fine or with both.

7. Any person who attempts to commit or abets or attempts to abet the commission of any offence punishable under rule 6 shall be punishable in like manner as if he had committed the offence.

DENYS BRAY,

Secretary to the Government of India.

As amended by Notifications No. 3610-948-G., dated the 8th November, 1922; No. 594-G., dated the 13th December, 1924; No. 245-G., dated the 28th May, 1925; No. 327-G., dated the 23rd June, 1925; No. 77-G., dated the 16th February, 1926; No. 446-G., dated the 27th September, 1926; No. 118-G., dated the 3rd March, 1927; No. 295-G., dated the 11th May, 1927; No. 72-G./30, dated the 22nd January, 1930; No. 287-G./30, dated the 7th March, 1930; No. 404-G./30, dated the 19th June, 1930; No. 514-G., dated the 16th September, 1935; No. 722-G., dated the 22nd December, 1936 and No. F.-28/40/37, dated the 1st April, 1937.

INFORMATION PROMISED IN REPLY TO QUESTIONS LAID ON THE TABLE.

THE HONOURABLE MR. A. DE C. WILLIAMS (Government of India: Nominated Official): Sir, I lay on the table the information promised in reply to questions Nos. 223—225 and 236 asked by the Honourable Saiyed Mohamed Padshah Sahib Bahadur on the 21st and 22nd March, 1938.

STARTING OF A CINEMATOGRAH HOUSE IN AJMER.

Questions Nos. 223 and 224.

No licence to open a cinema in the Hall of the B. B. & C. I. R. Institute at Ajmer has been granted, nor has any application for the grant of such licence yet been received. When an application for the grant of a licence is received, it will be treated on its merits. No opinion can be given in advance as to whether the Hall is or is not suitable.

Question No. 225.

An application of the nature described was received on the 8th February, 1938. No action was taken on it as it was considered premature in view of the facts stated in my reply to question Nos. 223 and 224 above.

PRECAUTIONS AGAINST FIRE IN CINEMATOGRAH HOUSES IN BRITISH INDIA.

Question No. 236.

(a) Yes. The number of casualties was 12 women and two children.

(b) and (c). Yes, by the question.

(d) Provincial Governments are quite competent to make rules for the regulation of cinematograph exhibitions including rules regulating precautions against fire. The Central Government are not, therefore, concerned in the matter. So far as the centrally administered areas are concerned, Government are satisfied that the rules made by the local administrations contain sufficient provisions for precautions against fire.

STATEMENT LAID ON THE TABLE.

DRAFT CONVENTIONS AND RECOMMENDATIONS ADOPTED BY THE TWENTY-THIRD SESSION OF THE INTERNATIONAL LABOUR CONFERENCE.

THE HONOURABLE MR. A. G. CLOW (Labour Secretary) : Sir, I lay on the table the Draft Conventions and Recommendations adopted by the Twenty-third Session of the International Labour Conference and a statement indicating the course of action which the Government of India propose to follow in respect of these Draft Conventions and Recommendations.

Draft Conventions and Recommendations adopted by the Conference.

1. Recommendation concerning international co-operation in respect of public works.

Formal preamble has been omitted.

Whereas the advance planning of public works is a useful method of preventing unemployment and counteracting economic fluctuations; and

Whereas action for this purpose can be effective only if it is based on adequate information and international co-operation;

The Conference recommends that :

1. Each Member of the International Labour Organisation should communicate annually to the International Labour Office, on the most suitable date, statistical and other information concerning public works undertaken or planned on its territory, including orders for plant, equipment and supplies.

2. The information communicated by Members in accordance with paragraph 1 should be supplied as far as possible in accordance with a uniform plan relating more particularly to the expenditure involved, the method of financing the works and the number of workers engaged.

3. Each Member should co-operate in the work of any international committee which may be set up by the Governing Body of the International Labour Office for the purpose, more particularly, of studying the information communicated in accordance with paragraph 1 and preparing the uniform plan referred to in paragraph 2.

4. Each Member should carefully consider what action to take on the basis of any reports which the Governing Body of the International Labour Office may send it as a result of the discussions of the committee contemplated by paragraph 3.

2. Recommendation concerning the national planning of public works.

Formal preamble has been omitted.

Whereas in the absence of advance planning expenditure on public works tends to increase in years of prosperity and to diminish in years of depression;

Whereas fluctuations in the volume of employment of workers engaged on public works are thereby superimposed on the fluctuations in the volume of employment arising out of commercial demand, thus aggravating successively the shortage of certain classes of workers in periods of prosperity and the extent of unemployment in periods of depression;

Whereas it is desirable to time public works in such a way as to reduce industrial fluctuations as far as possible;

Whereas the uniform application of such a policy of timing to all public works involves the co-ordination of the administrative and financial methods applied by the various authorities; and

Whereas it is also desirable, if public works are to be fully effective as a remedy for unemployment, that measures should be adopted relating to the conditions of recruitment and employment of the workers engaged on the works;

The Conference recommends that each Member should apply the following principles :

PART I.—TIMING OF PUBLIC WORKS.

1. (1) Appropriate measures should be adopted for the purpose of achieving a suitable timing of all works undertaken or financed by public authorities.

(2) This timing should involve an increase in the volume of such works in periods of depression and for this purpose it is desirable to provide for the preparation in advance, during periods of prosperity, of works capable of being held in reserve or exceeding ordinary requirements and which should be ready for execution as soon as the need is felt.

(3) Special attention should be paid to public works which stimulate heavy industries or public works which create a more direct demand for consumers' goods, as changing economic conditions may require.

2. The policy of timing public works should apply to all such works (including works in colonies) undertaken by central authorities, regional or local authorities, public utility undertakings, or any body or individual in receipt of subsidies or loans from a public authority.

3. There should be established a national co-ordinating body the duties of which should be, more particularly—

(a) to centralise information relating to the various kinds of public works;

(b) to ensure or encourage the preparation of works in advance; and

(c) to give instructions or advice as to when works should be held in reserve and when works held in reserve should be undertaken, account being taken of fluctuations in the volume of unemployment, changes in the index of wholesale prices, changes in the rate of interest and any changes in other indices which indicate an alteration in the economic situation.

PART II.—FINANCING OF PUBLIC WORKS.

4. Among the financial measures necessitated by the policy embodied in the present Recommendation the following should receive special consideration :

(a) the placing to reserve in periods of prosperity of the resources necessary for carrying out works prepared for periods of depression;

(b) the carrying forward of unexpended balances from one year to another;

(c) restricted borrowing by public authorities in periods of prosperity and accelerated repayment of loans previously contracted;

(d) the financing by loan in periods of depression of public works likely to stimulate economic recovery, and, generally speaking, the application of a monetary policy which will make possible the expansion of credit required at such a time for the speeding up of the public works and which will ensure the lowest possible rate of interest on the loans.

5. The co-ordinating body provided for in paragraph 3 or a special body acting in co-operation with it should be entrusted with all or some of the following duties in connection with the financing of public works :

(a) to advise the central authority on financial policy and, if necessary, taxation policy relating to public works;

(b) to assist in achieving proper co-ordination between the credit policy and market operations of the central bank, or corresponding institution, and the public works policy of the Government;

(c) to co-ordinate the borrowing policy of the different public bodies referred to in paragraph 2; and

(d) to take such measures as may be necessary to ensure that the policy of the central authority in respect of loans and subsidies is made effective.

PART III.—EMPLOYMENT OF CERTAIN CLASSES OF WORKERS.

6. In applying the policy of timing provided for in this recommendation, consideration should be given to the possibility of including works which will give employment to special classes of workers such as young workers, women and non-manual workers.

PART IV.—CONDITIONS OF RECRUITMENT AND EMPLOYMENT.

7. The recruitment of workers for employment on public works should be effected for preference through the public employment exchanges.

8. Foreign workers authorised to reside in the country concerned should be accepted for employment on public works in the same conditions as nationals, subject to reciprocal treatment.

9. The rates of wages of workers on public works should be not less favourable than those commonly recognised workers organisations and employers for work of the same character in the district where the work is carried out; where there are no such rates recognised or prevailing in the district, those recognised or prevailing in the nearest district in which the general industrial circumstances are similar should be adopted, subject to the condition that the rates should in any case be such as to ensure to the workers a reasonable standard of life as this is understood in their time and country.

3. Draft convention fixing the minimum age for admission of children to Industrial employment (revised 1937.)

Formal preamble has been omitted.

PART I.—GENERAL PROVISIONS.

Article 1.

1. For the purpose of this convention, the term "industrial undertaking" includes particularly—

- (a) mines, quarries, and other works for the extraction of minerals from the earth;
- (b) industries in which articles are manufactured, altered, cleaned, repaired, ornamented, finished, adapted for sale, broken up or demolished, or in which materials are transformed; including shipbuilding, and the generation transformation, and transmission of electricity and motive power of any kind;
- (c) construction, reconstruction, maintenance, repair, alteration, or demolition of any building, railway, tramway, harbour, dock, pier, canal, inland waterway, road, tunnel, bridge, viaduct, sewer, drain, well, telegraphic or telephonic installation, electrical undertaking, gas work, waterwork, or other work of construction, as well as the preparation for or laying the foundations of any such work or structure;
- (d) transport of passengers or goods by road or rail or inland waterway including the handling of goods at docks, quays, wharves, and warehouses, but excluding transport by hand.

2. The competent authority in each country shall define the line of division which separates industry from commerce and agriculture.

Article 2.

1. Children under the age of fifteen years shall not be employed or work in any public or private industrial undertaking, or in any branch thereof.

2. Provided that, except in the case of employments which, by their nature or the circumstances in which they are carried on, are dangerous to the life, health or morals of the persons employed therein, national laws or regulations may permit such children to be employed in undertakings in which only members of the employer's family are employed.

Article 3.

The provisions of this Convention shall not apply to work done by children in technical schools, 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 employer in an industrial undertaking shall be required to keep a register of all persons under the age of eighteen years employed by him, and of the dates of their births.

Article 5.

1. In respect of employments which, by their nature or the circumstances in which they are carried on, are dangerous to the life, health or morals of the persons employed therein, national laws shall either—

- (a) prescribe a higher age or ages than fifteen years for the admission thereto of young persons or adolescents; or
- (b) empower an appropriate authority to prescribe a higher age or ages than fifteen years for the admission thereto of young persons or adolescents.

2. The annual reports to be submitted under Article 22 of the Constitution of the International Labour Organisation shall include full information concerning the age or ages prescribed by national laws in pursuance of sub-paragraph (a) of the preceding paragraph or concerning the action taken by the appropriate authority in exercise of the powers conferred upon it in pursuance of sub-paragraph (b) of the preceding paragraph, as the case may be.

PART II.—SPECIAL PROVISIONS FOR CERTAIN COUNTRIES.

Article 6.

1. The provisions of this Article shall be applicable in Japan in substitution for the provisions of Articles 2 and 5.

2. Children under the age of fourteen years shall not be employed or work in any public or private industrial undertaking, or in any branch thereof: Provided that national laws or regulations may permit such children to be employed in undertakings in which only members of the employer's family are employed.

3. Children under the age of sixteen years shall not be employed or work on dangerous or unhealthy work as defined by national laws or regulations in mines or factories.

Article 7.

1. The provisions of Articles 2, 4 and 5 shall not apply to India, but in India the following provisions shall apply to all territories in respect of which the Indian Legislature has jurisdiction to apply them.

2. Children under the age of twelve years shall not be employed or work in factories working with power and employing more than ten persons.

3. Children under the age of thirteen years shall not be employed or work in the transport of passengers or goods, or mails, by rail, or in the handling of goods at docks, quays or wharves, but excluding transport by hand.

4. Children under the age of fifteen years shall not be employed or work—

- (a) in mines, quarries, and other works for the extraction of minerals from the earth;
- (b) in occupations to which this Article applies which are scheduled as dangerous or unhealthy by the competent authority.

5. Unless they have been medically certified as fit for such work—

- (a) persons who have attained the age of twelve years but are under the age of seventeen years shall not be permitted to work in factories working with power and employing more than ten persons;
- (b) persons who have attained the age of fifteen years but are under the age of seventeen years shall not be permitted to work in mines.

Article 8.

1. The provisions of this Article shall be applicable in China in substitution for the provisions of Articles 2, 4 and 5.

2. Children under the age of twelve years shall not be employed or work in any factory using machines driven by motor power and regularly employing thirty persons or more.

3. Children under the age of fifteen years shall not be employed or work—

- (a) in mines regularly employing fifty persons or more; or
- (b) on dangerous or unhealthy work as defined by national laws or regulations in any factory using machines driven by motor power and regularly employing thirty persons or more.

4. Every employer in an undertaking to which this Article applies shall keep a register of all persons under the age of sixteen employed by him, together with such evidence of their age as may be required by the competent authority.

Article 9.

1. The International Labour Conference may, at any Session at which the matter is included in its Agenda, adopt by a two-thirds majority draft amendments to any one or more of the preceding Articles of Part II of this Convention.

2. Any such draft amendment shall state the Member or Members to which it applies and shall, within the period of one year, or, in exceptional circumstances, of eighteen months, from the closing of the Session of the Conference, be submitted by the Member or Members to which it applies to the authority or authorities within whose competence the matter lies, for the enactment of legislation or other action.

3. Each such Member will, if it obtains the consent of the authority or authorities within whose competence the matter lies, communicate the formal ratification of the amendment to the Secretary-General of the League of Nations for registration.

4. Any such draft amendment shall take effect as an amendment to this Convention on ratification by the Member or Members to which it applies.

PART III.—FINAL PROVISIONS.

Article 10.

The formal ratifications of this Convention shall be communicated to the Secretary-General of the League of Nations for registration.

Article 11.

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 12.

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 13.

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 14.

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 15.

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 involve the immediate denunciation of this Convention, notwithstanding the provisions of Article 13 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 16.

The French and English texts of this Convention shall both be authentic.

4. Draft convention concerning the age for admission of children to non-Industrial employment (revised 1937).

Formal preamble has been omitted.

Article 1.

1. This Convention applies to any employment not dealt with in the Convention concerning the age for admission of children to employment in agriculture (Geneva, 1921), the Minimum Age (Sea) Convention (Revised), 1936, or the Minimum Age (Industry) Convention (Revised), 1937.

2. The competent authority in each country shall, after consultation with the principal organisations of employers and workers concerned, define the line of division which separates the employments covered by this Convention from those dealt with in the three aforesaid Conventions.

3. This Convention does not apply to :—

(a) employment in sea-fishing;

(b) work done in technical and professional schools, provided that such work is essentially of an educative character, is not intended for commercial profit, and is restricted, approved and supervised by public authority.

4. It shall be open to the competent authority in each country to exempt from the application of this Convention—

(a) employment in establishments in which only members of the employer's family are employed, except employment which is harmful, prejudicial or dangerous within the meaning of Articles 3 or 5 of this Convention;

(b) domestic work in the family performed by members of that family.

Article 2.

Children under fifteen years of age, or children over fifteen years who are still required by national laws or regulations to attend primary school, shall not be employed in any employment to which this Convention applies except as hereinafter otherwise provided.

Article 3.

1. Children over thirteen years of age may, outside the hours fixed for school attendance, be employed on light work which—

(a) is not harmful to their health or normal development; and

(b) is not such as to prejudice their attendance at school or capacity to benefit from the instructions there given.

2. No child under fourteen years of age shall—

(a) be employed on light work for more than two hours per day whether that day be a school day or a holiday; or

(b) spend at school and on light work a total number of hours exceeding seven per day.

3. National laws or regulations shall prescribe the number of hours per day during which children over fourteen years of age may be employed on light work.

4. Light work shall be prohibited—

(a) on Sundays and legal public holidays; and

(b) during the night.

5. For the purpose of the preceding paragraph the term "night" means—

(a) in the case of children under fourteen years of age, a period of at least twelve consecutive hours comprising the interval between eight p. m. and eight a. m.;

(b) in the case of children over fourteen years of age, a period which shall be prescribed by national laws or regulations but the duration of which shall not, except in the case of tropical countries where a compensatory rest is accorded during the day, be less than twelve hours.

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6. After the principal organisations of employers and workers concerned have been consulted, national laws or regulations shall :—

- (a) specify what forms of employment may be considered to be light work for the purpose of this Article ; and
- (b) prescribe the preliminary conditions to be complied with as safeguards before children may be employed on light work.

7. Subject to the provisions of sub-paragraph (a) of paragraph 1 above.

- (a) national laws or regulations may determine work to be allowed and the number of hours per day to be worked during the holiday time of children referred to in Article 2 who are over fourteen years of age ;
- (b) in countries where no provision exists relating to compulsory school attendance, the time spent on light work shall not exceed four and a half hours per day.

Article 4.

1. In the interests of art, science or education, national laws or regulations may, by permits granted in individual cases, allow exceptions to the provisions of Articles 2 and 3 of this Convention in order to enable children to appear in any public entertainment or as actors or supernumeraries in the making of cinematographic films ;

2. Provided that—

- (a) no such exception shall be allowed in respect of employment which is dangerous within the meaning of Article 5, such as employment in circuses, variety show or cabarets ;
- (b) strict safeguards shall be prescribed for the health, physical development and morals of the children, for ensuring kind treatment of them, adequate rest, and the continuation of their education ; and
- (c) children to whom permits are granted in accordance with this Article shall not be employed after midnight.

Article 5.

A higher age or ages than those referred to in Article 2 of this Convention shall be fixed by national laws or regulations for admission of young persons and adolescents to any employment which, by its nature, or the circumstances in which it is to be carried on, is dangerous to the life, health or morals of the persons employed in it.

Article 6.

A higher age or ages than those referred to in Article 2 of this Convention shall be fixed by national laws or regulations for admission of young persons and adolescents to employment for purposes of itinerant trading in the streets or in places to which the public have access, to regular employment at stalls outside shops or to employment in itinerant occupations, in cases where the conditions of such employment require that a higher age should be fixed.

Article 7.

In order to ensure the due enforcement of the provisions of this Convention, national laws or regulations shall—

- (a) provide for an adequate system of public inspection and supervision ;
- (b) require every employer to keep a register of the names and dates of birth of all persons under the age of eighteen years employed by him in any employment to which this Convention applies other than an employment to which Article 6 applies ;
- (c) provide suitable means for facilitating the identification and supervision of persons under a specified age engaged in the employments and occupations covered by Article 6 ; and
- (d) provide penalties for breaches of the laws or regulations by which effect is given to the provisions of this Convention.

Article 8.

There shall be included in the annual reports to be submitted under Article 22 of the Constitution of the International Labour Organisation full information concerning all laws and regulations by which effect is given to the provision of this Convention, including—

- (a) a list of the forms of employment which national laws or regulations specify to be light work for the purpose of Article 3 ;
- (b) a list of the forms of employment for which, in accordance with Articles 5 and 6, national laws or regulations have fixed ages for admission higher than those laid down in Article 2 ; and
- (c) full information concerning the circumstances in which exceptions to the provisions of Articles 2 and 3 are permitted in accordance with the provisions of Article 4.

Article 9.

1. The provisions of Articles 2, 3, 4, 5, 6 and 7 of this Convention shall not apply to India, but in India the following provisions shall apply to all territories in respect of which the Indian Legislature has jurisdiction to apply them.

2. Children under thirteen years of age shall not be employed—

- (a) in shops, offices, hotels or restaurants ;
- (b) in places of public entertainment ; or
- (c) in any other non-industrial occupations to which the provisions of this paragraph may be extended by the competent authority.

3. In the interest of art, science or education, national laws or regulations may by permits granted in individual cases, allow exceptions to the provisions of the preceding paragraph in order to enable children to appear in any public entertainment as or actors or supernumeraries in the making of cinematographic films.

4. Persons under seventeen years of age shall not be employed in any non-industrial employment which the competent authority, after consultation with the principal organisations of employers and worker concerned, may declare to involve danger to life, health or morals.

5. The International Labour Conference may, at any Session at which the matter is included in its Agenda, adopt by a two-thirds majority draft amendments to the preceding paragraphs of this Article.

6. Any such draft amendment shall, within the period of one year, or, in exceptional circumstances, of eighteen months, from the closing of the Session of the Conference, be submitted in India to the authority or authorities within whose competence the matter lies, for the enactment of legislation or other action.

7. India will, if it obtains the consent of the authority or authorities within whose competence the matter lies, communicate the formal ratification of the amendment to the Secretary-General of the League of Nations for registration.

8. Any such draft amendment shall take effect as an amendment to this Convention on ratification by India.

NOTE.—Articles 10 to 16 are identical with Articles 10 to 16 of the Draft Convention fixing the minimum age for admission of children to industrial employment (revised 1937).

5. Recommendation concerning the minimum age for admission of children to industrial employment in family undertakings.

Formal preamble has been omitted.

Whereas the Minimum Age (Industry) Convention (Revised), 1937, while restricting the scope of the exception for family undertakings contained in the 1919 Convention, still permits such undertakings to be excluded from its scope except in the case of employments which, by their nature or the circumstances in which they are carried on, are dangerous to the life, health or morals of the persons employed therein ; and

Whereas it is reasonable to hope that it will be possible to suppress this exception completely in the not distant future ;

The Conference recommends that the Members of the Organisation should make every effort to apply their legislation relating to the minimum age of admission to all industrial undertakings, including family undertakings.

6. Draft convention concerning the reduction of hours of work in the textile industry.

The General Conference of the International Labour Organisation,
Having met at Geneva in its Twenty-third Session on 3 June 1937;

Considering that the question of the reduction of hours of work in the textile industry is the second item on the Agenda of the Session;

Confirming the principle laid down in the Forty-Hour Week Convention, 1935, including the maintenance of the standard of living;

Considering it to be desirable that this principle should be applied by international agreement to the textile industry;

adopts this twenty-second day of June of the year one thousand nine hundred and thirty-seven, the following Draft Convention which may be cited as the Reduction of Hours of Work (Textiles) Convention, 1937:

Article 1.

1. This Convention applies to—

- (a) persons employed in an undertaking which fulfils the condition stated in paragraph 2 of this Article, including persons employed in any branch of such an undertaking which branch does not fulfil that condition; and
- (b) persons employed in a branch of an undertaking which branch fulfils the condition stated in paragraph 2 of this Article, even though the undertaking does not fulfil that condition.

2. The condition referred to in the preceding paragraph is that the undertaking or branch of an undertaking is engaged wholly or mainly in one or more of the series of operations delimited in paragraphs 3, 4 and 5 of this Article in the course of the manufacture of any kind of thread, yarn, twine, cord, rope, netting or felt, or any woven, piled, knitted or lacework fabric from any one or more of the following materials: cotton, wool, silk, flax, hemp, jute, rayon or other synthetic fibre, or any other textile material, whether of vegetable, animal or mineral origin.

3. The series of operations referred to in paragraph 2 of this Article begins—

- (a) in the case of cotton, with the reception of the bales of ginned cotton for breaking up and cleaning;
- (b) in the case of wool, with the reception of the raw wool for sorting and cleaning (excluding the process of anthrax disinfection);
- (c) in the case of silk, with the reeling of the silk from the cocoon or the steeping of the silk waste;
- (d) in the case of flax, jute and hemp, with the operation of retting, except where this operation is effected as work accessory to that of an agricultural undertaking;
- (e) in the case of rayon or other synthetic fibre, with the reception of the materials used in the chemical production of the fibre;
- (f) in the case of rags, with the sorting of the rags or the reception of the sorted rags; and
- (g) in the case of any other textile material, with the operation prescribed by the competent authority as corresponding to the operations set out above.

4. The series of operations referred to in paragraph 2 of this Article includes the operations of bleaching, dyeing, printing, and finishing and similar operations, and ends with the packing and despatch of the products specified in that paragraph.

5. The series of operations referred to in paragraph 2 of this Article includes the making in whole or in part of any garment or other article only in the following cases:

- (a) the case of hosiery manufacture; and
- (b) cases in which the garment or other article is made by the same process as the fabric thereof.

6. In any case in which it is doubtful whether an undertaking or branch of an undertaking fulfils the condition stated in paragraph 2 of this Article, the question shall be determined by the competent authority after consultation with the organisations of employers and workers concerned where such exist.

7. Where and so long as the principle of a forty-hour week is applied to persons to whom this Convention applies in accordance with the provisions of any international labour Convention other than this Convention, the competent authority may exclude such persons from the application of this Convention.

8. This Convention applies to persons employed in both public and private undertakings.

Article 2.

The competent authority may, after consultation with the organisations of employers and workers concerned where such exist, exempt from the application of this Convention—

- (a) persons employed in undertakings in which only members of the employer's family are employed;
- (b) classes of persons who by reason of their special responsibilities are not subjected to the normal rules governing the length of the working week.

Article 3.

1. For the purpose of this Convention the term "hours of work" means the time during which the persons employed are at the disposal of the employer and does not include rest periods during which they are not at his disposal.

2. Where at the date of the adoption of this Convention it is the practice not to regard time spent in the cleaning or oiling of machines as part of ordinary working time, the competent authority may permit any time not exceeding one-and-a-half hours in any week which is so spent to be disregarded in reckoning for the purpose of this Convention the hours of work of the persons concerned.

Article 4.

1. The hours of work of persons to whom this Convention applies shall not exceed an average of forty per week.

2. In the cases of persons who work in successive shifts on processes required by reason of the nature of the process to be carried on without a break at any time of the day, night or week, weekly hours of work may average forty-two.

3. The competent authority shall, after consultation with the organisations of employers and workers concerned where such exist, determine the processes to which paragraph 2 of this Article applies.

4. Where hours of work are calculated as an average, the competent authority shall after consultation with the organisations of employers and workers concerned where such exist, determine the number of weeks over which the average may be calculated and the maximum number of hours that may be worked in any week.

Article 5.

The competent authority may, by regulations made after consultation with the organisations of employer and workers concerned where such exist, provide that the limits of hours authorised by the preceding Article may be exceeded to an extent prescribed by such regulations in the case of—

- (a) persons employed on preparatory or complementary work which must necessarily be carried on outside the limits laid down for the general working of the undertaking, branch or shift;
- (b) persons employed in occupations which by their nature involve long periods of inaction during which the said persons have to display neither physical activity nor sustained attention or remain at their posts only to reply to possible calls;
- (c) persons employed in connection with the transport, delivery or loading or unloading of goods.

Article 6.

1. The limits of hours authorised by the preceding Articles may be exceeded, but only so far as may be necessary to avoid serious interference with the ordinary working of the undertaking—

- (a) in case of accident actual or threatened, or in case of urgent work to be done to machinery or plant, or in case of force majeure;

(b) in order to make good the unforeseen absence of one or more members of a shift.

2. The employer shall notify the competent authority without delay of all time worked in virtue of this Article and of the reasons therefor.

Article 7.

1. The limits of hours authorised by the preceding Articles may be exceeded in cases where the continued presence of particular persons is necessary for the completion of a bleaching, dyeing, finishing or other operation, or of a succession of such operations, which for technical reasons cannot be interrupted without damage to the material worked and which by reason of exceptional circumstances it has not been possible to complete within the normal limit of hours.

2. The competent authority shall, after consultation with the organisations of employers and workers concerned where such exist, determine the operations to which and the conditions subject to which the preceding paragraph applies and the maximum number of hours which may be worked in virtue of that paragraph by the persons concerned.

Article 8

1. Upon application by an employer, the competent authority may, after consultation with the organisations of employers and workers concerned where such exist, grant an allowance of overtime for specified classes of persons in exceptional cases in which overtime on one or more operations is necessary in order to enable the workers engaged in subsequent operations in the same undertaking to be employed up to the authorised limits of hours.

2. The competent authority shall determine, after consultation with the organisations of employers and workers concerned where such exist, the maximum number of hours of overtime which may be worked in virtue of paragraph 1 of this Article; so however that no such allowance shall permit of any person being employed for more than sixty hours of such overtime in any year or for more than four hours of such overtime in any week.

3. Overtime worked in virtue of this Article shall be remunerated at not less than one-and-a-quarter times the normal rate.

4. The competent authority may attach to the grant of an allowance of overtime such conditions as it deems expedient with a view to securing a progressive reduction in the amount of overtime.

Article 9.

1. The competent authority may permit the limits of hours authorised by the preceding Articles to be exceeded subject to the conditions that—

(a) all time worked in virtue of this Article shall be regarded as overtime and shall be remunerated at not less than one-and-a-quarter times the normal rate; and

(b) no person shall be employed in virtue of this Article for more than seventy-five hours of overtime in any year.

2. In cases in which national laws or regulations apply the weekly limit of hours as a strict limit applicable to each week, the competent authority may permit not more than one hundred additional hours of overtime in any year to be worked, subject to the condition that such additional hours of overtime shall be remunerated at not less than one-and-a-quarter times the normal rate.

3. When granting permission in virtue of the preceding paragraphs, the competent authority shall satisfy itself that there will be no consistent working of overtime.

4. The competent authority shall only grant permission to work overtime in virtue of this Article in accordance with regulations made after consultation with the organisations of employers and workers concerned where such exist.

5. The regulations referred to in the preceding paragraph shall prescribe—

(a) the procedure by which permission may be granted to employers to work overtime in virtue of this Article; and

(b) the maximum number of hours for which the competent authority may grant permission and the minimum overtime rate to be paid for such hours.

Article 10.

In order to facilitate the effective enforcement of the provisions of this Convention every employer shall—

(a) notify in a manner approved by the competent authority, by the posting of notices or otherwise;

(i) the hours at which work begins and ends;

(ii) where work is carried on by shifts, the hours at which each shift begins and ends;

(iii) where a rotation system is applied, a description of the system including a time-table for each person or group of persons;

(iv) the arrangements made in cases where the average duration of the working week is calculated over a number of weeks; and

(v) effective rest periods as defined in Article 3; and

(b) keep a record in the form prescribed by the competent authority of all additional hours worked in virtue of Article 7, 8 and 9 of this Convention and of the payments made in respect thereof.

Article 11.

Any member may suspend the operation of the provisions of this Convention during any emergency which endangers the national safety.

Article 12.

During a period which shall not exceed two years from the coming into force of this Convention for the Member concerned, the competent authority may approve transitional arrangements in virtue of which—

(a) the reduction of hours of work to the limits authorised by the preceding Articles may be accomplished by stages during the said period;

(b) specified classes of workers or undertakings may be exempted from all or any of the provisions of the Convention during the said period.

Article 13.

The annual reports upon the application of this Convention to be submitted by members under Article 22 of the Constitution of the International Labour Organisation shall include more particularly full information concerning—

(a) decisions taken in virtue of Article 1, paragraph 3 (g);

(b) exemptions made in virtue of Article 2 and any conditions subject to which such exemptions are made;

(c) any recourse to the provisions of Article 3, paragraph 2;

(d) determinations made in pursuance of Article 4, paragraph 4;

(e) regulations made in virtue of Article 5;

(f) determinations made in pursuance of Article 7, paragraph 2;

(g) allowances of overtime granted in virtue of Article 8; and

(h) the extent to which recourse has been had to the provisions of Article 9.

Article 14.

In accordance with Article 19, paragraph 11 of the Constitution of the International Labour Organisation, nothing in this Convention shall affect any law, award, customs or agreement between employers and workers which ensures more favourable conditions to the workers than those provided for by this Convention.

Article 15.

In the event of the Conference adopting a further Convention determining such modifications of the provisions of this Convention as may be required to meet the case of countries to which Article 19, paragraph 3, of the Constitution of the International Labour Organisation applies, this Convention and the aforesaid further Convention shall be deemed to form one Convention.

NOTE.—Articles 16 to 22 are identical with Articles 10 to 16 of the Draft Convention fixing the minimum age for admission of children to industrial employment (revised 1937).

7. Draft convention concerning safety provisions in the building industry.

The General Conference of the International Labour Organisation.

Having been convened at Geneva by the Governing Body of the International Labour Office, and having met in its Twenty-third Session on 3 June 1937, and

Considering that building work gives rise to serious accident risks which it is necessary to reduce both on humanitarian and on economic grounds, and

Having decided upon the adoption of certain proposals with regard to safety provisions for workers in the building industry with reference to scaffolding and hoisting machinery, which is the first item on the Agenda of the Session, and

Considering that, in view of the desirability of standardising minimum safety provisions without prescribing requirements too rigid for general application, the most appropriate form for these proposals is that of a Draft International Convention accompanied by a Recommendation embodying a Model Code of Safety Regulations,

adopts this twenty-third day of June of the year one thousand nine hundred and thirty-seven the following Draft Convention which may be cited as the Safety Provisions (Building) Convention, 1937.

PART I.—OBLIGATIONS OF PARTIES TO CONVENTION.

Article 1.

1. Each Member of the International Labour Organisation which ratifies this Convention undertakes that it will maintain in force laws or regulations —

- (a) which ensure the application of the General Rules set forth in Parts II to IV of this Convention; and
- (b) in virtue of which an appropriate authority has power to make regulations for the purpose of giving such effect as may be possible and desirable under national conditions to the provisions of, or provisions equivalent to the provisions of, the Model Code annexed to the Safety Provisions (Building) Recommendation, 1937, or any revised Model Code subsequently recommended by the International Labour Conference.

2. Each such Member further undertakes that it will communicate every third year to the International Labour Office a report indicating the extent to which effect has been given to the provisions of the Model Code annexed to the Safety Provisions (Building) Recommendation, 1937, or of any revised Model Code subsequently by the International Labour Conference.

Article 2.

1. The laws or regulations for ensuring the application of the General Rules set forth in Parts II to IV of this Convention shall apply to all work done on the site in connection with the construction, repair, alteration, maintenance and demolition of all types of buildings.

2. The said laws or regulations may provide that the competent authority may, after consultation with the organisations of employers and workers concerned where such exist, exempt from all or any of their provisions work of such a character that reasonably safe conditions normally obtain.

Article 3.

The laws or regulations for ensuring the application of the General Rules set forth in Parts II to IV of this Convention, and regulations made by the appropriate authority for the purpose of giving effect to the Model Code annexed to the Safety Provisions (Building) Recommendation, 1937 shall—

- (a) require employers to bring them to the notice of all persons concerned in a manner approved by the competent authority;
- (b) define the persons responsible for compliance therewith and
- (c) prescribe adequate penalties for any violation thereof.

Article 4.

Each Member which ratifies this Convention undertakes to maintain, or satisfy itself that there is maintained, a system of inspection adequate to ensure the effective enforcement of its laws and regulations relating to safety precautions in the building industry.

Article 5.

1. In the case of a Member the territory of which includes large areas where, by reason of the sparseness of the population or the stage of economic development of the area, the competent authority considers it impracticable to enforce the provisions of this Convention, the authority may exempt such areas from the application of the Convention either generally or with such exceptions in respect of particular localities or particular kinds of building operations as it thinks fit.

2. Each Member shall indicate in its first annual report upon the application of this Convention submitted under Article 22 of the Constitution of the International Labour Organisation any areas in respect of which it proposes to have recourse to the provisions of the present Article and no Member shall, after the date of its first annual report, have recourse to the provisions of the present Article except in respect of areas so indicated.

3. Each Member having recourse to the provisions of the present Article shall indicate in subsequent annual reports any areas in respect of which it renounces the right to have recourse to the provisions of the present Article.

Article 6.

Each Member which ratifies this Convention undertakes to communicate annually to the International Labour Office the latest statistical information relating to the number and classification of accidents occurring to persons occupied on work within the scope of this Convention.

PART II.—GENERAL RULES AS TO SCAFFOLDS.

Article 7.

1. Suitable scaffolds shall be provided for workmen for all work that cannot be safely done from a ladder or by other means.

2. A scaffold shall not be constructed, taken down, or substantially altered except—

- (a) under the supervision of a competent and responsible person; and
- (b) as far as possible by competent workers possessing adequate experience in this kind of work.

3. All scaffolds and appliances connected therewith and all ladders shall—

- (a) be of sound material;
- (b) be of adequate strength having regard to the loads and strains to which they will be subjected; and
- (c) be maintained in proper condition.

4. Scaffolds shall be so constructed that no part thereof can be displaced in consequence of normal use.

5. Scaffolds shall not be overloaded and so far as practicable the load shall be evenly distributed.

6. Before installing lifting gear on scaffolds special precautions shall be taken to ensure the strength and stability of the scaffolds.

7. Scaffolds shall be periodically inspected by a competent person.

8. Before allowing a scaffold to be used by his workmen every employer shall, whether the scaffold has been erected by his workmen or not, take steps to ensure that it complies fully with the requirements of this Article.

Article 8.

1. Working platforms, gangways and stairways shall—
 - (a) be so constructed that no part thereof can sag unduly or unequally;
 - (b) be so constructed and maintained, having regard to the prevailing conditions as to reduce as far as practicable risks of persons tripping or slipping; and
 - (c) be kept free from any unnecessary obstruction.
2. In the case of working platforms, gangways, working places and stairways at a height exceeding that to be prescribed by national laws or regulations—
 - (a) every working platform and every gangway shall be closely boarded unless other adequate measures are taken to ensure safety;
 - (b) every working platform and gangway shall have adequate width; and
 - (c) every working platform, gangway, working place and stairway shall be suitably fenced.

Article 9.

1. Every opening in the floor of a building or in a working platform shall except for the time and to the extent required to allow the access of persons or the transport or shifting of material, be provided with suitable means to prevent the fall of persons or material.
2. When persons are employed on a roof where there is a danger of falling from a height exceeding that to be prescribed by national laws or regulations, suitable precautions shall be taken to prevent the fall of persons or material.
3. Suitable precautions shall be taken to prevent persons being struck by articles which might fall from scaffolds or other working places.

Article 10.

1. Safe means of access shall be provided to all working platforms and other working places.
2. Every ladder shall be securely fixed and of such length as to provide secure handhold and foothold at every position at which it is used.
3. Every place where work is carried on and the means of approach thereto shall be adequately lighted.
4. Adequate precautions shall be taken to prevent danger from electrical equipment.
5. No materials on the site shall be so stacked or placed as to cause danger to any person.

PART III. GENERAL RULES AS TO HOISTING APPLIANCES.

Article 11.

1. Hoisting machines and tackle, including their attachments anchorages and supports, shall—
 - (a) be of good mechanical construction, sound material and adequate strength and free from patent defect; and
 - (b) be kept in good repair and in good working order.
2. Every rope used in hoisting or lowering materials or as a means of suspension shall be suitable quality and adequate strength and free from patent defect.

Article 12.

1. Hoisting machines and tackle shall be examined and adequately tested after erection on the site and before use and be re-examined by national laws or regulations.
2. Every chain, ring, hook, shackle, swivel and pulley block used in hoisting or lowering materials or as a means of suspension shall be periodically examined.

Article 13.

1. Every crane driver of hoisting appliance operator shall be properly qualified.
2. No person under an age to be prescribed by national laws or regulations shall be in control of any hoisting machine, including any scaffold winch or give signals to the operator.

Article 14.

1. In the case of every hoisting machine and of every chain, ring, hook, shackle, swivel and pulley block used in hoisting or lowering or as a means of suspension the safe working load shall be ascertained by adequate means.
2. Every hoisting machine and all gear referred to in the preceding paragraph shall be plainly marked with the safe working load.
3. In the case of a hoisting machine having a variable safe working load each safe working load and the conditions under which it is applicable shall be clearly indicated.
4. No part of any hoisting machine or of any gear referred to in paragraph 1 of this Article shall be loaded beyond the safe working load except for the purpose of testing.

Article 15.

1. Motors, gearing, transmissions, electric wiring and other dangerous parts of hoisting appliances shall be provided with efficient safeguards.
2. Hoisting appliances shall be provided with such means as will reduce to a minimum the risk of the accidental descent of the load.
3. Adequate precautions shall be taken to reduce to a minimum the risk of and part of a suspended load becoming accidentally displaced.

PART IV.—GENERAL RULES AS TO SAFETY EQUIPMENT AND FIRST AID.

Article 16.

1. All necessary personal safety equipment shall be kept available for the use of the persons employed on the site and be maintained in a condition suitable for immediate use.
2. The workers shall be required to use the equipment thus provided and the employer shall take adequate steps to ensure proper use of the equipment by those concerned.

Article 17.

When work is carried on in proximity to any place where there is a risk of drowning all necessary equipment shall be provided and kept ready for use and all necessary steps shall be taken for the prompt rescue of any person in danger.

Article 18.

Adequate provision shall be made for prompt first-aid treatment of all injuries likely to be sustained during the course of the work.

NOTE.—Articles 19 to 25 are identical with Articles 10 to 16 of the Draft Convention fixing the minimum age for admission of children to industrial employment (revised 1937).

8. Recommendation concerning safety provisions in the building industry.

Formal preamble has been omitted.

Whereas it is desirable, with a view to intensifying the efforts being made by the Members of the Organisation to reduce the risk of accident in the building industry, to submit for their consideration model safety provisions and to arrange for an exchange upon an international scale of the experience acquired in the application of these provisions.

Whereas the Safety Provisions (Building) Convention, 1937, embodies a series of general principles which require to be supplemented by detailed safety regulations;

Whereas it is therefore desirable that Members of the Organisation which ratify that Convention should have at their disposal a Model Code of safety regulation which have been proved by experience to be calculated to reduce the risk of accidents; and

Whereas it is also desirable that such a Model Code should be available for the guidance of any Members which may be unable to ratify immediately the Safety Provisions (Building) Convention, 1937;

The Conference recommends that:

1. Each Member of the International Labour Organisation should give the fullest effect possible and desirable under national conditions to the provisions of, or provision equivalent to the provisions of, the annexed Model Code.

2. Any Members of the International Labour Organisation which have not ratified the Safety Provisions (Building) Convention, 1937, should communicate every third year to the International Labour Office on a voluntary basis a report indicating the extent to which effect has been given to the Model Code.

ANNEX.

MODEL CODE.

PART 1: SCAFFOLDS.

Regulation 1.—Necessity for Scaffolding.

Suitable and sufficient scaffolds shall be provided for workmen for all work that cannot safely be done from a ladder or by other means.

Regulation 2.—Erection of Scaffolds.

A scaffold shall not be constructed, taken down or substantially altered except under the direction of a competent and responsible person and as far as possible by competent workers possessing adequate experience in this kind of work.

Regulation 3.—Quality of Materials.

1. All scaffolds and appliances connected therewith and all ladders shall be of sound material and be of adequate strength having regard to the loads and strains to which they will be subjected.

2. The wooden parts used for scaffolds, gangways, runs and ladders shall be of good quality shall have long fibres, shall be in good condition and shall not be painted or treated in a manner likely to hide defects.

3. Timber used for scaffolds shall have the bark completely stripped off.

4. Where necessary; boards and planks used for scaffolds shall be protected against splitting.

5. Metal parts of scaffolds shall have no cracks and shall be free from any corrosion or other defect likely to affect their strength.

6. Cast-iron nails shall not be used.

Regulation 4.—Inspection and Storage of Materials.

1. Scaffold parts, including scaffolding machines and ropes and cables, shall be examined by an experienced person on each occasion before erection and shall not be used on any occasion unless in every respect they possess the qualities required for their purpose.

2. Any rope that has been in contact with acids or other corrosive substances or is defective shall not be used.

3. All materials used in the construction of scaffolds shall be stored under good conditions and apart from any material unsuitable for scaffolds.

Regulation 5.—Supply and Use of Material and Maintenance of Scaffolds.

1. Sufficient material shall be provided for and shall be used in the construction of scaffolds.

2. (1) Every scaffold shall be maintained in good and proper condition and every part shall be kept fixed or secured so that no part can be displaced in consequence of normal use.

(2) No scaffold shall be partly dismantled and left so that it is capable of being used unless it continues to comply with these Regulations.

Regulation 6.—Pole and Gabbard Scaffolds.

1. Pole standards and the legs of gabbard scaffolds shall be—

(a) vertical or slightly inclined towards the building; and

(b) fixed sufficiently close together to secure the stability of the scaffolds having regard to all the circumstances.

2. The stability of pole standards shall be secured—

(a) by letting the pole the necessary distance into the ground according to the nature of the soil; or

(b) by placing the pole on a suitable plank or other adequate sole plate in such a manner as to prevent slipping; or

(c) in any other sufficient way.

3. When two scaffolds meet at the corner of a building a pole standard shall be placed at the corner on the outside of the scaffolds.

4. (1) Ledgers shall be practically level and securely fastened to the uprights by bolts, dogs, ropes or other efficient means.

(2) The ends of two consecutive ledgers at the same level shall be securely joined together at an upright except when special devices are used which ensure equivalent strength.

5. (1) Putlogs shall be straight and securely fastened to the ledgers.

(2) If ledgers are not used the putlogs shall be fastened to the uprights and supported by securely fastened cleats.

(3) Putlogs which have one end supported by a wall shall have at that end a plane supporting surface at least 10 cm. deep.

(4) The dimensions of the putlogs shall be appropriate to the load to be borne by them.

(5) The distance between two consecutive putlogs on which a platform rests shall be fixed with due regard to the anticipated load and the nature of the platform flooring.

(6) As a general rule the said distance shall not exceed 1 m. with planks less than 40 mm. thick, 1.50 m. with planks less than 50 mm. thick, and 2 m. with planks at least 50 mm. thick.

(7) The requirements of paragraph 5 (6) of this Regulation shall not apply in the case of platforms used for carrying light building materials only, but in the case of such platforms the distance between the putlogs shall not exceed 2 m.

6. No plank used for a platform, shall be less than 30 mm. thick.

Regulation 7.—Ladder Scaffolds.

1. Ladder scaffolds shall be used only for light work requiring little material (renovation, painting and the like).

2. The ladders serving as the uprights of ladder scaffolds—

(a) shall be of adequate strength; and

(b) shall either—

(i) be let into the ground to the necessary depth according to the nature of the soil; or

(ii) be placed on sole plates or boards so that the two uprights of each ladder rest evenly on the base, and be suitably fastened at the feet to prevent them from slipping.

3. If a ladder is used to extend another, the two shall overlap at least 1.50 m. and shall be securely fastened together.

Regulation 8.—Stability of Pole, Gabbard and Ladder Scaffolds.

1. Every scaffold shall be sufficiently and properly braced.

2. Every scaffold shall, unless it is an independent scaffold, be rigidly connected with the building at suitable vertical and horizontal distances.

3. If the scaffold is an independent scaffold, at least one-third of the putlogs shall remain in position until the scaffold is finally dismantled and remain securely fastened to the ledgers or the uprights as the case may be.

4. All structures and appliances used as supports for working platforms shall be of sound construction, have a firm footing, and be suitably strutted and braced to make them stable.

5. Loose bricks, drain pipes, chimney pots or other unsuitable material shall not be used for the construction or support of scaffolds.

Regulation 9.—Cantilever or Jib Scaffolds.

1. Cantilever or jib scaffolds shall—

(a) be securely fixed and anchored from the inside;

(b) have outriggers of adequate length and cross-section to ensure their solidity and stability; and

(c) be properly braced and supported.

2. Only solid parts of the building shall be used as supports for scaffold parts.

3. If working platforms rest on bearers let into the wall the bearers shall be efficiently braced, shall go right through the wall and shall be securely fastened on the far side.

Regulation 10.—Bracket Scaffolds.

No figure or bracket scaffold supported or held by dogs or spikes driven into the wall shall be used unless the brackets are of suitable strength, are made of suitable metal, and are securely anchored in the wall.

Regulation 11.—Heavy Suspended Scaffolds with Movable Platforms.

1. Heavy suspended scaffolds, shall comply with the provisions of this Regulation.
2. Outriggers shall be—
 - (a) of adequate strength and cross-section to ensure the solidity and stability of the scaffold;
 - (b) installed at right angles to the building face; and
 - (c) carefully spaced to suit the putlogs or deck irons.
3. The overhang of the outriggers from the building shall be such that the platform is fixed to hang not more than 10 cm. from the building face.
4. (1) The outriggers shall be securely anchored to the building by bolts or other equivalent means.
- (2) Anchor belts shall be properly tightened and shall securely tie down the outrigger to the framework of the building.
5. No counterweight shall be used as a means of securing the outriggers of such scaffolds.
6. Stop bolts shall be placed at the end of each outrigger.
7. The shackle serving to fasten the cables to the outriggers shall be placed vertically above the drum centres of the winches on the movable platforms. The eye of the cable shall be placed in the centre of the bent shackle bolt.
8. Suitable putlogs or deck irons shall be used to support the platform and shall be suitably fastened so as to prevent displacement. Deck irons shall be adequately jointed by fish plates.
9. The cables or wire ropes used for suspension shall—
 - (a) have at all times a factor of safety of at least ten, based on the maximum load that the ropes may have to support, and
 - (b) be of such length that at the lowest position of the platform there are at least two turns of rope and each drum.
10. The scaffolding machines shall be so constructed and installed that their moving parts are readily accessible for inspection.

Regulation 12.—Light Suspended Scaffolds with Movable Platforms.

1. Light suspended scaffolds shall comply with the provisions of this Regulation.
2. The outriggers shall be of adequate length and cross-section and shall be properly installed and supported.
3. (1) The inside ends of the outriggers shall be firmly secured.
- (2) When the outriggers are anchored by bags of ballast or other loose counterweights the bags or counterweights shall be securely lashed to the outriggers.
- (3) The suspension ropes shall have a factor of safety of at least ten.
4. The maximum length of the platform shall be 8 m.
5. The platform shall hang on at least three ropes which shall be not more than 3 m. apart. No intermediate rope shall at any time be tauter than either of the end ropes.
6. The pulley blocks shall be fastened to the platforms by stout iron bands which shall be properly secured, shall be continued round the sides and bottom of the platform and shall have eyes in the iron to receive the ropes.
7. Suspended scaffolds on which the workers sit to work shall be provided with devices to keep the platform at a distance of at least 30 cm. from the wall and to prevent the workers from knocking their knees against the wall if the scaffold swings.

Regulation 13.—Other Suspended Scaffolds.

1. A skip, large basket, boarswain's chair or similar equipment shall only be used as suspended scaffold in exceptional circumstances for work of short duration and under the supervision of a responsible person.

2. When such equipment is used as a suspended scaffold—

- (a) it shall be supported by ropes having a safety factor of at least ten based on the total load including the dead weight; and
- (b) the necessary precautions shall be taken to prevent the workers from falling out.

3. When a skip or large basket is used as a suspended scaffold:

- (a) it shall be at least 75 cm. deep; and
- (b) it shall be carried by two strong iron bands which shall be properly fastened, shall be continued round the sides and bottom, and shall have eyes in the iron to receive the ropes.

Regulation 14.—Transport and Storage of Materials on Scaffolds: Distribution of the Load.

1. In transferring heavy loads on or to a scaffold no sudden shock shall be transmitted to the scaffold.
2. The load on the scaffold shall be evenly distributed as far as is practicable and in any case shall be so distributed as to avoid any dangerous disturbance of the equilibrium.
3. During the use of a scaffold care shall constantly be taken that it is not overloaded and that materials are not unnecessarily kept upon it.

Regulation 15.—Installation of Lifting Gear on Scaffolds.

1. When lifting gear is to be used on a scaffold—

- (a) the parts of the scaffold shall be carefully inspected, and, if need be, adequately strengthened;
- (b) any movement of the put logs shall be prevented; and
- (c) if possible the upright shall be rigidly connected to a solid part of the building at the place where the lifting gear is erected.

2. When the platform of the lifting gear does not move in guides or when the load is liable to come into contact with the scaffold during hoisting or lowering a vertical hoarding shall be erected to the full height of the scaffold to prevent loads from being caught in it.

Regulation 16.—Periodic Inspection of Scaffolds.

Scaffolds shall be inspected by a competent person—

- (a) at least once a week; and
- (b) after every spell of bad weather and every material interruption in the work.

Regulation 17.—Examination of Scaffolds before Use, especially Scaffolds constructed by other Contractors.

Every scaffold, whether or not it has been erected by the employer whose workmen are about to use it—

- (a) shall before use be examined by a competent person to ensure more particularly—
 - (i) that it is in a stable condition;
 - (ii) that the materials use in its construction are sound;
 - (iii) that it is adequate for the purpose for which it is to be used; and
 - (iv) that the required safeguards are in position; and
- (b) shall during use be maintained in good condition.

Regulation 18.—Working Platforms.

1. Every working platform which is more than 2 m. above the ground or floor shall be closely boarded or planked.

2. (1) The width of the platform shall be adequate having regard to the nature of the work, and shall be such that at every part there is not less than 60 cm. clear passage free from fixed obstacles and deposited material.

(2) In no case shall the width of the platforms be less than :

- (a) 60 cm. if the platform is used as a footing only and not for the deposit of any material ;
- (b) 80 cm. if the platform is used for the deposit of material ;
- (c) 110 cm. if the platform is used for the support of any higher platform ;
- (d) 130 cm. if the platform is one upon which stone is dressed or roughly shaped ;
- (e) 150 cm. if the platform is used for the support of any higher platform and is one upon which stone is dressed or roughly shaped.

3. The maximum width of a platform supported on putlogs shall as a rule not exceed 160 cm.

4. Every working platform shall, if part of a pole or gabbard scaffold, be at least 1 m. below the top of standards.

5. Boards or planks which form part of a working platform or which are used as toe-boards shall—

- (a) be of a thickness which is such as to afford adequate security having regard to the distance between the putlogs but is in no case less than 30 mm.; and
- (b) be of a width not less than 15 cm.

6. No board or plank which forms part of a working platform shall project beyond its end support to a distance exceeding four times the thickness of the board or plank.

7. Boards or planks shall not overlap one another unless precautions such as the provision of bevelled pieces are taken to reduce the risk of tripping to a minimum and to facilitate the movement of barrows.

8. Every board or plank which forms part of a working platform shall rest on at least three supports, unless the distances between the putlogs and the thickness of the board or plank are such as to exclude all risk of tipping or undue sagging.

9. Platforms shall be so constructed that the boards or planks cannot be displaced in consequence of normal use.

10. Whenever possible a platform shall extend at least 60 cm. beyond the end of the wall of the building.

11. Every part of a working platform or working place from which a person is liable to fall a distance exceeding 2 m. shall be provided—

- (a) with a suitable guard-rail or guard-rails having a cross-section of at least 30 cm., fixed at least 1 m. above the platform or above any raised standing place on the platform and so that the vertical opening below any guard-rail does not exceed 85 cm.
- (b) with toe-boards which are of sufficient height to prevent the fall of materials and tools from the platform and in no case less than 15 cm. high and are as close as possible to the platform.

12. Guards, rails, toe-boards and other safeguards used on a scaffold platform shall be maintained in position, except that they may be removed for the time and to the extent required to allow the access of persons or the transport or shifting of materials.

13. The guard-rail and toe-boards used on a scaffold platform shall be placed on the inside of the uprights.

14. The platforms of suspended scaffolds shall be provided with guard-rails and toe-boards on all sides, subject to the reservations that—

- (a) on the side facing the wall the guard-rail need not be at a height of more than 70 cm. if the work does not allow of a greater height ;
- (b) the guard-rail and toe-boards shall not be compulsory on the side facing the wall if the workers sit on the platform to work, but in such case the platform shall be provided with cables, ropes or chains affording the workers a firm handhold and capable of holding any worker who may slip.

15. The space between the wall and the platform shall be as small as practically possible except where workmen sit on the platform during their work, in which case it shall not exceed 45 cm.

Regulation 19.—Gangways, Runs and Stairs.

1. Every gangway or run any part of which is more than 2 m. above the ground or floor shall be—

- (a) closely boarded or planked ; and
- (b) at least 50 cm. wide.

2. The maximum slope of any gangway or run shall be 60 cm. per metre.

3. Where the gangway or run is used for the passage of materials there shall be maintained a clear passageway which—

- (a) is adequate in width for transport of materials without the removal of the guard-rails and toe-boards ; and
- (b) is in any case of a width not less than 60 cm.

4. All planks forming a gangway or run shall be so fixed and supported as to prevent undue or unequal sagging.

5. When the slope renders additional foothold necessary, and in every case where the slope is more than 25 cm. per metre, there shall be proper stepping laths which shall—

- (a) be placed at suitable intervals ; and
- (b) be the full width of the gangway, except that they may be interrupted over a breadth of 10 cm. to facilitate the movement of barrows.

6. Stairs shall be provided with guard-rails throughout their length.

7. Gangways, runs and stairs from which a person is liable to fall a distance exceeding 2 m. shall be provided—

- (a) with a suitable guard-rail or guard-rails having a cross section of at least 30 cm. fixed at least 1 m. above the gangway, run or stair and so that the vertical opening below any guard-rail does not exceed 85 cm. ; and
- (b) with toe-boards which are of sufficient height to prevent the fall of material and tools from the gangway, run or stair and in no case less than 15 cm. high, and are as close as possible to the gangway, run or stair.

Regulation 20.—General Provisions concerning Platforms, Gangways, Runs and Stairs.

1. Every platform, gangway, run or stairway shall be kept free from any unnecessary obstruction, rubbish, etc.

2. Suitable precautions shall be taken to prevent any platform, gangway, run or stairway from becoming slippery.

3. No part of a working platform, gangway or run shall be supported by loose bricks, drain pipes, chimney pots or other loose or unsuitable material.

4. No working platform, gangway, or run shall be supported by an eaves gutter, a balcony or its coping, a lightning-conductor or other unsuitable parts of a building.

5. No working platform, gangway or run shall be used for working upon until its construction is completed according to these Regulations and the prescribed safeguards properly fixed.

Regulation 21.—Trestle Scaffolds.

1. There shall not be used any trestle scaffold which—

- (a) is of more than two tiers ; or
- (b) exceeds a height of 3 m. from the ground or floor ;
- (c) is erected on a suspended scaffold.

2. The width of a trestle scaffold erected on a platform shall be such as to leave sufficient unobstructed space on the platform for the transport of materials or the passage of persons.

3. Trestles shall be firmly fixed so as to prevent displacement.

Regulation 22.—Ladders.

1. Every ladder used as a means of communication shall rise at least 1 m. above the highest point to be reached by any person using the ladder, or one of the uprights shall be continued to that height to serve as a hand-rail at the top.

2. Ladders shall not stand on loose bricks or other loose packing but shall have a level and firm footing.
3. Every ladder—
 - (a) shall be securely fixed so that it cannot move from its top or bottom points or rest; or
 - (b) if it cannot be secured at the top, shall be securely fastened at the base; or
 - (c) if fastened at the base is also impossible, shall have a man stationed at the foot to prevent slipping.
4. The undue sagging of ladders shall be prevented.
5. Ladders shall be equally and properly supported on each upright.
6. Where ladders connect different floors—
 - (a) the ladders shall be staggered; and
 - (b) a protective landing with the smallest possible opening shall be provided at each floor.
7. A ladder having a missing or defective rung shall not be used.
8. No ladder having any rung which depends for its support on nails, spikes or other similar fixing shall be used.
9. Wooden ladders shall be constructed with—
 - (a) uprights of adequate strength made of wood free from visible defects and having the grain of the wood running lengthwise; and
 - (b) rungs made of wood free from visible defects and mortised into the uprights, to the exclusion of any rungs fixed only by nails.
10. Roofers' and painters' ladders shall not be used by workmen in other trades.

Regulation 23.—Fencing of Openings.

1. Every opening left in a floor of a building or in working platform for an elevator shaft or stairway, or for the hoisting of material, or for access by workmen or for any other purpose shall be provided—
 - (a) with a suitable guard-rail or guard-rails having a cross-section of at least 30 cm.² fixed at least 1 m. above the floor or platform, and so that the vertical opening below any guard-rail does not exceed 85 cm.;
 - (b) with toe-boards which are of sufficient height to prevent the fall of materials and tools from the floor or platform and in no case less than 15 cm. high and are as close as possible to the floor or platform.
2. Every opening in a wall which is less than 1 m. from the floor or platform shall be provided—
 - (a) with a suitable guard-rail or guard-rails, having a cross-section of at least 30 cm.² and fixed at least 1 m. above the floor or platform; and so that the vertical opening below any guard-rail does not exceed 85 cm.; and
 - (b) when necessary, with toe-boards which are of sufficient height to prevent the fall of material and tools and in no case less than 15 cm. high and are as close as possible to the lower side of the opening.
3. The fencing of openings shall, except in so far as its removal is permitted by the following paragraph, remain in position until it becomes necessary to remove it in order to complete the permanent enclosure.
4. The fencing of openings shall not be removed except for the time and to the extent required to allow the access of persons or the transport or shifting of materials and shall be replaced immediately after.
5. When work is done on or over open joisting, the joisting shall be securely boarded over or other effective measures shall be taken to prevent falls of persons.

Regulation 24.—Roof Work.

1. No person shall be employed on any roof on which, by reason of the pitch, the nature of the surface, or state of the weather, there is a risk of falling, unless suitable precautions are taken to prevent the fall of persons or materials.
2. On glass roofs, or roofs covered with fragile materials, special precautions shall be taken to prevent the workers from inadvertently stepping on them and to facilitate the safe carrying out of repairs.

3. (i) Only experienced workmen who are physically and psychologically suitable shall be employed on extensive work on the outside of any roof which has a pitch of over 34° (2 : 3) or is slippery.
- (2) When persons are so employed—
 - (a) whenever possible the following facilities shall be provided :
 - (i) suitable guard-rails;
 - (ii) a suitable working platform, securely, supported and of a width of not less than 40 cm.; and
 - (iii) suitable, sufficient and properly secured ladders, duck ladders or crawling boards;
 - (b) whenever it is impossible to provide the facilities specified in sub-paragraph a)—
 - (i) safety belts with ropes enabling the wearers to lash themselves to a solid structure shall be supplied to the workers and used by them; and
 - (ii) if the safety rope cannot be fixed to a solid structure a second person shall be provided to hold the rope in a secure manner.

Regulation 25.—Miscellaneous Provisions.

1. Any part of the premises where any person at work or passing is liable to be struck by materials, tools or other articles falling more than 3.5 m. shall be covered in such a manner as to protect such persons, unless other effective steps are taken to prevent falls of objects from such height.
2. Scaffold materials, tools, or other objects shall not be thrown down, but be properly lowered.
3. Safe means of access shall be provided to all working platforms and other working places.
4. Every working-place and other place to which access is required for any person and every means of approach thereto shall be efficiently lighted.
5. When necessary, special lighting shall be provided at all parts of scaffolds and structures where materials are hoisted.
6. During all construction, repair, alteration, maintenance or demolition of buildings, all necessary precautions shall be taken to prevent the workers from coming into contact with electric wires or equipment, including low-tension wires and equipment.
7. Protruding nails shall be knocked in or removed from all materials used in the construction of scaffolding or falsework.
8. No materials on the site shall be so stacked or placed as to cause danger to any person.

PART II : HOISTING APPLIANCES.

Regulation 26.—General Provisions.

1. Every part of the structure, working gear and anchoring and fixing appliances of every crane, crab and winch and of all other hoisting machines and tackle shall—
 - (a) be of good mechanical construction, sound material and adequate strength and substance and free from defect;
 - (b) be kept in good repair and in good working order; and
 - (c) as far as the construction permits be examined in position at least once in every week by the driver or other competent person.
2. Adequate steps shall be taken to ascertain the safe working load of every hoisting appliance.
3. The maximum safe working load shall be plainly marked—
 - (a) upon every crab, winch and pulley block used in the hoisting or lowering of any load;
 - (b) upon every derrick pole or mast used in the hoisting or lowering of any load weighing 1,000 kg. or more; and
 - (c) upon every crane.
4. In the case of a crane fitted with a derricking jib, the safe working load at various radii of the jib shall be plainly marked upon it.

5. A crane, crab, winch or any other hoisting appliance, or any part of such appliance, shall not, except as permitted by the following paragraph, be loaded beyond the safe working load.

6. For the purpose of making tests of a crane or other hoisting appliance or gear the safe working load may be exceeded by such amount as the competent person appointed to carry out the tests may authorise.

7. During hoisting operations effective precautions shall be taken to prevent any person from standing or passing under the load.

8. No load shall be left suspended from a hoisting appliance unless there is a competent person actually in charge while the load is so suspended.

9. Every crane driver or hoisting appliance operator shall be properly qualified.

10. No person under 18 years of age shall be in control of any hoisting machine, including any scaffold winch, or give signals to the operator.

11. Under normal working conditions one person only shall be appointed as being responsible for the giving of all signals to the crane driver.

12. When any hoisting or lowering is performed by means of a crane and the crane driver or person operating the crane is unable to see the load in all its positions one or more look-out or signal men shall be stationed so as to see the load throughout its travel and give the necessary signals to the crane driver or person operating the crane.

13. (1) For each operation to be performed there shall be a distinctive signal of such a character that the person to whom it is given shall be able to hear or see it easily.

(2) Where a sound, colour or light signal is used, it shall be made by an efficient device.

(3) Every signal wire shall be adequately protected from accidental interference.

14. Motors, gearing, transmissions, electric wiring and other dangerous parts of hoisting appliances shall be provided with efficient safeguards which shall not be removed while the machine or apparatus is in use. If the safeguards have to be removed they shall be replaced as soon as possible by the persons removing them and in any case before the machines and apparatus are again taken into normal service.

15. The driver of every crane or similar hoisting appliance shall be provided with a safe and covered stand, cab or cabin.

16. (1) Where reasonably practicable the driver's cab on every crane or other hoisting machine shall before the crane or other hoisting machine is put into general use, be completely erected or adequate provision made for the protection of the driver from the weather.

(2) During cold weather the cabin of every power-driven crane or other hoisting appliance in use shall be adequately heated by suitable means.

Regulation 27.—Winches, Crabs and Pulleys.

1. Every part of the framework or every crab or winch, including the bearers shall be of metal.

2. When wire ropes are used, the diameter of the pulleys or drums shall not be less than 400 times the diameter of the wires in the rope excluding the core of the rope.

3. When winch drums are grooved—

(a) the radius of the grooves shall be approximately the same as, but not less than, the radius of the rope; and

(b) the pitch of the grooves shall not be less than the diameter of the rope.

4. Winch drums shall be provided with flanges that prevent the rope from slipping off the drum.

5. Every crane, crab and winch shall be provided with an efficient brake or brakes and with any other safety device required to prevent the fall of the load when suspended.

6. On every crab or winch the control lever shall be provided with a suitable locking device.

7. On steam-driven lifting engines the lever controlling the link motion reversing gear shall be provided with a suitable spring-lock arrangement.

Regulation 28.—Suspension and Attachment.

1. All cables or ropes used on hoisting appliances for raising or lowering materials shall be long enough to leave at least two turns on the drum at every operating position of the appliance.

2. No rope shall be used over a grooved drum or pulley if its diameter exceeds the pitch of the drum grooves or the width of the pulley groove.

3. Wire ropes shall be such as to have a factor of safety of at least six under the maximum load. In calculating the dimensions of wire ropes the ropes shall be assumed to be under tensile stress only.

4. No chain or wire rope which has a knot tied in it shall be used for raising or lowering any load.

5. Every hoisting or derricking rope or chain shall be securely fastened to the barrel of the crane, crab or winch with which it is used.

6. Each temporary attachment or connection of a rope, chain or other appliance used in the erection or dismantling of a crane shall be adequate and secure.

7. Every rope used in hoisting or lowering or as a means of suspension shall be of suitable quality and adequate strength and in good condition.

8. Every chain, ring, hook, shackle, swivel and pulley block used for hoisting or lowering or as a means of suspension shall have been tested and be marked in plain figures and letters with the safe working load and an identification mark.

9. No gear used for attachment or as a means of suspension shall be loaded beyond its safe working load, except for the purpose of making tests.

10. Every chain, ring, hook, shackle and swivel used in hoisting or lowering or as a means of suspension which has been lengthened, altered or repaired by welding shall be adequately tested and examined before being again taken into use.

11. Every hook used for hoisting or lowering shall either —

(a) be provided with an efficient catch to prevent the displacement of the sling or load from the hook; or

(b) be of such shape as to reduce as far as possible the risk of such displacement.

12. The parts of hooks liable to come into contact with ropes or chains during the raising or lowering of loads shall be rounded.

13. Where double or multiple slings are used for hoisting or lowering purposes the upper ends of the slings shall be connected by means of a shackle or ring and not be put separately into a lifting hook; this requirement shall not apply when the total load lifted is less than one-half of the safe working load of the hook.

14. When bulky objects are being raised or lowered the maximum safe load of slings shall be determined with reference, not only to their strength, but also to the angle of the legs.

15. Sharp edges of a load shall not be in contact with slings, ropes or chains.

16. All chains, ropes, slings and other gear used for hoisting or lowering or as a means of suspensions shall be periodically examined by a competent persons and this person's findings shall be entered on a certificate or in a special register.

Regulation 29.—Cranes.

1. The stage for every crane shall be built of sound material and be of good mechanical construction having regard to its height and position and to the lifting and reaching capacity of the crane.

2. The platform of every crane shall—

(a) be close-planked or plated;

(b) be securely fenced according to these Regulations;

(c) be provided with safe means of access; and

(d) be of sufficient area—

(i) in all cases, for the driver or operator and signaller; and

(ii) in the case of a gully derrick crane, also for the operator of the slewing mechanism.

3. (1) Every fixed crane shall either be securely anchored or be adequately weighted by suitable ballast firmly secured to ensure stability.

(2) when a crane is weighted by ballast a diagram showing the position and size of the counterweights shall be posted up in the driver's cab.

(3) Every travelling crane shall be provided with a device for anchoring it to the rails or the crane track.

4. On every stage, gantry or other place on which a crane moves there shall in so far as practicable be maintained at every position of the crane an unobstructed passageway of a width of at least 60 cm. between the moving parts of the crane and the fixed parts or edge of such stage, gantry or place.

5. If at any time it is impracticable to maintain a passageway of a width of at least 60 cm. at any place or point all reasonable steps shall be taken to prevent the access of any person to such place or point at such time.

6. All rails on which a travelling crane moves shall be of adequate section and have an even running surface.

7. The following requirements shall apply to every track of a travelling crane, whether resting on the ground or raised above the ground—

- (a) the whole track shall be properly laid;
- (b) all the supports shall be of sufficient strength and be maintained in good condition; and
- (c) the ends of the track shall be provided with shoes or buffers.

8. All rails on which a travelling crane moves shall, unless other adequate steps are taken to ensure the proper junction of, and to prevent any material alteration in the gauge of, the rails—

- (a) be jointed by fish-plates or double chairs; and
- (b) be securely fastened to sleepers.

9. The track and turntable of every travelling crane shall be installed with the greatest care and in conformity with sound technical principles.

Regulation 30.—Examination of Cranes—Certificates.

1. No crane shall be used unless it has been tested and examined by a competent person acting for the inspection authority and there has been obtained from the person who made the test and examination a certificate thereof specifying the safe working load at various radii of the jib, including the maximum radius at which the jib can be worked.

2. The examinations and tests required by this Regulation shall be repeated—

- (a) at such regular intervals as are prescribed by the competent authority; and
- (b) after all substantial alterations or repairs to the crane.

3. The safe working load at any radius specified in the most recent certificate—

- (a) shall not be more than 80 per cent. of the maximum load which the crane has stood at that radius during the application of the test; and
- (b) shall not be greater than the working load indicated by the maker.

Regulation 31.—Derrick Cranes.

1. The maximum radius at which the jib may be worked shall be clearly indicated on every derrick crane.

2. When the jib is at the maximum radius there shall not be less than two dead turns of rope on the derricking drum.

3. The jib of a Scotch derrick crane shall not be erected between the back stays of the crane.

4. Every crane having a derricking jib shall be provided with an effective interlocking arrangement between the derricking clutch, and the pawl sustaining the derricking drum, except there—

- (a) the hoisting drum and the derricking drum are independently driven; or
- (b) the mechanism driving the derricking drum is self-locking.

5. Where the guys of a guy derrick crane cannot be fixed at approximately equal spacing, such other measures shall be taken as will ensure the safety of the crane.

The whole of the appliances for the anchorage of a crane shall be examined on each occasion before the crane is erected.

7. The erection of cranes shall be supervised by a competent person.

8. Each crane shall after each erection on a building site and before use be tested *in situ* for anchorage by a competent person.

9. Cranes shall be tested for anchorage by the imposition on each anchorage of the maximum uplift or pull exerted either—

- (a) by a load of 25 per cent. above the maximum load to be lifted by the crane as erected; or
- (b) by a less load arranged to exert an equivalent pull on the anchorage.

10. If the pull applied by the test to any anchorage is less than 25 per cent. in excess of the pull which would be exerted by the maximum safe working load, a loading diagram appropriate to the crane anchorage shall be affixed in a position where it can readily be seen by the crane driver.

Regulation 32.—Automatic Safe Load Indicators.

1. No jib crane whether having a fixed jib or a derricking jib shall be used unless it is fitted with an automatic indicator which—

- (a) indicates clearly to the driver or person operating the crane when the load being moved approaches the safe working load of the crane at any inclination of the jib; and
- (b) gives an efficient sound signal when the load being moved is in excess of the safe working load of the crane at any inclination of the jib.

2. The preceding paragraph does not apply to—

- (a) any guy derrick crane;
- (b) any hand crane which is being used solely for erecting or dismantling another crane; or
- (c) any crane having a maximum safe working load of 1,000 kg. or less, but in all such cases a table showing the safe working loads at various radii of the jib shall be kept attached to the crane.

Regulation 33.—Various rules concerning Crane Operation.

1. (1) A crane shall not be used otherwise than for direct lifting or lowering of a load unless its stability is not thereby endangered.

(2) No load which lies in the angle between the back stays of a Scotch derrick crane shall be moved by that crane.

2. Where more than one crane or winch is required to lift or lower one load—

- (a) the machinery, plant and appliances used shall be so arranged and fixed that no such crane or winch shall at any time be loaded beyond its safe working load or be rendered unstable in the hoisting or lowering of the load; and
- (b) a person shall be specially appointed to co-ordinate the operation of the appliances working together.

3. When a load is thought to approach the maximum safe working load a trial shall be made by raising the load a short distance to ensure that the hoisting appliance can carry it safely.

Regulation 34.—Hoists.

1. Hoists (i.e., lifting appliances provided with a cage or platform that runs in guides used for raising and lowering materials) shall satisfy the requirements of this Regulation.

2. (1) Hoist shafts shall be provided with solid walls or other equally effective fencing—

- (a) at the ground level on all sides; and
- (b) at all other levels on all sides to which access is provided.

(2) The walls of hoist shafts, except at approaches, shall extend at least 2 m. above the floor, platform or other place to which access is provided.

3. Approaches to hoists shall be provided with solid gates or other equally effective fencing which—

- (a) are at least 1 m. high; and
- (b) close automatically when the hoist platform leaves the landing.

4. Approaches to hoists shall be adequately lighted.

5. The guides of hoist platforms shall offer sufficient resistance to bending and in the case of jamming by a safety catch, to buckling.
6. The platform shall be so constructed that safe transport is ensured.
7. On platforms for truck transport the trucks shall be efficiently blocked in safe position on the platform.
8. Counterweights consisting of an assemblage of several parts shall be made of specially constructed parts rigidly connected together.
9. The counterweight shall run in guides.
10. If two or more wire ropes are used the load shall be equally distributed between them.
11. Each suspension rope shall be in one piece.
12. The rope ends shall be fastened to the platform attachment by splicing and tight binding with steel wire, by sealing or by clamping with the aid of rope clamps; wherever possible, thimbles shall be used.
13. Drum anchorages of suspension ropes shall be adequate and secure.
14. Ropes shall be long enough to leave at least two turns on the drum when the cage or platform is at its lowest position, and be of such diameter as to have a safety factor of at least eight under the maximum load.
15. When wire ropes are used, the diameter of the pulleys or drums shall not be less than 400 times the diameter of the wires in the rope.
16. When winch drums are grooved—
 - (a) the radius of the grooves shall be approximately the same as, but not less than, the radius of the rope; and
 - (b) the pitch of the grooves shall not be less than the diameter of the rope.
17. Winch drums shall be provided with flanges that prevent the rope from slipping off the drum.
18. It shall not be possible to reverse the motion of the hoist without first bringing it to rest.
19. It shall not be possible to set the hoist in motion from the platform.
20. Pawls and ratchet wheels with which the pawl must be disengaged before the platform is lowered shall not be used.
21. Where the person operating the hoist cannot see clearly every position of the platform, arrangements shall be made for effective signals to be given to the hoist operator by a responsible person who can see the platform at each position.
22. (1) When the platform is at rest the brake shall be applied automatically.
- (2) During loading and unloading the platform shall be blocked by catches or other devices in addition to the brake.
23. Hoists shall be provided with devices that stop the winding engine as soon as the platform reaches its highest stopping place.
24. Above the highest stopping place a clearance shall be provided high enough to allow sufficient unobstructed travel of the cage or platform in case of overwinding.
25. (1) No hoist shall be used unless it has been tested and examined by a competent person and a certificate of such test and examination has been issued by that person in the prescribed form.
- (2) Such test and examination shall be repeated—
 - (a) at such regular intervals as are prescribed by the competent authority; and
 - (b) after every substantial alteration or repair and every re-erection.
26. (1) The above provisions apply only to hoists used for raising or lowering materials.
- (2) No hoist shall be used for the conveyance of persons unless—
 - (a) such use has been authorised by the competent authority; or
 - (b) the hoist complies with the conditions laid down for the installation and operation of lifts used for the conveyance of persons in industrial undertakings.

27. The following notices shall be posted up conspicuously and in very legible characters;

- (a) on all hoists:
 - (i) on the platform: the carrying capacity in kilograms or other appropriate standard term of weight; and
 - (ii) on the winding engine: the lifting capacity in kilograms or other appropriate standard term of weight;
- (b) on hoists authorised or certified for the conveyance of persons:

on the platform or cage: the maximum number of persons to be carried at one time;
- (c) on hoists for goods only:

on every approach to the hoist: "Goods Hoist! Use by persons prohibited."

Regulation 35.—Miscellaneous Provisions.

1. Precautions shall be taken to safeguard the workmen examining or lubricating a crane or hoist.
2. No person shall be lifted or carried by a crane except on the driver's platform or ride in a barrow hoist or in a hod hoist.
3. Every part of a load in course of being hoisted or lowered shall be adequately suspended and supported so as to prevent danger.
4. (1) Every receptacle used for hoisting bricks, tiles, slates or other material shall be so closed as to prevent the fall of any of the material.
- (2) If loose materials or loaded wheelbarrows are placed directly on a platform for raising or lowering, the platform shall be closed in.
- (3) Materials shall not be raised, lowered or slewed in such a way as to cause sudden jerks.
5. In hoisting a barrow, the wheel shall not be used as a means of support unless efficient steps are taken to prevent the axle from slipping out of the bearings.
6. When a special ginpole is used, it shall be secured by ropes in such a way that it cannot knock against the scaffolds.
7. Jibs for hoisting materials shall not be attached to standards or extension poles.
8. When no jib but only a rope pulley is used the latter may be attached to a cross beam if the cross-beam—
 - (a) has sufficient strength and is fixed to at least two standards or extensions in the way prescribed for ledgers; and
 - (b) does not at the same time serve as a ledger for the scaffold.
9. If a hoisting appliance or any part thereof moves along a scaffold, adequate measures shall be taken to prevent persons on the scaffold from being struck by the appliance or any part of it.
10. The hoisting of loads at points where there is a regular flow of traffic shall be carried out in an enclosed space, or if this should be impossible (e.g., in the case of bulky objects), measures shall be taken to hold up or divert the traffic for the time being.
11. Adequate steps shall be taken to prevent a load in course of being hoisted or lowered from coming into contact with any objects in such a manner that part of the load or object may become displaced.

PART III.—SAFETY EQUIPMENT AND FIRST AID.

Regulation 36.—Safety Equipment.

1. Where necessary the employer shall provide the workmen with a sufficient number of respirators, goggles and safety belts of approved types.
2. Safety belts shall have life lines of sufficient length and strength.

Regulation 37.—Rescue Equipment.

When work is carried on in proximity to any place where there is a risk of drowning, all necessary equipment shall be provided and kept ready for use, and all necessary steps taken for the prompt rescue of any person in danger.

Regulation 38.—First-Aid Equipment.

1. On every place where building work is carried on, adequate provision, such as first-aid boxes or cupboards readily accessible and clearly marked, shall be made for the prompt treatment of all injuries likely to be sustained in the course of the work.

2. Such first-aid boxes or cupboards shall be placed under the charge of a responsible person who shall preferably be trained in first-aid.

PART IV.—MISCELLANEOUS.

Regulation 39.—Communication of Regulations to Workers.

Copies of these Regulations or such extracts thereof as may be prescribed by the competent authority shall be handed to the workers or conspicuously posted up and maintained at suitable places.

Regulation 40.—Duty of Employers to comply with Parts I to III.

It shall be the duty of the employer to comply with Parts I to III of these Regulations.

Regulation 41.—Co-operation of Workers and Other Persons with the Employer.

1. Every person employed and every person in or upon the work shall co-operate with the employer in carrying out these Regulations.

2. Every person employed shall forthwith remedy or report to the employer or foreman any defect that he may discover in the plant or appliances, or any action by any person liable to cause an accident.

3. No person shall interfere with, displace, take away, damage or destroy any of the plant or safeguards required by the foregoing Regulations without the authority of the employer or his responsible foreman.

4. Every person employed shall make proper use of all safeguards, safety devices or other appliances furnished for his protection and shall obey all safety instructions pertaining to his work.

5. Every worker shall take the necessary precautions for his own safety and for the safety of any other person on the site and abstain from any action which might endanger him or other persons.

6. No employed person shall go to or from his workplace otherwise than by the safe means of access and egress provided.

9. Recommendation concerning inspection in the building industry.

Formal preamble has been omitted.

Whereas the Safety Provisions (Building) Convention, 1937, and the Safety Provisions (Building) Recommendation, 1937, contain provisions relating to labour inspection;

Whereas the Conference adopted at its Fifth Session (1923) a Recommendation concerning labour inspection;

Whereas it is nevertheless desirable that as regards the building industry the attention of Members should be drawn to certain other provisions not included in the above-mentioned Convention and Recommendations;

The Conference recommends that each Member of the International Labour Organisation should take the following principles and rules into consideration as regards inspection in the building industry:

1. All work in connection with the construction, repair, alteration, maintenance and demolition of buildings of all kinds should be subject to inspection.

2. The authority responsible for inspection (hereinafter called the inspection authority) should be a public body and should have all powers necessary to ensure that the laws and regulations in force are strictly applied.

3. Inspectors should have previous technical training and have passed examinations covering all suitable technical and administrative matters which should ensure that they are competent to supervise effectively the enforcement of the safety regulations for the workers employed in the building industry.

4. In order to ensure effective collaboration between the inspection authority and the head of the undertaking, national laws or regulations should make the head of the undertaking responsible—

(a) for providing for constant and adequate supervision of the work so as to ensure compliance with the safety provisions in force;

(b) for taking all other practicable steps necessary to prevent accidents, and in particular for not employing on work likely to involve risk of accidents any person whom he knows to be deaf, of defective vision, or liable to giddiness;

(c) for informing the inspection authority, in conformity with the national laws or regulations, of the commencement of all building operations undertaken by him; and

(d) for reporting to the competent authority, in accordance with the national laws or regulations, accidents occurring in the undertaking.

10. Recommendation concerning co-operation in accident prevention in the building industry.

Formal Preamble has been omitted.

Whereas it is considered that in addition to the Safety Provisions (Building) Convention, 1937, the Safety Provisions (Building) Recommendation, 1937, the Inspection (Building) Recommendation, 1937, and the Prevention of Industrial Accidents Recommendation, 1929, it is desirable to make specific recommendation concerning the prevention of accidents in the building industry by means of safety organisations;

The Conference recommends that each Member of the International Labour Organisation should take the following principles and rules into consideration in connection with accident prevention in the building industry:

1. There should be established safety organisations within the industry to secure the collaboration of all concerned in effecting a reduction in the number and severity of accidents with particular regard to accident risks for which there are no statutory requirements.

2. In order to render this collaboration effective there should be set up within each undertaking, where it is possible a special safety organisation including representatives of the employer and the persons employed.

3. It would also be desirable to have direct collaboration between the competent inspector, the employer and the representatives of the persons employed in the undertaking in the form and within the limits fixed by the inspection authority.

4. Safety propaganda in the building industry would be more effective if there were constant co-operation between the inspection authority and all the organisations concerned: safety organisations (joint or separate) of employers and workers; trade unions and employers' associations; associations of architects or engineers; standards association, etc; accident insurance institutions (public, semi-official or private).

5. (1) Periodical meetings should be held by representatives of the organisations mentioned in the preceding paragraph and representatives of the inspection authority together with representatives of any other public bodies concerned.

(2) The purpose of such meetings should be to examine jointly the methods that might be taken to improve accident prevention in the building industry.

6. The inspection authority should promote accident prevention by collaborating with all parties concerned in the necessary propaganda, which might take such forms as safety education by training courses, demonstrations, meetings, lectures and films; the distribution of manuals, pamphlets, magazines or publications reproducing or analysing accident statistics; and the distribution of posters and notices which should as far as possible be illustrated.

11. Recommendation concerning vocational education for the building industry.

The Conference,

Recalling that at its Twelfth Session (1929) it adopted a Recommendation concerning the prevention of industrial accidents, one part which deals with vocational education;

Considering that in view of the risk of accident, vocational education is of special importance in the case of the building industry;

Recommends that technical and vocational school curricula relating to the building industry should include theoretical and practical instruction concerning—

- (a) the materials used for the construction of scaffolds and the principles of erecting and maintaining scaffolds;
- (b) the construction and maintenance of the hoisting appliances used in the building industry;
- (c) the organisation and supervision of safety measures on building sites; and
- (d) the safety regulations for building work.

STATEMENT.

The following statement gives particulars of the course which the Government of India propose to follow in respect of the Draft Conventions and Recommendations adopted by the Twenty-third Session of the International Labour Conference held at Geneva in June 1937:—

I. (a) Recommendation concerning international co-operation in respect of public works.

I. (a) The Government of India propose to inform the International Labour Office that they are not convinced that international co-operation is essential to effective action in respect of advance planning of public works but that they will be prepared, if the Committee contemplated in the Recommendation is set up, to consider the question of co-operation with it and to examine, in consultation with provincial Governments, the possibility of supplying such statistics as may be wanted.

(b) Recommendation concerning the national planning of public works.

(b) The Recommendation is one which contemplates administrative rather than legislative action and the Government of India propose to forward the Recommendation to the Provincial Governments.

II. (a) Draft Convention fixing the minimum age for admission of children to industrial employment (revised 1937).

II. (a) The possibility of ratifying the Draft Convention is under examination. Fresh legislation would be required for this purpose and if ratification is contemplated, legislative proposals will be made in the Central Legislature.

(b) Recommendation concerning the minimum age for admission of children to employment in family undertakings.

(b) No action is required in respect of the Recommendation as the Indian laws do not contain special provisions for family undertakings.

III. Draft Convention concerning the age for admission of children to non-industrial employment (revised 1937).

III. No Resolution will be moved by Government. The subject was considered by the Council of State in 1932 in connection with the Minimum age (non-industrial employment) Convention, 1932, of which this is a revision. It was then decided that the Convention should not be ratified. The evolution of the Convention with its special Article 9 for India is set out in paragraphs 38 and 39 of the Report of the Delegates of the Government of India. The Convention prevents employment of children under 13 in (a) shops, offices, hotels or restaurants, (b) places of public entertainment, and (c) any other non-industrial occupation to which the provisions of the Convention may be extended by the competent authority. The Government of India do not believe that all-India legislation on the comprehensive lines indicated by the Convention is called for in existing Indian conditions. In their opinion young children employed in unregulated small power factories and workshops have prior claim to protection. The Convention will, however, be forwarded to Provincial Governments for consideration.

IV. Draft Convention concerning the reduction of hours of work in the textile industry.

IV. The Draft Convention is an application of the general principle of the 40 hours week which has been rejected by the Council of State and no Resolution will be moved by Government.

V. (a) Draft Convention concerning safety provisions in the building industry.

V. A Resolution on the subject was moved in the Council of State on the 2nd March, 1938 and adopted.

(b) Recommendation concerning safety provisions in the building industry.

(c) Recommendation concerning inspection in the building industry.

(d) Recommendation concerning co-operation in accident prevention in the building industry.

(e) Recommendation concerning vocational education for the building industry.

COMMERCIAL TREATIES AND NOTES AFFECTING INDIA.

THE HONOURABLE MR. H. DOW (Commerce Secretary): Sir, I beg to lay on the table a further list of Commercial Treaties and Notes affecting India. The Agreements mentioned in items Nos. 1 and 4 of Part II of the Statement are also laid on the table.

PART I.

Agreements under which the products and manufactures of India receive most-favoured-nation treatment on terms of reciprocity.

Countries which are parties to the Agreement.	Date of Agreement.	Nature of Agreement.	Description.	Remarks.
1. United Kingdom and Egypt.	13th and 14th February, 1937.	Exchange of Notes.	Commerce	These Notes provide for the prolongation until February 16, 1938 of the Provisional Commercial Agreement concluded between these Governments by the exchange of Notes dated the 5th and 7th June, 1930.
2. United Kingdom and Siam.	13th November, 1937.	Do.	Commerce and Navigation.	These notes provide for the prolongation, for a period of 4 months from 4th November, 1937, of the treatment accorded under the Anglo-Siamese Treaties of 1925 in respect of subjects, vessels, companies and goods.
3. United Kingdom and Siam.	23rd November, 1937.	Treaty	Do.	Article 25 (1) of this Treaty provides for the grant of most-favoured-nation treatment to Indian goods on terms of reciprocity.

PART II.

Agreements to which India is a party.

1. India and Japan	12th October, 1937.	Protocol and exchange of Notes.	Commercial relations.	The Protocol regulates the importation of Japanese cotton piece-goods into India until 31st March, 1940 and the Notes of Exchange provide for the prolongation of the Indo-Japanese Commercial Convention of 1934 until at least that date.
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The Convention can be made to continue beyond that date by both Parties simply refraining from giving six months' notice of termination.

Countries which are parties to the Agreement.	Date of Agreement.	Nature of Agreement.	Description.	Remarks.
2. United Kingdom and Muscat. Do.	11th February, 1937. 27th November, 1937.	Notes of Exchange.	Treaty of Friendship, Commerce and Navigation.	The Anglo-Muscat Treaty of 1891 which applies to India has been extended by Notes of Exchange up to 10th February 1939, unless another treaty is concluded and ratified in the meantime.
3. International Agreement. (Union of South Africa, Commonwealth of Australia, Belgium, Brazil, United Kingdom, China, Cuba, Czechoslovakia, Dominican Republic, France, Germany, Haiti, Hungary, India, Netherlands, Peru, Poland, Portugal, Union of Soviet Republics, U. S. A., Commonwealth of Philippines, and Yugoslavia).	6th May, 1937.	Agreement and protocol annexed thereto.	Regulation of Production and Marketing of Sugar.	The Agreement has been ratified by India and will remain in force for a period of five years.
4. India and the Union of South Africa.	8th March, 1938.	Exchange of Notes.	Commercial Relations.	The Notes provide for mutual most-favoured-nation treatment in respect of commodities not eligible for Preferential treatment in virtue of one or other of the Ottawa series of agreements. The agreement took effect from 29th March 1938, and will remain in force until superseded by a more comprehensive commercial agreement or till after three months' notice of termination by either side.

PART III.

Denunciation of Agreements.

NIL.

PROTOCOL REGARDING COMMERCIAL RELATIONS BETWEEN INDIA AND JAPAN, WITH
EXCHANGE OF NOTES.

London, October 12, 1937.

WHEREAS the Protocol regarding the importation of Japanese cotton piece-goods into India, signed in London on the 12th day of July, 1934, (1) ceased to be in force as from the 31st day of March, 1937; and

Whereas it is desired to conclude a new Protocol regarding this matter;

The undersigned, being duly authorised to that effect, have agreed as follows:—

ARTICLE 1.

For the purposes of the present Protocol—

- the expression "cotton year" means a year beginning on the 1st day of January;
- the expression "cotton piece-goods year" means a year beginning on the 1st day of April;
- a cotton piece-goods year and the cotton year in which that cotton piece-goods year begins are referred to as "corresponding"; and
- the expression "yard" means a linear yard.

ARTICLE 2.

The customs duties to be imposed on importation into India of cotton piece-goods manufactured in Japan shall not exceed the following rates:—

- (a) plain greys—50 per centum *ad valorem* or 5½ annas per pound whichever is higher;
- (b) others—50 per centum *ad valorem*.

If hereafter the Government of India should decide to impose a specific duty on cotton piece-goods other than plain greys, it will not impose on such piece-goods, being the manufacture of Japan, a specific duty exceeding 5½ annas per pound.

ARTICLE 3.

(1) If in any cotton year 1 million bales of raw cotton are exported from India to Japan, the quantity of cotton piece-goods which may be exported from Japan to India in the corresponding cotton piece-goods year shall be a basic allotment of 283 million yards.

(2) If the exports of raw cotton from India to Japan in any cotton year are less than 1 million bales, the allotment of cotton piece-goods for the corresponding cotton piece-goods year shall be the basic allotment diminished by 2 million yards for every 10,000 bales of the deficit or for any residual quantity thereof exceeding 5,000 bales.

(3) If the exports of raw cotton from India to Japan in any cotton year exceed 1 million bales, the allotment of cotton piece-goods for the corresponding cotton piece-goods year shall be the basic allotment increased by 1½ million yards for every 10,000 bales of the excess or for any residual quantity thereof exceeding 5,000 bales;

Provided that the allotment of cotton piece-goods shall not in any case exceed 358 million yards for any cotton piece-goods year.

(4) If the exports of raw cotton from India to Japan in any one cotton year exceed 1½ million bales, the excess shall be added to the quantity of raw cotton exported from India to Japan in the immediately following cotton year for the purpose of determining the allotment of cotton piece-goods for the cotton piece-goods year corresponding to such following cotton year.

(5) For the purpose of the calculations under the present Article any raw cotton which has been imported into Japan and then exported shall be excluded.

ARTICLE 4.

(1) The allotment of cotton piece-goods which may be exported from Japan to India during the first half of any cotton piece-goods year shall be 179 million yards;

(1) "Treaty Series No. 31 (1934)", Cmd. 4735.

Provided that if in the first half of any cotton piece-goods year the exports of cotton piece-goods from Japan to India exceed the allotment for the whole of that cotton piece-goods year, the allotment for the first half of the following cotton piece-goods year shall be 179 million yards less such excess.

(2) The allotment of cotton piece-goods which may be exported from Japan to India during the second half of any cotton piece-goods year shall be the annual allotment for that year less 179 million yards;

Provided that if the quantity exported from Japan to India in the first half of any cotton piece-goods year is less than 179 million yards as increased or diminished under Article 5, the allotment for the second half of that cotton piece-goods year shall include the quantity of the deficit up to a quantity not exceeding 25 million yards.

(3) For the purposes of the calculations under the present Article and under Articles 5, 7 and 8, any cotton piece-goods which have been imported into India and then exported elsewhere than to Burma shall be excluded.

ARTICLE 5.

Notwithstanding anything hereinbefore contained—

- (a) if less than the allotment for any cotton piece-goods year is exported from Japan to India in that year the quantity of the deficit up to a quantity not exceeding 25 million yards may be exported in the first half of the following cotton piece-goods year in addition to the allotment for that half-year;
- (b) a quantity not exceeding 25 million yards of cotton piece-goods may be exported from Japan to India in the first half of any cotton piece-goods year in addition to the allotment; but such excess shall be deducted from the allotment for the second half of that cotton piece-goods year; and
- (c) a quantity not exceeding 25 million yards of cotton piece-goods may be exported from Japan to India in any cotton piece-goods year, other than the cotton piece-goods year in which the present Protocol terminates, in addition to the allotment for that year; but such excess shall be deducted from the allotment for the first half of the following cotton piece-goods year.

ARTICLE 6.

For the purposes of the present Protocol the first cotton year shall be deemed to commence on the 1st day of January, 1937, and the first cotton piece-goods year on the 1st day of April, 1937.

ARTICLE 7.

(1) For the purposes of the present Protocol cotton piece-goods shall be divided into the five categories of—

- (a) plain greys.
- (b) bordered greys,
- (c) bleached (white) goods,
- (d) coloured printed goods, and
- (e) coloured (dyed or woven) goods;

and the allotment for any cotton piece-goods year shall be divided into sub-allotments among these five categories, consisting of portions of the allotment as follows:

	Per centum.
Plain greys	40
Bordered greys	13
Bleached (white) goods	10
Coloured printed goods	20
Coloured (dyed or woven) goods	17

and, save as provided in paragraph (2), the export of cotton piece-goods in each category in any cotton piece-goods year shall be restricted to the said portions.

(2) Transfers may be made from one sub-allotment to another, subject to the following conditions :

- (a) The allotment for any cotton piece-goods year shall not thereby be increased ;
 - (b) The amount transferred from the sub-allotment for bordered greys or from the sub-allotment for bleached (white) goods shall not exceed 20 per centum of the amount of such sub-allotment and the amount transferred from any other sub-allotment shall not exceed 10 per centum of the amount of such sub-allotment ; and
 - (c) The sub-allotment for bordered greys or the sub-allotment for bleached (white) goods shall not be increased by more than 20 per centum of the amount of such sub-allotment, and any other sub-allotment shall not be increased by more than 10 per centum of the amount of such sub-allotment.
- (3) The principles of the present Article shall apply also to quantities of cotton piece-goods exported from Japan to India under Article 5 in excess of the yearly allotments, as if such quantities were yearly allotments.

ARTICLE 8.

Not more than 8·95 million yards of cotton fents, *i.e.*, *bona fide* remnants not exceeding four yards in length, shall be exported from Japan to India in any cotton piece-goods year, provided that more than this allotment of cotton fents may be exported from Japan to India in any cotton piece-goods year, other than the cotton piece-goods year in which the present Protocol terminates, on condition that the quantity of the excess shall be deducted from the allotment of 8·95 million yards for the following cotton piece-goods year ; and provided further that if less than this allotment of cotton fents is exported from Japan to India in any cotton piece-goods year the quantity of the deficit shall be added to the allotment of 8·95 million yards for the following cotton piece-goods year.

The customs duties to be imposed on importation into India from Japan of cotton fents shall not exceed 35 per centum *ad valorem*.

ARTICLE 9.

Nothing in the present Protocol shall be deemed to affect the rights and obligations arising under the Convention regarding the Commercial Relations between India and Japan of the 12th day of July, 1934 ^(*).

ARTICLE 10.

The present Protocol shall come into force immediately on signature and shall remain in force until the 31st day of March, 1940.

Done in London, in duplicate, the twelfth day of October, 1937, corresponding to this twelfth day of the tenth month of the twelfth year of Showa.

ANTHONY EDEN.

ZETLAND.

SHIGERU YOSHIDA.

(*) "Treaty Series No. 31 (1934)", Cmd. 4735.

EXCHANGE OF NOTES.

No. 1.

Mr. Shigeru Yoshida to Mr. Eden.

Japanese Embassy,

London, October 12 (Showa 12), 1937.

Sir,

In view of the fact that the Protocol signed this day regarding the importation of Japanese cotton piece-goods into India is to remain in force until the 31st March, 1940, I have the honour, under instructions from the Japanese Government, to propose that the first paragraph of Article 6 of the Convention regarding the Commercial Relations between Japan and India signed on the 12th July, 1934, ^(*) should be amended so as to read :—

"The present Convention shall remain in force until the 31st day of March, 1940".

In the event of the Government of India being willing to agree to this proposal I have the honour to suggest that this note, together with your reply thereto in similar terms, should be regarded as constituting an agreement between the two Governments in regard to this matter.

I have, etc.,

SHIGERU YOSHIDA

No. 2.

Mr. Eden to Mr. Shigeru Yoshida.

London, October 12 (Showa 12), 1937.

Your Excellency,

I HAVE the honour to acknowledge the receipt of your note of to-day's date, in which your Excellency proposed, under instructions from the Japanese Government, that the first paragraph of Article 6 of the Convention regarding the Commercial Relations between India and Japan, signed on the 12th July, 1934, should be amended so as to read :—

"The present Convention shall remain in force until the 31st day of March, 1940".

I have the honour to inform your Excellency that the Government of India are ready to accede to this proposal and agree that this note, together with your Excellency's note under reply, should be regarded as constituting an agreement between the two Governments in regard to this matter.

I have, etc.,

ANTHONY EDEN.

(*) "Treaty Series No. 31 (1934)", Cmd. 4735.

EXCHANGE OF NOTES BETWEEN THE GOVERNMENT OF INDIA AND THE GOVERNMENT OF THE UNION OF SOUTH AFRICA CONSTITUTING A TEMPORARY COMMERCIAL AGREEMENT.

No. P. M.-55/152, CAPE TOWN, DATED THE 8TH MARCH 1938.

From—The Secretary for External Affairs, Government of the Union of South Africa,

To—The Acting Agent-General for India in the Union of South Africa, Cape Town.

SIR,

With reference to the negotiations which have taken place between our two Governments for the conclusion of a preliminary agreement to regulate the commercial relations between the Union of South Africa and India, I have the honour to confirm that the Government of the Union of South Africa are prepared to conclude a preliminary Commercial Agreement with the Government of India in the following terms :—

1. Articles, the growth, produce or manufacture of the one country, when imported therefrom into the territory of the other country, shall, in respect of customs duties and other taxes and charges levied on imports, and in all matters pertaining to the administration thereof, be treated not less favourably than like articles, the growth, produce or manufacture of any other country; provided that the one Government shall not be entitled to claim the privileges or favours flowing from preferential treatment accorded, or to be accorded by the other Government exclusively to any of the members of the British Commonwealth of Nations or to any possession or territory to any of them belonging or to any territory under the jurisdiction of any such member either as a Protectorate or as a Mandated Territory.

2. In the event of either Government establishing or maintaining a system of licensing or quantitative regulation of imports, such system shall be so administered as not to discriminate against articles, grown, produced or manufactured in the other country, and the conditions under which licences or permits may be issued or obtained for the importation of such articles, shall be not less favourable than those applied in the case of like articles, grown, produced or manufactured in any other country.

3. In the event of either Government establishing or maintaining any form of foreign exchange control, such control shall be administered so as to ensure that the commerce of the other country will be granted a fair and equitable share in the allotment of foreign exchange.

4. The most-favoured-nation treatment provided for shall apply also to taxes or charges levied in connection with the internal distribution and sale of imported articles.

5. Notwithstanding the provisions of this Agreement, either of the two Governments may, where for any reason it is deemed necessary, prohibit or restrict the import of any article by the imposition of special duties or otherwise, provided that no such prohibition or restriction shall be imposed or maintained on articles, grown, produced or manufactured in the other country, unless such prohibition or restriction is imposed or maintained on like articles imported from any other country in regard to which like grounds for the application of such measures exist.

6. The provisions of this Agreement shall not extend to favours actually granted, or, which may hereafter be granted, by the Union of South Africa to any state or territory adjoining the Union of South Africa.

7. It is understood that wherever the term "Union of South Africa" is used in the present Agreement, it shall be deemed to include the Mandated Territory of South-West Africa.

8. This Agreement shall come into force 21 days after the date of this Note, provided, however, that it shall lapse if not ratified by resolution of both Houses of Parliament of the Union of South Africa during the next ensuing Session; and, if so ratified, it shall remain in force until superseded by a more comprehensive commercial agreement, for the conclusion of which the two Governments agree to enter into negotiations as soon as possible, or until the expiration of three calendar months from the date on which notice of termination shall have been given by either Government to the other.

I have the honour to be,

SIR,

Your most obedient servant,

H. D. J. BODENSTEIN,

Secretary for External Affairs.

No. 229, dated Cape Town, 8th March, 1938.

From—The Acting Agent-General for India in the Union of South Africa,

To—The Secretary for External Affairs, Government of the Union of South Africa, Pretoria.

SIR,

I am directed by the Government of India to acknowledge the receipt of your letter of to-day's date and to confirm on their behalf that they are prepared to conclude a preliminary commercial Agreement with the Government of the Union of South Africa, in the following terms :—

1. Articles, the growth, produce or manufacture of the one country, when imported therefrom into the territory of the other country, shall, in respect of customs duties and other taxes and charges levied on imports, and in all matters pertaining to the administration thereof, be treated not less favourably than like articles, the growth, produce or manufacture of any other country; provided that the one Government shall not be entitled to claim the privileges or favours flowing from preferential treatment accorded, or to be accorded by the other Government exclusively to any of the members of the British Commonwealth of Nations or to any possession or territory to any of them belonging or to any territory under the jurisdiction of any such member either as a Protectorate or as a Mandated Territory.

2. In the event of either Government establishing or maintaining a system of licensing or quantitative regulation of imports, such system shall be so administered as not to discriminate against articles, grown, produced or manufactured in the other country, and the conditions under which licences or permits may be issued or obtained for the importation of such articles, shall be not less favourable than those applied in the case of like articles grown, produced or manufactured in any other country.

3. In the event of either Government establishing or maintaining any form of foreign exchange control, such control shall be administered so as to ensure that the commerce of the other country will be granted a fair and equitable share in the allotment of foreign exchange.

4. The most-favoured-nation treatment provided for shall apply also to taxes or charges levied in connection with the internal distribution and sale of imported articles.

5. Notwithstanding the provisions of this Agreement, either of the two Governments may, where for any reason it is deemed necessary, prohibit or restrict the import of any article by the imposition of special duties or otherwise, provided that no such prohibition or restriction shall be imposed or maintained on articles, grown, produced or manufactured in the other country, unless such prohibition or restriction is imposed or maintained on like articles imported from any other country in regard to which like grounds for the application of such measures exist.

6. The provisions of this Agreement shall not extend to favours actually granted, or, which may hereafter be granted, by the Union of South Africa to any state or territory adjoining the Union of South Africa.

7. It is understood that wherever the term "Union of South Africa" is used in the present Agreement, it shall be deemed to include the Mandated Territory of South-West Africa.

8. This Agreement shall come into force twenty-one days after the date of this note, provided, however, that it shall lapse if not ratified by resolution of both Houses of Parliament of the Union of South Africa during the next ensuing session; and, if so ratified, it shall remain in force until superseded by a more comprehensive commercial agreement, for the conclusion of which the two Governments agree to enter into negotiations as soon as possible, or until the expiration of three calendar months from the date on which notice of termination shall have been given by either Government to the other.

I have the honour to be,

SIR,

Your most obedient servant,

(Sd.) S. RIDLEY,

Acting Agent-General for India in the Union of South Africa.

STANDING ADVISORY COMMITTEE FOR THE INDIAN POSTS AND TELEGRAPHS DEPARTMENT.

THE HONOURABLE THE PRESIDENT: I have to announce the result of the ballot held yesterday for two Members to serve on the Standing Advisory Committee for the Indian Posts and Telegraphs Department.

For the Honourable Mr. G. S. Motilal 28 votes were cast, for the Honourable Sir David Devadoss 22 votes were cast and for the Honourable Mr. Chidambaram Chettiyar 11 votes were cast. I have therefore to declare the Honourable Mr. G. S. Motilal and the Honourable Sir David Devadoss duly elected.

INDIAN TARIFF (AMENDMENT) BILL.

THE HONOURABLE MR. H. DOW (Commerce Secretary): Sir, I move:

"That the Bill further to amend the Indian Tariff Act, 1934, for a certain purpose as passed by the Legislative Assembly, be taken into consideration."

Sir, the object of this Bill is to renew for a further year the duty of 12 annas a maund on broken rice, which would ordinarily have expired on the 31st of March. In the year before this Bill was first introduced, considerable anxiety was caused to the rice growers of the Madras Presidency by the import of something like 400,000 tons of broken rice mainly from Siam and Indo-China: I should rather have said that the 400,000 tons was rice, but most of it was considered to be broken rice. The following year actually 232,000 tons of broken rice were imported. With the aid of the duty that has been imposed the imports of broken rice have been successively reduced first of all to 61,000 tons, in the year following to only 3,000 tons, and in the last year the imports of broken rice into this country have entirely ceased. There is, therefore, no doubt that the duty has been entirely effective, and there is obviously no case for raising the duty. It might indeed be argued that the duty is too high.

The duty has also had a good deal of effect in keeping out whole rice and paddy, and during the time that the duty has been in operation the foreign imports of both paddy and other forms of rice have grown less and less, until in the last year the imports of foreign paddy were negligible, and the imports of rice were very small indeed. At the same time, the prices of rice in the Madras Presidency have for the most part been rather higher than they were last year, though just at present they are a little lower than they were at this time last year. Most of the rice which comes into India, other than Burma rice, comes from Siam and Indo-China. This year the crop from Siam is about 39 per cent. higher than the crop of last year, but if you take the last five years together the crop is an average crop. In Cochin China, the crop this year is about 16 per cent. higher than the average but is 13 per cent. below last year. The Burma rice crop is about the same as it was last year and the Indian crop of all these variations is not very great, but, judging from the recent recession of prices in Madras, there is likely to be a certain amount of pressure on the

Indian market. That fact is really the only justification at all that we have for bringing forward this Bill to continue the duty.

In conclusion I may remind the House that, if this duty is in operation, it will be possible for Government to take further action during the year, should it be necessary, under section 4 of the Indian Tariff Act. If the pressure on the market should increase very considerably, it would be possible for Government, if they considered it necessary to do so, to raise the duty without further reference, Sir, to this House. The indications at present are, however, that the duty which we are proposing to continue is likely to be all that is required.

With these words, Sir, I commend the Bill to the House.

THE HONOURABLE SIR DAVID DEVADOSS (Nominated: Indian Christians): Sir, coming from Madras we really welcome this measure. You may remember, Sir, some years ago we had to fight for this duty. After the imposition of this duty, as the Honourable Mr. Dow has said, the Madras Presidency has felt a considerable relief and we do think, Sir, that the extension of this tariff for another year would certainly benefit the Presidency. So far as the crop is concerned, no doubt in one or two districts there has been failure of crop, but on the whole the circumstances in Madras are not very bad and I do hope that this Bill will give the necessary relief.

THE HONOURABLE THE PRESIDENT: Motion moved:

"That the Bill further to amend the Indian Tariff Act, 1934, for a certain purpose, as passed by the Legislative Assembly, be taken into consideration."

Question put and Motion adopted.

Clause 2 was added to the Bill.

Clause 1 was added to the Bill.

The Title and Preamble were added to the Bill.

THE HONOURABLE MR. H. DOW: Sir, I move:

"That the Bill, as passed by the Legislative Assembly, be passed."

The Motion was adopted.

TRADE DISPUTES (AMENDMENT) BILL.

THE HONOURABLE MR. A. G. CLOW (Labour Secretary): Sir, I move:

That the further amendment made by the Legislative Assembly in the Bill further to amend the Trade Disputes Act, 1929, for certain purposes, be taken into consideration."

This amendment consists merely of the addition of the words "in writing" which Honourable Members will find in sub-section (4) of the proposed section 18A in clause 10 of the Bill. The amendment has the advantage of preventing a possible occasion for dispute.

The Motion was adopted.

THE HONOURABLE THE PRESIDENT: The Question is that the Council do agree to the following amendment:

"That in clause 10, in sub-section (4) of the proposed section 18A, after the word 'requests' occurring in the third line the words 'in writing' be inserted."

The Motion was adopted.

DELHI JOINT WATER BOARD (AMENDMENT) BILL.

THE HONOURABLE KUNWAR SIR JAGDISH PRASAD (Education, Health and Lands Member): Sir, I move:

"That the Bill further to amend the Delhi Joint Water Board Act, 1926, as passed by the Legislative Assembly, be taken into consideration."

I do not think that many introductory remarks are required for asking the House to consider this Bill. The reasons are explained fully in the Statement of Objects and Reasons. The origin of the Bill is based on the recommendations of the Delhi Sewage Committee which was appointed in 1936. At that time, while there was a Joint Water Board which dealt with the filtered water supply of the Delhi urban area, which as Honourable Members know is composed of three parts, New Delhi, Old Delhi, and the Notified Area, the sewage was disposed of by Government and this Committee recommended—and it was an obvious recommendation—that, as the water supply and the sewage were so closely connected, the same Board should deal with both the water supply and the sewage; and it is to carry out that recommendation that this Bill has been introduced. I do not think that I need say anything more about the necessity for this Bill nor in regard to the clauses which are more or less of a formal or consequential nature. I therefore commend the Bill for the consideration of the House.

The Motion was adopted.

Clauses 2 to 16 were added to the Bill.

Clauses 17 and 18 were added to the Bill.

Clause 1 was added to the Bill.

The Title and Preamble were added to the Bill.

THE HONOURABLE KUNWAR SIR JAGDISH PRASAD: Sir, I move:

"That the Bill, as passed by the Legislative Assembly, be passed."

The Motion was adopted.

CHILD MARRIAGE RESTRAINT (AMENDMENT) BILL.

THE HONOURABLE MR. RAMADAS PANTULU (Madras: Non-Muhammadan): Sir, I move:

"That the Bill further to amend the Child Marriage Restraint Act, 1929, as passed by the Legislative Assembly, be taken into consideration."

Sir, the task of piloting the original Bill, as passed by the Legislative Assembly, was entrusted to me in the year 1929. Mr. Sarda asked me to pilot his Bill in this House and I had the honour of doing so, and I made my Motion on the 27th September, 1929 in this House. At that time, there was a substantial amount of opposition to the Bill though we had a very comfortable majority in passing it as the Government gave their support to the measure. I hope that the educative value of the Act in these eight or nine years has been sufficiently brought home to the minds of Members of the House and that the

opposition, if there is to be any, will be very, very feeble now. The main provisions of this Bill are these. The jurisdiction to entertain complaints is now extended to Magistrates of the first class also, while the original Bill confined it to Presidency Magistrates and District Magistrates. It is but right that after the Act has been in force for about eight or nine years, jurisdiction should be extended, so that First Class Magistrates may take cognizance of the offence.

The other amendments are mainly three. Hitherto, a complaint had to be formally made and in every case the Magistrate, before he allowed the complainant to proceed with the case, was required to take security from him in order to compensate the accused if the complaint was ultimately proved to be frivolous. That provision greatly curtailed the utility of the Act because very few people were willing to come forward with complaints and to furnish security to the Magistrate before the case was proceeded with. It was a great hardship to the complainants. Now, this amending Bill, partially retaining the old safeguard, enables the Magistrate in some cases to ask for security, if from the preliminary investigation he has made, he has reason to think that the complaint is frivolous. In the majority of cases he is not required to insist upon the complainant furnishing security before the case is proceeded with. I think that this is a very mild amendment. Normally, cases will be proceeded with, but before the case is proceeded with the Magistrate has discretion to make some preliminary investigation and if he entertains any doubt about the *bona fides* of the complainant, this Bill still empowers him to require security from the complainant. Therefore, the amendment is not a drastic one.

Another amendment of importance is that while hitherto there is no specific provision for restraining a marriage by an injunction by the Magistrate before whom the case is filed, for the first time this Bill provides a procedure for stopping the marriage before it has actually taken place. It is one thing to punish the offender after the act has been committed, and another thing to prevent it. If there is any case in which the adage "Prevention is better than cure" is applicable, it is the case of a child marriage. I think this is a very wise provision which will considerably help the objects of the Act being carried out.

In regard to the issue of injunction, the clause is very, very conservative. There is no power in the courts, according to this Bill, to issue an injunction without previous notice to the party concerned. An *ex parte* injunction cannot be given. When an act complained of is to be performed almost immediately, in other cases, the civil courts are empowered to issue injunctions *ex parte* and to fix a very early date for hearing the application. But, in this case, there is a definite restraint upon the Criminal Court from issuing an injunction without issuing previous notice to the person affected by the injunction. I wish personally that sub-clause (2) of clause 6 had not been put in. However, it is there, and I am to pilot the Bill in the form in which the Assembly has passed it. However, it is a great improvement upon the existing law.

The only other amendment of importance is that which provides for a higher punishment when the marriage is performed in violation of an injunction. The normal penalty for an offender who performs a marriage in violation of the provisions of the Act is one month, simple imprisonment, or Rs. 1,000 fine, or both under the old Act. Now, it is proposed to raise the period of imprisonment from one month to three months, and also to make the imprisonment one of either description—not necessarily simple, but it may be either rigorous or simple. The fine is left as it is. The provision about enhanced

[Mr. Ramadas Pantulu.]

punishment is considered to be somewhat drastic; but I submit that a person who performs a marriage in violation of an injunction given by the court and also knowing that an injunction has been issued certainly deserves a more serious punishment and therefore it is justifiable on every principle of enlightened criminal jurisprudence.

These are the only changes made. But these changes will have a very far-reaching effect in making the original Sarda Act an effective measure in preventing child marriages. Sir, on this occasion, it is not necessary for me to go into the merits of the original Act. The amendments are not so drastic as to make any radical changes in the original Act. These amendments are intended only to make the original Act effective. Sir, on the former occasion, when the Bill was piloted by me in 1929, the Leader of the Opposition, my Honourable friend Rai Bahadur Lala Ram Saran Das, gave his valuable support to us. He defended it and he himself said that he performed the marriages of his daughters only after they had attained 14, with the full concurrence and on the advice of the Pandits. He said that the Pandits had told him that there was nothing in the Shastras to require a girl to be married before she was 14, and it was not until he had fully satisfied himself that the Shastras injunctions were not being violated that he embarked upon the social reform of marrying his daughters after they were 14. When another Bill to amend the Act, to prevent people from evading the Act by performing the marriage in Indian States or non-British territories recently came up before this House he supported the view which he advocated in 1929 by further recitations from the Shastras and the Vedas. I think that with the powerful support of the Leader of the Opposition, this Bill will have an easy passage now. On the last occasion we had a few Bajorias and Ghuznavis in this House, and my friend Mr. Khaparde from Berar and my friend Nawab Lt.-Col. Akbar Khan from the North-West Frontier Province put up a very gallant and strenuous fight. Neither of them is in the House today. I hope that the present Members will not take up the attitude taken by these two Members. I only wish to make one appeal to my Mussulman friends here. I assure them that this measure is one of national importance. From this side of the House, especially from my friend Mr. Hossain Imam, many appeals have been made to the Government in favour of Indianising the army, and the other day we had an appeal for the constitution of a national army in this country. I submit, Sir, that a national army cannot be constituted so long as we have child wives, infant mothers and a deteriorated nation. (*An Honourable Member*: "You want nationalisation of marriages?") Yes, I do wish to rationalise them. Sir, you cannot have a strong nation and you cannot preserve the manhood of the nation so long as this corroding social evil of child marriage persists. The Age of Consent Committee presided over by Sir Moripant Joshi collected evidence from all quarters in this country and enlightened public opinion had fully supported the raising of the marriageable age of the girls. It was raised to 14 and we are not proposing to raise it further. We only want to make that Act of 1929 effective; and those who voted for the original Bill and those who have allowed the Act to be in operation for all these years should certainly not oppose it now when it is sought to be made real and effective in operation. Without trying to go further into the merits of this original Act, I appeal to all the Members of this House to support this Motion of mine.

I might also say that on the last occasion when we discussed the principles of the Sarda Bill Sir Fazl-i-Husain who was a Member of this House at that time gave us very valuable support. He quoted from the Shariat, the

(Muhammadan Law and the Muhammadan scriptures, to show that there was nothing in the Muhammadan Law to compel Muslims to marry their daughters at a particular age. We were greatly indebted to him. And you, Sir, took a very prominent part in that debate in 1929, and I think you argued with great ability against the contentions of those who considered that certain innovations were being made in the personal law of some communities in this country. By your arguments you have shown that no such interference was involved in the Sarda Act and I have read with great interest this morning your speech on that occasion. Many of the present leading Members of the House I think were Members of the Council at that time also; so without taking up more of the time of this House I would request Members here to give it whole-hearted support and put this Bill on the Statute-book. Some papers have already congratulated the Assembly on placing the Bill on the Statute-book. But that has not yet been done. It is for us to place it on the Statute-book because the Assembly cannot place anything on the Statute-book until it is passed by the Council also. Therefore the credit of placing this Bill on the Statute-book lies with the Council. I therefore appeal to you in the interests of the nation to remove this corroding evil of child marriage and help us in building up a real Indian nation.

With these words I commend this Motion to the acceptance of this House. ✓

(The Honourable Mr. Mahtha and the Honourable Haji Syed Muhammad Husain stood up together and the Honourable the President called the Honourable Mr. Mahtha.)

THE HONOURABLE HAJI SYED MUHAMMAD HUSAIN: Sir, with your permission I want to make a statement as to the attitude of the Mussulmans in connection with this Bill.

THE HONOURABLE THE PRESIDENT: I presume you want to make a speech on the Bill?

THE HONOURABLE HAJI SYED MUHAMMAD HUSAIN: No, I do not want to make a speech.

THE HONOURABLE THE PRESIDENT: But it is tantamount to that. If you make a statement that is a speech. The Honourable Mr. Mahtha.

THE HONOURABLE RAI BAHADUR SRI NARAIN MAHTHA (Bihar: Non-Muhammadan): I rise to give my whole-hearted support to the Bill that is before the House. The provisions of the Bill are very wholesome indeed and have been fully explained in the Statement of Objects and Reasons. Their legal import and extent has also been explained very ably by the Mover. Perhaps the only criticism that can be levelled against the Bill is that it comes a little late. The Sarda Act, which was hailed by all progressive elements in this country, had remained a dead letter to a very large extent so far and experience showed that it was possible very easily to frustrate the intention of the framers of that Act and to circumvent its provisions. At any rate there was hardly anything in the Act which was able to prevent the mischief from happening. This Bill we all know will have the effect of preventing the mischief before it happens, on account of the provisions in this Bill with regard to the issuing of injunctions, etc. Some opposition was offered to this Bill in the other House on behalf of the orthodox Hindu section. But, it was also conclusively shown there that the opinions expressed were not representative of that community or at least that section of the community.

[Rai Bahadur Sri Narain Mahtha.]

Another criticism that I have heard here and there against this Bill is that this Bill is a very drastic personal measure. But, we cannot afford to forget that the extent to which the evil of child marriage obtains in this country is also extraordinary and can hardly find a parallel anywhere else. Very necessarily, therefore, deadly maladies do require drastic remedies; and I hope that this Bill when it becomes an Act will have the effect of making the Sarda Act a really live measure which will enable it to achieve the purpose of the framers of that measure.

Sir, I would just like to conclude by offering my thanks to Mr. B. Das who fathered this measure in the other House and I hope his effort will bear fruit and the evil of child marriage in this country will be wiped out completely or at least to a large and substantial extent.

THE HONOURABLE HAJI SYED MUHAMMAD HUSAIN (United Provinces West : Muhammadan): Sir, so far as the principle of this Bill is concerned the Mussulmans are in complete sympathy with the principles and the abolition of early marriages. But at the same time they have certain difficulties as to the application of the Act to the Mussulmans, and therefore their attitude is that they do not wish to oppose the passage of this Bill. They are considering to move an amendment, which they have not yet decided upon, and therefore they do not wish to participate.

THE HONOURABLE MR. P. N. SAPRU (United Provinces Southern : Non-Muhammadan): Mr. President, I desire to congratulate the Honourable Mr. Ramadas Pantulu on the Bill which he has promoted in the Council. Congratulations, Sir, are also due to Mr. B. Das who fathered this Bill in the other House.

Sir, the Sarda Act was a useful piece of social legislation. It was preceded by a great controversy in the other House and in this House and in the country also. In actual working it has however not proved so effective and in spite of the Sarda Act child marriages still continue. If I have any criticism to offer against the present Bill it is that it does not go far enough. I should have gone further and declared all child marriages invalid. (Religion or no religion, I look upon child marriage as suicide. I do not care to enquire what the Shastras have got to say about child marriage. I do not care to enquire whether there is any sanction in the Shastras for late marriages or whether there is any sanction in the Shastras for early marriages. Marriage for me is a personal matter, a purely personal matter. I do not think that religion has got anything to do with these personal matters at all. Religion determines one's attitude towards the universe; religion determines one's attitude towards his Maker. I do not think that the final word on human wisdom was uttered by our sages 4,000 years ago. We believe in a progressive revelation and we who live in a modern world and in a modern society look upon child marriages and all the social customs from which Hindu society suffers as abominations. We, Sir, aspire to be a modern India and we must therefore have in these matters a modern attitude. Therefore from my point of view the Bill which has been promoted is a very very modest Bill. I do not know whether this Bill will prove more effective than the Sarda Act; I hope it will. It certainly improves the Sarda Act in two or three respects. It empowers a magistrate to issue an injunction to prevent a marriage. I think this is a salutary provision. Once a marriage takes place among Hindus,

it is irrevocable. It cannot be dissolved. It cannot be declared invalid. So prevention is certainly better than punishment. You may punish a man by a fine of Rs. 50 or Rs. 60. He spends Rs. 5,000 for his daughter's marriage. So what does it matter if he has got to pay Rs. 50 by way of fine. You may punish a man by Rs. 50 or Rs. 60, if he marries his daughter at the age of five or six, but you do not prevent him from marrying his daughter at the age of five or six. You can only prevent him from marrying this girl at the age of five or six when you declare that such marriages shall be invalid. The answer of our orthodox friends to this line of argument is that Hindu society is not prepared for that step. Hindu society will never be prepared for that step. It is for us to make it prepared for that step. I have never heard of a reform promoted by any orthodox Church. Our orthodox friends now think that there ought to be some change. Girls ought not to be married at six or seven years. I suppose according to them 14 is quite good enough at six or seven years. That is not our attitude. I do not think we want age for a girl to marry at. We want girls to be married at the age of 10, 11, 12, 13, 14, 15, 16, 17, 18 or 19. We want girls to decide for themselves whether they shall marry or whether they shall not marry. We want to have a society in which it will be possible for men and women to determine their own lives for themselves. We do not want the old old Hindu social customs and the old old Hindu society to remain in its present form. Well, Sir, you will excuse a certain amount of frankness on my part. We all boast of our great spirituality, but I have often wondered whether we, Indians, are really a spiritual people. I should have thought that this boasted spirituality would find expression in definite ethical ideals and a definitely ethical life. You cannot have a definitely spiritual life in the abnormal atmosphere of an Indian home. Your children begin to think of sex when they are five, six or seven. That is really the result of this institution of child marriage. You force your children of six or seven years to think in terms of sex at a time when they ought to be playing about. These are the hard facts which you must face if you want to be progressive. We all desire freedom not in the political sphere; but we also want freedom in the economic sphere and we want freedom in the social sphere. Freedom in the social sphere and the economic sphere is just as important as freedom in the political sphere. If we get freedom without freedom to order our lives, that freedom means nothing; it is worth nothing. Therefore I look upon this question of child marriage as a very vital question. Child marriages sap the vitality of our race; they are adding to the complexity of our economic problem. Our young men find themselves in a helpless position today. They have got very great responsibilities which young men of other countries have not. They are fathers before they are 18, 19 or 20. If I am a father at the age of 20 with two children, then I lose certainly the spirit of adventure, I lose initiative; I lose independence. I begin to think of my wife, I begin to think of my two children, I begin to think of my family responsibility and all that. The initiative, independence and the spirit of enterprise which characterise other communities do not characterise our community because of these social customs.

Sir, before I conclude, I should also like to pay a tribute to an English lady who has taken a very great deal of interest in the question of child marriages, Miss Eleanor Rathbone. You will remember, Sir, that there was a book published some years ago called *Mother India*. That was a scandalous publication. It gave an entirely untrue picture of India, but that book did one good thing. It roused fierce controversies and made the Hindus realise how the Hindu could be looked at by the other communities of the world.

THE HONOURABLE THE PRESIDENT: Is it necessary to revive old sores?

THE HONOURABLE MR. P. N. SAPRU: Sir, sometimes it is necessary. Ever since the publication of that book, Miss Rathbone has taken a great deal of interest in the question of child marriages in India. I think her services might be recognised by a word of praise for her in this Council.

Sir, with these words, I support the Bill.

THE HONOURABLE SIR A. P. PATRO (Madras: Nominated Non-Official): Sir, I am one of those who do not believe that reform could be effected solely by legislative enactments of this kind. The history of social legislation throughout these 30 or 40 years shows that they have been only enabling enactments which never had gone far enough in order to reform social conditions and improve the mental and moral condition of society. I would refer in passing to an Act—the Widow Remarriage Act. It was passed at that time after a great struggle. Reformers on all sides ranged together and yet the Act was passed and you know the result. Then we passed the Child Marriage Restraint Act and we know the result. Unless you make public opinion and the legislation sufficiently drastic imposing on society a moral and a legal obligation, no reform could be effected in practice. In this measure there are very halting provisions which in my opinion will again require drastic amendment. This measure says (section 12) an injunction could be issued by the court and disobedience to an injunction is met with the penalty of either three months imprisonment or a fine of a thousand rupees. But you know, Sir, in the country the *kanyasulkam* and *varasulkam* are prevailing to such a large extent that the parties do not care if they have to pay a thousand rupees but they want to carry out what they wanted. Therefore, how far does this penal provision help society in order to improve the present state of things? I am one who advocates wholesale reform, namely, put down that all child marriages are illegal. Unless and until you make a definite statement like that in legislation you will not have any reform carried through, however much we may wish for it.

THE HONOURABLE THE PRESIDENT: Would you not be punishing innocent children for the sins of their parents?

THE HONOURABLE SIR A. P. PATRO: Innocent children must be sacrificed for the sake of the national cause. It is no use saying the national cause requires that they should be saved. Sir, in the past, child marriages have produced men and women of great name and fame in our country. The community in which this child marriage prevails largely has produced very intellectual and very highly political people. I need not say who they are. But still, to say that nationalism will suffer is not a defence. It will suffer if you do not make it more drastic than it is. I therefore subscribe to the statement that has been made outside this House that this measure does not go far enough to improve the present condition of society and it is necessary that an injunction should be made against every child marriage. And this measure again provides (the third reform in the Statement of Objects and Reasons):

“Thirdly, by enabling the Court to require the husband of a child wife (or if he is a minor, his guardian) to make provision for the separate custody and maintenance of the child wife and to refrain from consummating the marriage until she reaches the legal age for marriage, or until a later date if it thinks necessary”.

What is this penalty? When the parties agree that such an illegal or unlawful act is to be carried out, they agree among themselves as to how the provision is to be got over.

THE HONOURABLE MR. RAMADAS PANTULU: That portion is not in the Bill. It has not been passed.

THE HONOURABLE SIR A. P. PATRO: I know it is not in the Bill. I am saying that if even this provision could be put into the Bill it would be an effective check on child marriage, but the omission of even this object which was originally intended by the Mover in the other House shows that this Bill is only half-hearted; it does not go far enough in order to reform the conditions which are existing in our country. The only effect of this is that the courts could now under this law issue an injunction to prevent a marriage. Now, how far does the injunction help to rectify the condition of things? Clause 5 of the proposed addition to section 12 of the Act says:

“Whoever knowing that an injunction has been issued against him under sub-section (1) of this section disobeys such injunction shall be punished with imprisonment of either description for a term which may extend to three months, or with fine which may extend to one thousand rupees, or with both”.

But as we know, there are ways of evading a summons under the Civil Procedure Code, and summonses are easily evaded. Therefore, in the meanwhile the marriage will be effected, and what is the remedy for that? The whole question hinges on the words “whoever knowing”. And knowledge of the injunction being essential, for the purpose of being dealt with under this section, where is this knowledge to come from? He absents himself and goes out to another place, and in the meanwhile the summons is issued. What is to be the result? Therefore, the sub-section is not at all effective in preventing such marriages. It is all right for persons whose communities do allow post-puberty marriages to advocate and talk glibly but it is for those persons among whom this evil of child marriage prevails we must get at, they are the persons among whom opinion should be created in this matter. And this Bill, Sir, does not go far enough to improve the present condition of things. But though it is only a one-tenth measure, even a small relief given and a little light shining on the dark horizon by which we are surrounded, I do not oppose the Bill. But what I do say is this, the Bill is ineffectual in carrying out the work of this reform as the history of social legislation in the past has shown that half measures and optional measures have never been successful in India. There is opposition even to this small Bill. There was opposition when the Sati Act was enacted enforcing the prohibition of sati, the cruel practice sanctioned by the Shastras and sanctioned by the Smritis, quoted by all pandits. The Shastras sanctioned such a cruel practice, burning widows alive, and yet opposition there will be for any reform that is made in our society, but unless that reform is drastic enough to go to the root of the evil and remove it completely, then it will spring up in some form or other; the minds of this class of people will discover some way of working round the Act. Therefore, unless you lay the axe at the very root, this measure will not be a success. And yet, as I said, this small relief, this little light in the darkness, is welcome in preference to remaining in darkness.

THE HONOURABLE KUNWAR SIR JAGDISH PRASAD (Education, Health and Lands Member): Sir, with your permission, I think it desirable to announce to the House the attitude of Government in regard to this Bill.

[Sir Jagdish Prasad.]

I see from the speech of my Honourable friend Sir A. P. Patro that he thinks that the Bill does not go far enough. But, as he has not given any notice of any amendment, I am entitled to conclude that perhaps these views have been formed since he arrived in this House because if he really felt so genuinely and seriously that the Bill did not go far enough, one would have expected him to have given notice of such an amendment.

Of course, in a measure of this kind there are bound to be varying opinions; one side insisting that the Bill does not go far enough, another urging that it is going too far. And this phenomenon has been repeated in regard to this very Bill. We have had complaints that this Bill has gone much too far. We have also had complaints that it does not go far enough. But I should like to remind Honourable Members that we are not discussing today the question of child marriage. The Sarda Act is already on the Statute-book. What we are discussing is certain provisions to make that Act effective in certain respects, and my Honourable friend Mr. Ramadas Pantulu has shown that the provisions of the Bill are adequate for that purpose. We are not discussing the principles of the Sarda Act. We have found certain deficiencies in the working of that Act and to meet those defects this Bill has been introduced. Therefore, Honourable Members should really confine themselves to the provisions of this Bill, accepting the proposition that the Sarda Act is already on the Statute-book. My Honourable friend Mr. Pantulu has shown that the provisions of this Bill are not revolutionary, that they are an attempt to close up the holes that we have found in the Sarda Act. The Bill has been very fully discussed in the Lower House. It has been to a Select Committee,

12 NOON. but before it went to a Select Committee, opinions were invited from Local Governments and from communities and bodies interested in the measure, and I gather from the opinions received that a large majority of the communities affected by this Bill and a large majority of Local Governments have accepted the provisions of the Bill. Sir, this measure has been fully canvassed, opinions have been very fully considered, and after considering all the discussions that have taken place, the attitude of the Government is to support this measure.

THE HONOURABLE SIR A. P. PATRO : On a personal explanation, Sir, I think the Honourable Member who just now spoke is entirely mistaken, or I should say, has misunderstood my not giving notice of amendments. If he has been reading newspapers, he would be convinced that this attitude of mine is not taken for the first time but has been taken ever since the Bill was introduced—

THE HONOURABLE THE PRESIDENT : Order, order. That is not a personal explanation. You are making a second speech to the House.

THE HONOURABLE SIR A. P. PATRO : The explanation is that I did not give notice of amendments because for the first time I thought of opposing this Bill. That is the reflection made by a Member of the House. I want to say it is not so. In view of the attitude I have taken in regard to this Bill previously, that is not justifiable at all.

THE HONOURABLE THE PRESIDENT : That is all right.

THE HONOURABLE KUNWAR SIR JAGDISH PRASAD : I merely wish to state that I had not had the honour of reading my Honourable friend's opinion in the newspapers. I accept his explanation.

THE HONOURABLE DIWAN BAHADUR SIR RAMUNNI MENON (Madras : Nominated Non-Official) : Sir, there can be no doubt that the Act, as now being amended, is a great improvement and provides a more efficient measure for preventing child marriages and punishing offenders. Tributes have been paid to the sponsor of this Bill in the other place and also to other parties. I think it is fair that we must recognise that but for the Government's cordial support, this Bill would not have had such an easy or smooth passage through the Legislature; and I think our thanks are due to the Government for their very hearty support. I cannot help feeling, notwithstanding the Honourable the Leader's statement on the subject, that it is a matter for some regret that two important provisions of the Bill as originally introduced have had to be dropped. I refer to the provision allowing a Magistrate to take proceedings without a complaint being made and also to the provision enjoining that the minor wife shall live apart from the husband. Doubtless there are practical difficulties in carrying out these provisions and there is always the danger of the Act being exploited for purposes of blackmail or for wreaking private vengeance. But, on the other hand, if it is sought to remedy a social evil by means of legislation, it clearly follows that you must provide an Act adequate for the purpose. From this point of view, it must be admitted that the Act, even as amended, falls far short of actual requirements. That consideration naturally leads to the reflection whether after all we are not looking in the wrong direction in looking to the Legislature for supplying us with a weapon for eradicating a social evil. I think it will be best to frankly admit that no Act of the Legislature, however drastic it may be, can really eradicate a social evil. We must look for its final and complete eradication to public opinion. There is no doubt that public opinion has grown very considerably in regard to this particular matter and in regard to other social evils in recent years. But it has not yet reached a stage where it can dispense with the aid of the law. In these circumstances, the present measure, inadequate and incomplete though it is, will be widely welcomed by the public.

There are two or three directions in which the Government can really help the progress of the child marriage reform movement, and I should like to mention these very briefly. I think, in the first place, the Government should try its best to tighten up the administration of the law. There is a widespread impression that Government are either lukewarm or indifferent in this matter. There may have been some excuse for an attitude of leniency or laxity in the earlier years of the Act, because the Act was passed against some opposition. But sufficient time has now elapsed for the public to become familiar with the objects and the provisions of the Act, and sentiment and prejudice have had ample time for coming to a truce with reason. I consider, therefore, that there can be no longer any justification for the Government to continue in its present policy of inaction. Nothing is more likely to undermine the respect for law and the Government than to pass an Act after full deliberation and then to refuse or neglect to enforce it.

One of the difficulties in enforcing the Act is that when a child marriage has taken place a Magistrate cannot take action unless a complaint is laid before him. Obviously it is a very difficult and delicate matter for any respectable citizen to lodge a complaint in his private capacity in a matter of this kind. It seems to me that the best way of meeting this difficulty will be to form local Women's Vigilance Committees in places where child marriages are reputed to be of frequent occurrence. Complaints made by or on behalf of any such committee will be free from the suspicion of any ulterior motive. I therefore suggest that the Governments, both Central and Local, would be well advised in helping the establishment and maintenance of such committees

[Sir Ramunni Menon.]

by making suitable financial grants. Then there is another matter. I think it is a very wholesome rule, and it would be one worthy of adoption in all educational institutions, that students, as long as they are students, should be Brahmacharis, *i.e.*, bachelors. If that rule is adopted, it would necessarily follow that Colleges and Universities should refuse to admit any boy who has contracted a child marriage. Such an attitude on the part of our educational institutions would certainly produce a very salutary effect on the rising generation, and I am sure it is a course of action which deserves favourable consideration at the hands of the authorities.

If the Government is prepared to further the cause of reform in all reasonable ways, I think action may well be taken along the two or three lines that I have indicated. Such action should receive full public support. In any case, for the satisfactory working of the amended Act, public co-operation and goodwill are absolutely essential. Let us all hope that these will be forthcoming in ample measure.

I heartily support the Motion made by the Honourable Mr. Ramadas Pantulu.

THE HONOURABLE PANDIT HIRDAY NATH KUNZRU (United Provinces Northern : Non-Muhammadan): Mr. President, the passing of the Child Marriage Restraint Act, popularly known as the Sarda Act, in 1929 marked an important stage in the development of the social conscience of the Indian community. It was welcomed throughout the country as indicating the attitude of the educated classes towards a matter vitally concerning the future of our race. That Act from which much was hoped has unfortunately been found defective in practice. It was found to suffer from two serious limitations. One was that people wishing to violate the provisions of the Act could do so with impunity by crossing over the borders of British territory into an Indian State. As the Act applies only to British India it was impossible to bring such people under the penal provisions of the law on their return to British India.

The other serious defect that was discovered was that the courts were given no express power to prevent the violations of the Act. They could take cognizance of violations of the Act but it was thought that they did not possess sufficient power to prevent the mischief dealt with by it.

Now, the first defect was dealt with by a Bill introduced in the other House by Mr. Lalchand Navalrai. It has now been made clear that if British subjects commit an offence under the Sarda Act outside British India, they would come within the penal provisions of the law on their return to British territory. That was a very wholesome amendment. How it will work in practice we have to see, but it is a source of gratification to us all that an important step has been taken to enforce the observance of an important law.

The other defect has been dealt with by the Bill now under discussion, which was sponsored in the other House by my friend Mr. B. Das. This Bill puts it beyond question that courts have the power to take proceedings in their discretion against persons who are about to commit a breach of the law. Now in the Bill as amended in the Legislative Assembly it has been laid down that notice shall be given to the parties concerned to show cause why an injunction should not be issued restraining them from celebrating a marriage before action is taken against them. My Honourable friend Sir. A. P. Patro objected to this on the ground that advantage might be taken of it in order to perform a marriage secretly. This is certainly possible and this was brought to

the notice of the Honourable the Law Member in the other House. In referring to the subject he gave an assurance that if it was proved to the satisfaction of Government that advantage was taken of this provision in a large number of cases to celebrate illegal marriages, Government would be quite prepared to reconsider the matter. It must, Sir, be recognised that the grounds on which an *ex parte* injunction was objected to were cogent. Our feelings on one side of the question that we are discussing might be strong. Nevertheless as legislators we have to see that the procedure laid down by us is such as to do justice to all parties in all cases, particularly in those in which strong feelings might be roused. It is satisfactory therefore to note that the Law Member has given an assurance on behalf of Government that if the provision to which I have drawn attention is found to interfere with the proper observance of the Sarda Act Government would give such consideration to the matter as it deserved.

Another provision of the original Bill to which attention has been drawn relates to the separate custody of a minor wife in case a marriage contrary to the provisions of the Sarda Act has been celebrated. The matter was not free from difficulty. The Law Member, speaking in another place, pointed out the serious objections that could be urged against such a provision but at the same time it must be confessed that unless proper steps are taken in this matter there can be no assurance that the purpose of the Sarda Act will be achieved. I understand that there is a great deal of anxiety in the minds of those representing the womanhood of India owing to the deletion of this clause. I notice that no assurance has been given by Government that they would be prepared to take action in future in order to ensure that the rights of a minor wife under the law shall be fully respected. But I have no doubt that if it is found in practice that child wives are subjected to the inhuman treatment which the Age of Consent Act was meant to deal with, there will be such an upheaval of feeling in the community as to compel Government to take adequate action.

THE HONOURABLE MR. HOSSAIN IMAM: Mr. President, there is no quorum in the House.

THE HONOURABLE THE PRESIDENT (to the Honourable Pandit Hirday Nath Kunzru): Will you proceed please?

THE HONOURABLE PANDIT HIRDAY NATH KUNZRU: Mr. President, before I sit down, I should like to say a word with regard to what fell from my Honourable friend Haji Syed Muhammad Husain. He said that while the Muslim community was in sympathy with the principle of the Bill, it felt some difficulty with regard to the administration of the Sarda Act. As he spoke very briefly on the subject, we are in the dark as regards the practical difficulties which the Muslim community complain of. But should any Honourable Member here be under the impression that the evil practice which the Sarda Act was meant to control—and indeed to eradicate—exists only in the Hindu community, he should read the Report of the Age of Consent Committee in order to disabuse his mind of this erroneous impression. The evil of child marriage, it seems, exists in all communities, not excluding the Muslim community. The illustrations which the Age of Consent Committee gave with regard to Eastern Bengal I think showed conclusively that the Muslims of Bengal were not one whit more advanced than the Hindus in regard to this matter. As we proceeded, Sir, in 1929 on humanitarian grounds, we felt ourselves bound to take action whether it was the Hindu or the Muslim community that was found violating the laws of health and the rights of minors.

[Pandit Hirday Nath Kunzru.]

Apart from this, my Honourable friend Mr. B. Das has been supported by influential Muslims. I gather from the opinions received by Government that a number of prominent Mussalmans supported the principle of the Bill. The Chief Justice of the United Provinces was one of them and as the opinion to which I am referring was expressed in 1936 I take it that the Chief Justice referred to was no less a personage than Sir Shah Muhammad Sulaiman. I also find from these opinions that the principle of the Bill has been supported by Mr. Justice Nur who belongs to the province from which my Honourable friend Mr. Hossain Imam comes. The Punjab, Sir, is another important province from the Muslim point of view, and there I find that Justices Aga Haidar, Abdur Rashid and Din Muhammad have all whole-heartedly supported the principle of Mr. B. Das's Bill. It is therefore too late in the day for any Muslim to contend that Mr. Das's Bill is contrary to Muslim religion or is not needed for the welfare of the Muslim community. In addition to this, Sir, I find from the proceedings of the Legislative Assembly that Muslim women who are more concerned with the Das Bill than men have generally supported the Bill at any rate in this province. I gather from the speech of Mr. B. Das in moving for the reference of his Bill to a Select Committee that in a memorial received from Moradabad it was found that it had been signed by 28 Muslim women. Women, Muslim women, have given their support to this measure I understand in Bengal also. It is apparent from this that Muslim women and leading members of the Muslim community, that is those whose business it is to expound and administer the law, take a very different view of the measure before us from that of my Honourable friend Haji Syed Muhammad Husain and those whom he represented.

THE HONOURABLE MR. HOSSAIN IMAM: No, he did not.

AN HONOURABLE MEMBER: Mr. Jinnah supported the Sarda Act.

THE HONOURABLE PANDIT HIRDAY NATH KUNZRU: It does not matter to me, Sir, what happened in the year 1929, though the Law Member pointed out that Mr. Jinnah had supported the Sarda Act. We have advanced a great deal since then. Many of the opponents of the Sarda Act—and they were to be found in every community—are happily now amongst its warmest supporters. If therefore those members of the Muslim community who originally opposed the Sarda Act have now blessed Mr. B. Das's Bill, it only shows that they kept their minds open and that they have been convinced by the verdict of experience.

Sir, no one will say that the Bill before us achieves all that we have in view. The sponsor of the Bill is, I am sure, as dissatisfied with it as any other reformer. But he has to take those practical considerations into account to which the Honourable the Leader of the House and Sir A. P. Patro referred in their speeches. We are legislating not for all time but for the present situation. Apart from this, we have to bear in mind that Mr. Das could get his Bill passed only with the support of Government and in order to get it he had to enter into a compromise, which, left to himself, he might not wholly have approved of. Yet, on the whole, Sir, I welcome the measure before us. It marks another important stage in the social development of our community. I hope that such measures which might be a little in advance of public opinion will be brought forward more frequently and that the law, aided by a well organised public opinion, will soon bring about a state of things which will redound to the glory of our nation. It has been pointed out by more than

one Member that the achievement of the purpose that we have in view depends more on the organisation of public opinion than on legislation. I am in whole-hearted agreement with this observation. I think therefore that it is the duty of all social reformers to take steps to rouse public opinion and to create an atmosphere in which a violation of the Act would be frowned upon. A special duty rests on the women of India in this connection. The matter concerns them in a special degree and their views will be received with a respect which the views of men cannot be entitled to. I trust, therefore, that the associations that represent women will, as soon as this Bill is passed, take steps to carry on an active propaganda in favour of the Sarda Act and to help in the enforcement of its provisions. Government have given us the support that I think might fairly have been expected of them in the present circumstances. It rests upon us now to fulfil our part of the contract implied in the passing of the Act with their help. It is we who are on our trial now and I hope that we shall show by our conduct that the Bill before us is a genuine expression of the mind of the Indian community.

Sir, with these words I give my whole-hearted support to the measure before us.

THE HONOURABLE MR. HOSSAIN IMAM (Bihar and Orissa: Muhammadan): Mr. President, after the statement made by my Honourable colleague Haji Syed Muhammad Husain, it was not necessary that I too should speak, but the observations of Pandit Kunzru have forced me to my feet. The statement which Haji Syed Muhammad Husain made was that as Muslim opinion was originally opposed to the Sarda Act, and Mussalmans have not yet decided whether they should continue their opposition to the Sarda Act or give it up we will not participate in this discussion. If they decide that they should continue their opposition to the Sarda Act, it would naturally mean that any further step taken in pursuance of the Act should be opposed.

THE HONOURABLE SIR DAVID DEVADOSS (Nominated: Indian Christians): Let them decide next century!

THE HONOURABLE MR. SUSIL KUMAR ROY CHOWDHURY (West Bengal: Non-Muhammadan): Did the leader of the Muslim League oppose the Sarda Act?

THE HONOURABLE MR. HOSSAIN IMAM: Mr. President, everyone lives to learn. It is only those living in a fool's paradise who think they have nothing to learn. One may make a mistake and yet repent and reform himself. Or one may be right and continue to be right. That great leader, Mahatma Gandhi, has never been afraid of admitting his mistakes.

THE HONOURABLE MR. RAMADAS PANTULU: You never do it!

THE HONOURABLE MR. HOSSAIN IMAM: It is only a small mind that wants to go on and has not the courage to change. Mr. President, as I was explaining, the Muslims are placed in this predicament that there has been no fresh national decision on the subject. We decided, as was stated formerly when Mr. Lalchand Navalrai's Bill was before the House, that we should be quiet. I am still going to follow that mandate.

THE HONOURABLE SIR DAVID DEVADOSS: After speaking for a few minutes!

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COUNCIL OF STATE.

[8TH APRIL 1938.]

THE HONOURABLE MR. HOSSAIN IMAM: I am not going to give an opinion one way or the other. But I shall just deal with this Bill from two aspects, firstly, the constitutional lessons that we minorities derive from this Bill, and the attitude of the Congress and the Government on the measure; and, secondly, the effectiveness of this Act.

The first point to which Pandit Kunzru referred was that the statistics of Eastern Bengal show that marriages among Mussulmans are as common as they are among our Hindu brethren. I have no quarrel with him on this issue. That is a fact. But he has forgotten one very essential feature of our Indian life, that a marriage in India is not the same thing as a marriage in Europe. In Europe marriage means that the husband and wife start living together; and in India, as he well knows, marriage is a sort of sacrament.

THE HONOURABLE MR. RAMADAS PANTULU: Is it a sacrament or a sacrifice?

THE HONOURABLE MR. HOSSAIN IMAM: A sacrament and a sacrifice are one and the same thing to some people. I am not speaking now about the religious aspect. I mean the going of the wife to the husband. For that there is no record. I hope, Sir, that the Government will take steps when the next census is taken to have statistics compiled and give us the true figures. Till then—

THE HONOURABLE PANDIT HIRDAY NATH KUNZRU: Till then accept the present figures.

THE HONOURABLE SIR DAVID DEVADOSS: Who is to pay the piper?

THE HONOURABLE MR. HOSSAIN IMAM: For Rs. 50 crores of the Army Rs. 5 lakhs in five years? Whose sanction is there? And you cannot give. We have yet to find out the ages at which consummation of marriage in India takes place.

THE HONOURABLE SIR DAVID DEVADOSS: On a point of order, Sir. How is all this relevant to the present question.

THE HONOURABLE THE PRESIDENT: I do not think all this is relevant to the Bill itself.

THE HONOURABLE MR. HOSSAIN IMAM: Sir, the argument advanced was that this evil prevails among the Mussalmans. I say it does not prevail either among the Mussalmans or the Hindus because he is taking the wrong figures. Well, Sir, as I said before, we are not going to make any statements. The Honourable Pandit referred, Sir, to the fact that certain eminent Judges of the High Court—

THE HONOURABLE SIR DAVID DEVADOSS: Why should we drag in any particular names?

THE HONOURABLE MR. HOSSAIN IMAM: Pandit Kunzru referred to them. Sir, like a clever advocate, he only cited those who held the same ideas but did not refer to those who opposed the Bill.

THE HONOURABLE PANDIT HIRDAY NATH KUNZRU: Are there any such of comparable importance?

THE HONOURABLE MR. HOSSAIN IMAM: Justice Niamatulla.

THE HONOURABLE PANDIT HIRDAY NATH KUNZRU: I should like to know what Justice Niamatulla has done.

THE HONOURABLE MR. HOSSAIN IMAM: You cited the names of certain persons who were in favour of this. I am giving you the names of certain persons who are opposed to it.

THE HONOURABLE PANDIT HIRDAY NATH KUNZRU: But from where does the Honourable Member get the information that Justice Niamatulla is opposed to the Bill?

THE HONOURABLE MR. HOSSAIN IMAM: I said he was not in favour of the measure.

THE HONOURABLE PANDIT HIRDAY NATH KUNZRU: Well, I do not find that, Sir, in the papers before us. All that I wish to assure you, Sir, is that I have not wilfully omitted the name of any important Mussalman who is not in favour of the Bill. But I had to leave out the names of many who were in favour of the Bill, and I was therefore not bound to go on mentioning the names of those who were not in favour of the Bill. They are well represented in this House.

THE HONOURABLE MR. HOSSAIN IMAM: Sir, I differ from my Honourable friend and aver that the real criterion in deciding this issue should be the opinion of the representatives in the House. It is only Britishers whom it suited to call us the elected Members as unrepresentative and it ill suits Indians to side with the Britishers and call the representatives unrepresentative.

THE HONOURABLE THE PRESIDENT: We are not concerned with the principles involved in the Bill. At this stage this Bill only tries to make more effective a Bill which has already become law and therefore any reference to its principles is wholly irrelevant.

THE HONOURABLE MR. HOSSAIN IMAM: No, Sir, I am not referring to past principle. I am saying how it should be decided whether a measure is acceptable to a people or not.

THE HONOURABLE THE PRESIDENT: It is for Members to decide. You need not teach them what they ought to do.

THE HONOURABLE MR. HOSSAIN IMAM: I am saying that a measure which affects a community and is opposed by an overwhelming number of members of that community, should not be applied to that community if that measure falls under the head of social reform or under any matter pertaining to things which do not fall under the head of State control.

THE HONOURABLE PANDIT HIRDAY NATH KUNZRU: That principle has not and cannot always be accepted.

THE HONOURABLE MR. HOSSAIN IMAM: Then, the whole question of safeguarding of minority interests, their culture, their education and their

[Mr. Hossain Imam.]

language, falls to the ground if this tyranny of the majority is allowed to prevail. A community which is in a minority can only be safeguarded if it has the assurance that it will have internal autonomy and that in the case of any measures which do not affect the State, the opinion of the majority of the members of that community will guide the Government. Unless we get some sort of assurance like this, it will be our bounden duty to insist on statutory safeguards. You may think that your language is safeguarded, but the next day, a standing majority in this House may say that Urdu shall not be allowed to be taught in any school. What is there to prevent the majority rule prevailing? The Government and the Congress have given us this feeling, that in spite of the opposition of the majority of Mussalman Members the original Bill had been passed. I am not questioning their attitude at the present moment, but we shall be guided in our future attitude after we find how the Government behave when a measure for exemption of the Mussalmans is ever brought forward.

There is one question on which I should like to join issue, namely, whether vindictiveness should be the guiding principle in criminal jurisprudence. I should like to know whether the quantum of imprisonment or the fine has any deterrent effect on all the culprits?

THE HONOURABLE THE PRESIDENT: There is no vindictiveness in enforcing a penalty.

THE HONOURABLE MR. HOSSAIN IMAM: After the sermons that we have had recently raising suffering to great heights, and going to prison being regarded as an honour it is quite possible that people will not be deterred even by imprisonment. The real sphere of work is education and legislation comes in as a bad second to help. It is not by the rule of the rod and by legislation that we should try to force our own people to reform but it is by persuasion, by making them understand the evils, that we should proceed. There can be no two opinions on the evils of consummation of child marriage. It is an evil. Our difference is only about the method to be adopted in that connection—whether it should be the method of persuasion or the method of enforcement. I for one would have preferred education to deterrent imprisonment for, if we can educate our people, it will not be necessary to enforce the law, and the evil will be eradicated.

Sir, I would just like to say one word with regard to reference of this Bill to a Select Committee in the Legislative Assembly. We find that out of the 15 members who composed the Select Committee, there were three Muslim Members—

THE HONOURABLE THE PRESIDENT: Order, order. The proceedings of a Select Committee are always confidential.

THE HONOURABLE MR. HOSSAIN IMAM: It is not the proceedings of the Select Committee to which I am referring. I am referring to its composition. The Select Committee was composed of 15 members out of which three were Mussalmans. But all these three Mussalmans happened to be those who had been returned on the joint electorates and they are the only three Mussalmans elected on the joint electorates and they are the only three Mussalman Members in the Assembly elected on separate electorates, but not one of them was thought suitable to be included in the Select Committee.

THE HONOURABLE THE PRESIDENT: This has no bearing whatsoever on the Bill. These are things which may be very useful elsewhere but not in this House.

THE HONOURABLE MR. HOSSAIN IMAM: What I wish to impress is that true Mussalman opinion was not at all represented in the Select Committee. Mr. Abdul Quaiyum, a member of that Committee, though belonging to the Congress Party, yet in his Minute of Dissent he has given sound advice in a special note on the subject as to what should have been done in this connection. I would not refer to that in detail. I would refer Honourable Members to the report. I would simply say that this attitude of the Government and the Congress gives an object lesson to us, Mussalmans, as to how our rights can be trodden upon if it suits the majority and the Government to do so.

THE HONOURABLE RAI BAHADUR LALA RAM SARAN DAS (Punjab: Non-Muhammadian): Sir, I had no mind to speak on this Motion, but the remarks made by certain Members have forced me to stand and make some comments. I am one of those who do possess and follow a religion and for those who follow any religion, the religious commandments for them are sacred and solemn. My Honourable friend Mr. Ramadas Pantulu referred to the remarks that I made on the original Bill when it came to this House in 1929. I supported that Bill then in my personal capacity and not as President of the orthodox Hindu Central Institution of the Punjab. Even in Holy Koran, no age limit has been fixed for the marriage of Muslim girls. Sir, it is a matter of pride to me that so far as my province of the Punjab is concerned, we have practically given up child marriage. Whether parents be Hindus or Muhammadans, marriages are not being observed at an early age. I might, for the information of my Mussalman friends, say that the late lamented Mian Sir Fazl-i-Husain married his daughters when they were of a ripe age. Even our own Hindu orthodox leader, the late lamented Pandit Din Dayal, also married his girls when they were over 18 years of age. Sir, Government in this case is not to blame because they have followed the majority of the opinions that have been received on this measure. Therefore, to bring in commonsense into the measure is the opinion of only a few in this House, because most of the Members follow a particular religion, and in those religions child marriage is disallowed. As far as the Hindus were concerned there was controversy on the subject and previously I have quoted authorities from the Shastras which do support the claim that adult marriage is not an offence. However, there is a difference of opinion and as far as my province is concerned that difference is now reduced to a minimum. The majority of the people follow the command of the Shastras and discourage child marriage.

My Honourable friend Mr. Hossain Imam has observed that the majority must not have their way. Perhaps my Honourable friend has forgotten that recently in the North-West Frontier Province the majority community there disallowed the use of Gurmukhi in the schools. There was a lot of controversy on the subject; there were heated discussions in the local Council and outside. Of course, since the Congress Government have come into power there the grouse of the Hindus and Sikhs has been redressed and justice done, as far as my information goes.

Sir, I welcome this measure because those who supported the Sarda Act are of opinion that that Act must be upheld and any flaws which experience has shown to exist in that legislation must be removed. Therefore, I support the Bill, and I also hope that my Muslim friends here will also support the

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[Lala Ram Saran Das.]

measure. Although during the speech of my Honourable friend Mr. Hossain Imam, I put him a question whether there was any authority in the Koran against child marriage or for the child marriage and, if so, whether he would quote it, I am sorry to say that my friend failed to quote it.

THE HONOURABLE PANDIT HIRDAY NATH KUNZRU: No such authority can be quoted from the Koran.

THE HONOURABLE RAI BAHADUR LALA RAM SARAN DAS: That is my impression. I have gone through the Koran myself a number of times and I have found nothing against the measure which is now before us.

With these words, Sir, I personally give my support to this Bill, and I hope all those in opposition will reconsider their position.

THE HONOURABLE MR. RAMADAS PANTULU: Sir, after the handsome measure of support I received from all sections of the House I do not think any elaborate reply is called for. My friend Sir A. P. Patro as usual, and it is a practice with him to put forward extreme views and vote against even moderate Resolutions and Motions, has put forward some views practically in opposition to my Motion.

THE HONOURABLE SIR A. P. PATRO: Extremism is a monopoly of one particular class!

THE HONOURABLE MR. RAMADAS PANTULU: I always derive much comfort in thinking that what I say must be right when it is opposed by Sir A. P. Patro! I am never on surer ground than when I am opposed by him, because I always feel he will side with the wrong cause!

Sir, with regard to one important question raised by him, namely, that social legislation should be of a drastic nature and half-way measures will not have effect, I would like to say a few words. This question of the nature of social legislation is not a new one. We are now dealing with a particular Bill, to make effective an Act already on the Statute-book, and whether we can now go back upon the scope of the original Act is involved in the questions raised by Sir A. P. Patro. But I would not detain this House on that issue for any length of time. I only want to quote one passage from a speech of Sir Malcolm Hailey on another social measure; he stated then in a few words the correct principles to be observed in matters of social legislation. He said:

"In fact I believe that all social legislation should proceed by gradual stages, providing social opinion with new standards and traditions at each step. If this is done, then when the Legislature makes each new step forward it will have behind it the power of solid and convinced public opinion prepared to make the law effective."

In another sentence he said:

"Still it is a sound principle of social legislation that the Legislature should always be somewhat in advance of current opinion, while of course never going so far in advance of that opinion that the law itself would become inoperative."

I think it was the principle adopted in the past in regard to the Sarda Act and it satisfies the requirements of the present situation as well. Therefore, I think there is nothing but merely futile opposition in the observations of Sir A. P. Patro on a useful measure like this. I hope no attention will be paid to his arguments!

With regard to my Mussulman friends I really feel sorry that I cannot get their support to this Bill. Of course, they are entitled to have their views in the matter; but I would ask them to read the evidence and the conclusions of the Committee which was appointed to go into this question, the Age of Consent Committee. They have recorded the opinions of various Hindu and Mussulman jurists and have also collected statistical information regarding the magnitude of the evil prevalent in each province. They have mentioned particularly the province from which my friend Mr. Hossain Imam comes. They have given figures to show to what extent the evil exists in Behar. Those are facts collected from Government's and other authentic publications, and I would ask him to read those figures and also the recommendations, before he makes any statement about the existence or non-existence of the evil in various provinces. I would also ask my Mussulman friends to read the marriage reform laws in Egypt and Turkey. In those two countries Mussulman Governments are ruling and they have recently changed their marriage laws so rationally as to set the example to Mussulmans all over the world. Turkey and Egypt are Muslim countries familiar with the Shariat and Muslim Law, and their Acts in this regard are available to us. The Turkish and Egyptian laws on the subject are published as an appendix to the Age of Consent Committee's Report itself. I would request him to read those Acts. Then I would like to say a word with regard to the support which Mr. B. Das's measure received in the other House. Mr. Jinnah's speech in supporting the original Bill was quoted by the Law Member Sir Nripendra Sircar. Mr. Jinnah is a very prominent Member of the Assembly and is also the Leader of the Muslim League, the section to which my friend Mr. Hossain Imam claims to belong politically. Then, Sir, one of the Members of the Assembly, Mr. Ghias-ud-din, also gave his support in that House to Mr. Das's Bill. So it is not right to say that the Mussalman community as such is opposed to the Bill. I am pleading for a national cause. By all means let us divide this House on political and economic issues but not on communal issues. I am very sorry that after the statement of Haji Syed Muhammad Husain, to which no exception can be taken, my friend Mr. Hossain Imam has raised very keen communal issues. I am sorry. It is not a question of Hindu or Muslim or Parsi or Christian. It is an issue of national concern.

One more word in regard to this matter which is of topical interest. Her Excellency the Marchioness of Linlithgow is now devoting her attention to the eradication of a dreadful disease, tuberculosis, in this country. I mention this for this reason. A very eminent lady doctor, Dr. Campbell who was Principal of the Lady Hardinge Medical College here and who also practised in Madras and did very well, gave her opinion that child marriage had a great deal to do with the prevalence of tuberculosis in this country. Only three lines of her evidence are available to me for quotation to this House and I will read them. She said:

"She had attended more than one thousand Hindu girls for child births at the ages of from 12 to 16 years. And the evil effects seen in them and in others under observation or treatment as a result of early child bearing could hardly be exaggerated."

Then she said:

"Tuberculosis was very often developed during pregnancy or lactation as the resistance of the tissues was lowered by the strain, unnatural at so early an age. This is the reason why tuberculosis was much more common in girls than in boys. About 40 per cent. of the girl mothers died in the first year and those who survived were weaklings."

This evidence is with regard to both Hindus and Mussalmans. Is there any point in erecting hospitals to eradicate this disease and in Her Excellency taking so much trouble on behalf of the people of this country, if we cannot eradicate

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[Mr. Ramadas Pantulu.]

one of the root causes of this disease? One important cause according to the lady doctor was early marriage. Therefore, while we are thankful to Her Excellency for all that she is doing, I hope she will, in the cause not only of the womanhood of this country but also the nation as a whole, lend her powerful support to make this legislation live and effective.

Sir, with regard to the actual provisions of this Bill, something has been said about the omission of a particular clause which was originally introduced by Mr. Das about the separate residence of the girl and also prevention of the consummation. With regard to the consummation, there seems to be some slight misunderstanding. I would point out to this House that so early as 1925 the Indian Penal Code has been amended by substituting the figure "14" for the figure "12" in the section defining rape—375. Therefore, there will be no consummation before 14. It will be an offence under the Act. It is to 14 that the Sarda Act became law by also raising the age of consent. Therefore all that quibble about sacrament, sacrifice or betrothal is meaningless, because there can be no real marriage, consummation, before 14 under the law as amended in 1925 and the Sarda Act merely brought up the age of marriage to the same level as the age of consent under the Indian Penal Code. Therefore, all this learning is wasted upon an issue which does not really arise. The only thing that is said against the new section that Mr. Das has put into the Bill is that the punishment is drastic. As I have already said the punishment is intended for those who knowingly violate an injunction of a court. It should have been a much more drastic punishment. It is not a case of those doing a thing not knowing the consequences, but of those who not only violate the law, but also violate an injunction of a court, I think the punishment is not too severe.

I do not think I need dwell on any of the other matters about which some controversy is raised. All that I say is that the past is gliding slowly into the future through the present and there will be always some mourners of the past. What cheers us is that the original framer Diwan Bahadur Sarda belongs to a past generation though he is happily with us still to carry on his useful work and Pandit Malaviya who was then in the other House and who supported the measure is a man of the past generation too. Therefore, with such evidence before us, that even in the past generation there are men who want to eradicate this evil, it is somewhat surprising to find young men who belong to the present and who are going to be the future leaders should be among the mourners of a custom which is the corroding evil in the life of this nation.

I do not know what is contained in the Koran or any of the Muhammadan religious works, but all that I can say is that on the former occasion when the question was debated in this House, Sir Fazl-i-Husain dealt with these arguments at some length and he said that there was nothing in the Koran or Muhammadan scriptures against it. I would once more appeal to my Muslim friends not to make such questions of national importance questions of a communal character. Nothing can be a greater disaster than giving to these questions a communal turn. Sir, the case for Indian women was put forward very feelingly by Sir James Crerar when he spoke on this Bill on the last occasion. I would just read one or two sentences from his speech before I conclude. Just as on the present occasion on the last occasion also Government gave their whole-hearted support to the principle of the Bill and on that occasion Sir James Crerar gave his support in these words:

"That evil, Sir, is one which afflicts, in the first instance, the most defenceless, innocent section of the community, those who have the greatest claim to our protection. The

evil is not only limited to that. It is not merely the large number of young girls who year by year either die or sustain serious bodily injury, but those who are acquainted with the case, those who have studied the evidence, those more particularly who have come into contact with the practical facts and the practical consequences cannot contemplate them without—I put it no higher than this—the most serious searchings of mind, heart and conscience. It is not merely that generation after generation of young girls should be exposed to or should suffer from these evils, but there are dangers to the future generations of the country from which, if the country is not willing to adopt a remedy, it will undoubtedly suffer in its most vital and important interests".

Very appropriate words to this occasion as well. Sir, I plead for this Bill not only to ensure that we in this generation get healthy wives and healthy mothers but also to see that the women of this country are allowed to have a chance of attaining the standards which women in civilised countries do and to give them a chance to share in the new currents of life in the modern world. (Applause.)

THE HONOURABLE THE PRESIDENT: Motion made:

"That the Bill further to amend the Child Marriage Restraint Act, 1929, as passed by the Legislative Assembly, be taken into consideration."

Question put and Motion adopted.

Clauses 2, 3 and 4 were added to the Bill.

Clauses 5 and 6 were added to the Bill.

Clause 1 was added to the Bill.

The Title and Preamble were added to the Bill.

THE HONOURABLE MR. RAMADAS PANTULU: Sir, I move:

"That the Bill further to amend the Child Marriage Restraint Act, 1929, as passed by the Legislative Assembly, be passed."

The Motion was adopted. ✓

The Council then adjourned *sine die*.

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தமிழ்நாடு ஆவணக்காப்பக நூலகம்,
எழும்பு, சென்னை-600 008.

தவணைத்தாள்.

சே. எண் :

ப. எண் :

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